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TITLE 3—THE PRESIDENT

PROCLAMATION 3004

CONTROL OF PERSONS LEAVING OR ENTERING THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 215 of the Immigration and Nationality Act, enacted on June 27, 1952 (Public Law 414, 82nd Congress; 66 Stat. 163, 190), authorizes the President to impose restrictions and prohibitions in addition to those otherwise provided by that Act upon the departure of persons from, and their entry into, the United States when the United States is at war or during the existence of any national emergency proclaimed by the President or, as to aliens, whenever there exists a state of war between or among two or more states, and when the President shall find that the interests of the United States so require; and

WHEREAS the national emergency the existence of which was proclaimed on December 16, 1950, by Proclamation 2914 still exists; and

WHEREAS because of the exigencies of the international situation and of the national defense then existing Proclamation No. 2523 of November 14, 1941, imposed certain restrictions and prohibitions, in addition to those otherwise provided by law, upon the departure of persons from and their entry into the United States; and

WHEREAS the exigencies of the international situation and of the national defense still require that certain restrictions and prohibitions, in addition to those otherwise provided by law, be imposed upon the departure of persons from and their entry into the United States:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by section 215 of the Immigration and Nationality Act and by section 301 of title 3 of the United States Code, do hereby find and publicly proclaim that the interests of the United States require that restrictions and prohibitions, in addition to those otherwise provided by law, be imposed upon the departure of persons from, and their entry into, the United States; and I hereby prescribe and make the following rules, regulations, and orders with respect thereto:

1. The departure and entry of citizens and nationals of the United States from and into the United States, including the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States, shall be subject to the regulations prescribed by the Secretary of State and published as sections 53.1 to 53.9, inclusive, of title 22 of the Code of Federal Regulations. Such regulations are hereby incorporated into and made a part of this proclamation; and the Secretary of State is hereby authorized to revoke, modify, or amend such regulations as he may find the interests of the United States to require.

2. The departure of aliens from the United States, including the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States, shall be subject to the regulations prescribed by the Secretary of State, with the concurrence of the Attorney General, and published as sections 53.61 to 53.71, inclusive, of title 22 of the Code of Federal Regulations. Such regulations are hereby incorporated into and made a part of this proclamation; and the Secretary of State, with the concurrence of the Attorney General, is hereby authorized to revoke, modify, or amend such regulations as he may find the interests of the United States to require.

3. The entry of aliens into the Canal Zone and American Samoa shall be subject to the regulations prescribed by the Secretary of State, with the concurrence of the Attorney General, and published as sections 53.21 to 53.41, inclusive, of title 22 of the Code of Federal Regulations. Such regulations are hereby incorporated into and made a part of this proclamation; and the Secretary of State, with the concurrence of the At-

(Continued on p. 491)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

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.

torney General, is hereby authorized to revoke, modify, or amend such regulations as he may find the interests of the United States to require.

4. Proclamation No. 2523 of November 14, 1941, as amended by Proclamation No. 2850 of August 17, 1949, is hereby revoked, but such revocation shall not affect any order, determination, or decision relating to an individual, or to a class of individuals, issued in pursuance of such proclamations prior to the revocation thereof, and shall not prevent prosecution for any offense committed, or the imposition of any penalties or forfeitures, liability for which was incurred under such proclamations prior to the revocation thereof; and the provisions of this proclamation, including the regulations of the Secretary of State incorporated herein and made a part hereof, shall be in addition to, and shall not be held to revoke, supersede, modify, amend, or suspend, any other proclamation, rule, regulation, or order heretofore issued relating to the departure of persons from, or their entry into, the United States; and compliance with the provisions of this proclamation, including the regulations of the Secretary of State incorporated herein and made a part hereof, shall not be considered as exempting any individual from the duty of complying with the provisions of any other statute, law, proclamation, rule, regulation, or order heretofore enacted or issued and still in effect.

5. I hereby direct all departments and agencies of the Government to cooperate with the Secretary of State in the execution of his authority under this proclamation and any subsequent proclamation, rule, regulation, or order issued in pursuance hereof; and such departments and agencies shall upon request make available to the Secretary of State for that purpose the services of their respective officials and agents. I enjoin upon all officers of the United States charged with the execution of the laws thereof the utmost diligence in preventing violations of section 215 of the Immigration and Nationality Act and this proclamation, including the regulations of the Secretary of State incorporated herein and made a part hereof, and in bringing to trial and punishment any persons violating any provision of that section or of this proclamation.

To the extent permitted by law, this proclamation shall take effect as of December 24, 1952.

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

DONE at the City of Washington this 17th day of January in the year of our Lord nineteen hundred and [SEAL] fifty-three and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 53-830; Filed, Jan. 21, 1953; 2:08 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE; OFFICE OF THE SECRETARY

Effective upon publication, subparagraph (3) of § 6.111 (b) is amended to read as follows:

§ 6.111 *Department of Agriculture.* * * *

(b) *Office of the Secretary.* * * *

(3) Eight assistants to the Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 53-840; Filed, Jan. 22, 1953; 9:00 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 6]

PART 5—DETERMINATION OF PARITY PRICES

APPLES FOR PROCESSING

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (15 F. R. 837, as amended by 15 F. R. 9374, 16 F. R. 2865, 5971, and 17 F. R. 961 and 10277) are amended as hereinafter specified, in order to designate "apples for processing" as a single commodity, in lieu of "apples for canning" and "apples for drying." The amendment to § 5.4 adds "apples for processing" to the list of commodities for which marketing season average prices will be used in making parity price calculations and removes "apples for canning" and "apples for drying" from that list. The amendment to § 5.7 adds "apples for processing" to the list of commodities for which parity prices shall be calculated and removes "apples for canning" and "apples for drying" from the list.

1. The paragraph of § 5.4 centerheaded "Deciduous and other Fruit" is hereby amended to read as follows:

Apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; sour cherries; sweet cherries; cranberries; dates; figs for fresh consumption; figs for processing (except dried); dried figs; grapes, raisins, dried; all grapes excluding raisins, dried; olives for processing (except crushed for oil); olives, crushed for oil; peaches for fresh consumption; clingstone peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; persimmons; pineapples; plums for fresh consumption; plums for processing (except dried); pomegranates; prunes for fresh consumption; prunes for processing (except dried); dried prunes; strawberries for fresh consumption; and strawberries for processing.

2. The paragraph of § 5.7 center headed "Deciduous and other Fruit" is hereby amended to read as follows:

Apples (primarily for fresh use); apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; sour cherries; sweet cherries; cranberries; dates; figs for fresh consumption; figs for processing (except dried); dried figs; grapes, raisins, dried; all grapes excluding raisins, dried; olives for processing (except crushed for oil); olives, crushed for oil; peaches for fresh consumption; clingstone peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; persimmons; pineapples; plums for fresh consumption; plums for processing (except dried); pomegranates; prunes for fresh consumption; prunes for processing (except dried); dried prunes; strawberries for fresh consumption; and strawberries for processing.

(Sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 19th day of January 1953.

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

[F. R. Doc. 53-786; Filed, Jan. 22, 1953; 8:51 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 861.6]

PART 861—SUGAR BEETS; CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON AND WESTERN NEVADA

1953 CROP

1. The heading for Part 861 is hereby revised to read as set forth above.

2. Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Oakland, California, on October 28, 1952, the following determination is hereby issued.

§ 861.6 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1953 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada*—(a) *Wage requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of the 1953 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm, or part of the farm covered by a separate labor agreement, shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the beginning of work on the 1953 crop of sugar beets or the date of issuance of this determination, whichever is later, not less than the following:

(i) *When employed on a time basis.* (*a*) For thinning, hoeing, or weeding: 70 cents per hour.

(*b*) For pulling, topping, or loading: 75 cents per hour.

(*c*) For the operations specified above performed by workers certified by the local County Production and Marketing Administration Committee to be handicapped because of age or physical or mental deficiency, or by workers between 14 and 16 years of age, the above rates may be reduced by not more than one-third. Maximum employment per day for workers between 14 and 16 years of age, without deduction from Sugar Act payments to the producer, is 8 hours.

(*d*) For operating mechanical equipment, irrigating and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, the rate shall be as agreed upon between the producer and laborer.

(ii) *When employed on a piecework basis.* For work performed on a piecework basis the rate shall be as agreed upon between the producer and the laborer: *Provided,* That for the operations of thinning, hoeing, weeding, pulling, topping, or loading, the average hourly rate of earnings for each worker for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate provided under subdivision (i) of this subparagraph.

(b) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar items.

(c) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed information

and wage claim forms are available at the office of the local County PMA Committee. Upon receipt of a wage claim the PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement an appeal may be made to the State Production and Marketing Administration Committee of the State in which is located the farm where the work was performed. The address of the State PMA Committee will be furnished by the office of the local County PMA Committee. Upon receipt of the appeal the State PMA Committee shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State PMA Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payment under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed in the production, cultivation, or harvesting of the 1953 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada, as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Oakland, California, October 28, 1952, at which interested persons presented testimony with respect to fair and reasonable wage rates for the 1953 crop of sugar beets in California, southwestern Arizona, and southern Oregon. Public hearings also were held in several cities located throughout the mainland sugar beet area during December 1952. In addition, investigations have been made of conditions affecting wage rates. In this determination, consideration has been given to testimony presented at the hearings and to information resulting from investigations. The primary factors which have been considered are (1) cost of living; (2) prices of sugar and by-products; (3) income from sugar beets; (4) cost of production; and (5) relationship of labor cost to total costs. Other economic influences also have been considered.

(c) *1953 wage determination.* In the 1953 wage determination, basic time rates are increased 5 cents per hour above the rates established in the 1952 determination. Other requirements continue unchanged. The new wage rates are 70 cents per hour for thinning, hoeing or weeding sugar beets and 75 cents per hour for pulling, topping or loading.

Specific piecework rates have not been provided in wage determinations for this region for several years. Where piecework rates are used they are to be as agreed upon between the producer and the worker but the wage determination provides that the earnings of workers so employed must be not less than the applicable minimum hourly rates provided for work performed on a time basis. It is anticipated that producers will maintain information which will enable them to establish compliance with the minimum earnings requirements where piecework is used.

At the public hearing, a representative of the sugar beet growers' association recommended; (1) no change in basic wage rates for the 1953 crop; (2) continuation of the provision permitting the payment of a reduced rate to workers 14 to 16 years of age and, under certain conditions, to handicapped workers; and (3) elimination of the minimum hourly earnings guarantee in instances where work is performed on a piecework basis. The witness testified that record keeping required because of the provision specifying a minimum hourly guarantee to workers employed on a piecework basis worked a hardship on many growers. It was further stated that wages paid to workers were in excess of the minimum wage requirements of the determination; that the use of machines had substantially reduced labor requirements for harvesting the crop; and that greater use is being made of mechanical devices which are designed to reduce labor requirements for thinning and hoeing sugar beets. There was no testimony by workers or their representatives.

In this determination, consideration has been given to recommendations made at the hearing, to data reflecting the returns, costs and profits of sugar beet producers as obtained by field survey for the 1947 and 1951 crops and to other factors customarily considered in wage determinations. An analysis of crop costs and income data obtained by survey and restated for intervening crops and for the 1953 crop in the light of conditions known or expected to prevail, indicates that the wage increase provided in this determination is within producers' ability to pay. The increase in the minimum time rates provided in this determination together with action taken in the 1951 determination offset the increase in food and clothing costs to workers which has occurred during the last three years.

The recommendation for the elimination of the minimum earnings guarantee to workers who are employed on a piecework basis has not been adopted because the lack of such guarantee would deny workers so employed adequate wage protection.

This determination has been extended to include farms located in western Nevada which may produce sugar beets in 1953 under contracts with sugar factories located in California. Sugar beets produced in western Nevada are grown under conditions more similar to California than to other sugar beet producing regions.

After analysis of all factors, the minimum rates provided in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provision of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 19th day of January 1953.

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

[F. R. Doc. 53-802; Filed, Jan. 22, 1953; 8:53 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 876.5]

PART 876—SUGARCANE; HAWAII

1953 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended therein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Honolulu and in Hilo, Territory of Hawaii, on October 22 and 24–25, 1952, respectively, the following determination is hereby issued:

§ 876.5 *Fair and reasonable prices for the 1953 crop of Hawaiian sugarcane.* Fair and reasonable prices for the 1953 crop of Hawaiian sugarcane to be paid by a processor who, as a producer of sugarcane, applies for payment under the act shall be not less than the prices provided in adherent planter or independent grower sugarcane purchase contracts, or toll agreements, heretofore entered into between such processor and other producers of sugarcane or in independent grower sugarcane purchase contracts hereafter entered into between a processor listed in paragraph (b) of this section and adherent planters otherwise eligible to become independent growers: *Provided,*

(a) That under adherent planter agreements, the price per ton for 1953 crop sugarcane shall be not less than the price as calculated under such agreements for the 1950 crop;

(b) That under independent grower agreements entered into by the processors listed below, the price per ton for 1953 crop sugarcane shall be not less than the price calculated as follows:

	Rate of payment [1]	Standard quality ratio [2]
(1) Kohala Sugar Co.—The net proceeds from 72 percent of the sugar manufactured from the sugarcane delivered to the processor by the producer.		
(2) Olaa Sugar Co.	$1.22	[3]
(3) Hilo Sugar Plantation Co.	1.09	9.5
Onomea Sugar Co.		
Pepeekeo Sugar Co.		
Hakalau Plantation Co.		
(4) Hawaiian Agricultural Co.	1.36	8.5
(5) Paauhau Sugar Plantation Co.	1.31	8.5
(6) Laupahoehoe Sugar Co.	1.31	8.25

[1] Rate of payment for each 1 cent of the average net proceeds from sales of sugar and molasses experessed in cents per pound of sugar, raw value.

[2] Tons of sugarcane required to produce 1 ton of sugar, raw value. The price per ton of sugarcane shall be increased or decreased proportionately as the actual quality ratio of sugarcane is lower or higher, respectively, than the standard quality ratio.

[3] Average quality ratio of sugarcane purchased from producers during the 5 years, 1948–52.

(c) That in instances where payment for sugarcane is based on net returns, the processor shall submit for approval to the Hawaiian Area Office, PMA, Honolulu, Hawaii, the average gross proceeds realized from sales of sugar and molasses and those deductible selling and delivery expenses actually incurred but limited to those items specifically enumerated by the processor and approved by the Hawaiian Area Office for the 1952 crop;

(d) That elements of expense properly chargeable and added to the direct cost of labor, material and services to develop the rates of charge for such labor, material and services furnished by a processor to other producers shall be the same in 1953 as in 1952;

(e) That in the case of independent growers, processers may be allowed not in excess of 25 cents per ton of sugarcane purchased to cover costs for research and all other services performed by the processor which are beneficial to all producers and for which no charge is otherwise made;

(f) That nothing in paragraphs (c) and (d) of this section shall be construed as prohibiting modifications which may be necessary because of unusual circumstances which may arise in the future, any such modifications to be subject to approval by the Hawaiian Area Office, PMA; and

(g) That the processor shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices to be paid by a processor for sugarcane of the 1953 crop purchased from other producers. It prescribes the minimum requirements with respect to prices which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* In determining fair and reasonable prices, the Act requires that public hearings be held and investigations made. Accordingly, on October 22 and 24–25, 1952, public hearings were held in Honolulu and Hilo, Territory of Hawaii, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1953 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Hawaii. In determining fair and reasonable prices, consideration has been given to testimony presented at the hearings and to information resulting from investigations.

(c) *1953 price determination.* The 1953 price determination continues the provisions of the prior determination and in addition, provides pricing bases for sugarcane purchased from independent growers on two plantations—Laupahoehoe Sugar Company and Paauhau Sugar Plantation Company—which had not previously offered independent grower contracts and permits a charge not to exceed 25 cents per ton of sugarcane by all plantations to independent growers for research and other services for which no charge is otherwise made.

In this determination, consideration has been given to the recommendations made at the public hearing held in Honolulu and Hilo, T. H., to an analysis of the economic status of producers and processors and to other pertinent factors. Data reflecting the returns, costs and profits of producing and processing sugarcane for prior years have been recast for subsequent crops in the light of known or anticipated conditions. Data furnished by producers and processors at public hearings also have been studied. An examination of these data indicates generally that returns to both adherent planters and independent producers are proportionately greater than their sharing of total costs. Processors receive a portion of the Sugar Act payment made with respect to adherent planters' sugarcane but in turn absorb a part of the responsibilities, costs and risks of production. In the case of independent growers, some of the cost burdens also have been carried by the plantations in the past two years. Extensive research and experimental work in the fields of plant breeding, agricultural engineering, pest, weed and water controls and production efficiencies is carried on by the experiment station of the Hawaiian Sugar Planters' Association and by individual plantations. The results of these programs have been utilized by adherent and independent growers as well as by plantations. Ever since the independent grower system was initiated in 1951, it has been recognized that independent growers were supposed to assume the complete responsibility and cost of their operations. Until the most recent hearing, however, the information submitted at the hearings concerning a number of the costs borne by the plantations such as those for research lacked definition or was otherwise inadequate. Frequently the tendency was to make the identifictaion so broad and vague as to preclude effective evaluation. The provision of this determination which permits an allowance to plantations in the case of independent growers of an amount not to exceed 25 cents per ton of sugarcane to cover such benefits substantially covers on a pro rata basis the costs demonstrated at the hearing of services furnished by the plantations and necessary to independent growers.

The basis for pricing sugarcane purchased from independent growers by two plantations which have not previously operated under such agreements has been established in accordance with the returns which producers have received under the adherent planter agreements which have been in effect for a number of years. The pricing factors provided relate the pricing of sugarcane purchased from independent growers to that purchased from adherent planters on these two plantations in the same manner as provided for several other plantations where independent grower contracts were initiated in 1951.

At the public hearing, certain processors requested that consideration be given to authorizing the recovery from producers of costs in connection with the building of plantation roads and losses sustained by the plantations on land rentals in instances where the land is subleased to producers at a lesser rental than that paid by the plantations. It is considered that such arrangements are not directly within the purview of the sugarcane price determination but that agreements may be made between the parties either for a sharing of road building costs or the negotiation of leases on an actual cost basis. Such agreements, if made on a basis equitable to both parties, would not constitute an infraction of the provisions of this determination. No action has been taken in this determination with respect to a new independent grower agreement on one plantation which would relate sugarcane prices to the net proceeds from sugar and molasses rather than to sugar only as under the present agreement. Inasmuch as the representatives of both parties expressed the need for further negotiation, consideration of the new agreement has been deferred. The recommendations of one producer association for an increase in the basis of payment for adherent planter sugarcane and for other contract revisions have not been adopted because such recommendations are inconsistent with the relative economic position of the parties or are outside the scope of this determination.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 19th day of January 1953.

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

[F. R. Doc. 53-803; Filed, Jan. 22, 1953; 8:53 a. m.]

[Sugar Determination 877.5]

PART 877—SUGARCANE: PUERTO RICO

1952–53 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in San Juan, Puerto

Rico, on September 25 and 26, 1952, the following determination is hereby issued:

§ 877.5 *Fair and reasonable prices for the 1952–53 crop of Puerto Rican sugarcane.* A processor of sugarcane in Puerto Rico who, as a producer of sugarcane, applies for payment under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1952–53 crop, if the requirements of this section are met.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar of 96° polarization.

(2) "Sugar yield period" means the 2-week, 4-week, semi-monthly or monthy period, as agreed upon between the producer and the processor, in which sugarcane is delivered by the producer to the processor. Semi-monthly means (i) the first 15 days of a 29, 30, or 31 day month, or the first 14 days of a 28 day month; or (ii) the last 14 days of a 28 or 29 day month, the last 15 days of a 30 day month, or the last 16 days of a 31 day month.

(3) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Branch determines that such price does not reflect the true market value of raw sugar, the Director may designate the price to be effective under this section.

(4) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caladonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means:

(i) For varieties other than inferior varieties of sugarcane, the yield of raw sugar per one hundred pounds of sugarcane determined for the sugar yield period in accordance with the following formula:

$$R=(S-0.3B)F$$

where:

R = Recoverable sugar yield, 96° polarization.

S = Polarization of the crusher juice obtained from the sugarcane of each producer.

B = Brix of the crusher juice obtained from the sugarcane of each producer.

F = Factor obtained from the fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during the sugar yield period in which the sugarcane of the producer has been ground, and whose denominator is the average polarization of the crusher juice, minus three-tenths of the brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the sugar yield period in which the sugarcane of the producer has been ground; or

(ii) For inferior varieties of sugarcane, the yield of raw sugar per 100 pounds of sugarcane determined for the sugar yield period in accordance with the formula used during the 1950–51 crop grinding season.

(b) *Basic payment.* (1) The basic payment for sugarcane delivered by the producer (colono) to the processor shall be made as agreed upon by the producer and the processor, either by the delivery to the producer of his share of raw sugar packed in customary bags, or by the payment to the producer of the money value of his share of raw sugar.

(2) For sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, such basic payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane:	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, such basic payment shall be not less than the quantity determined by subtracting 3⅓ pounds of raw sugar from the yield of raw sugar of the producer's sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay, or contract to pay, the producer the money value of his share of raw sugar determined on the basis of the simple average price of raw sugar for the period March 1, 1953 through February 28, 1954, converted to an f. o. b. mill price by subtracting applicable admissible deductions for selling and delivery expenses on raw sugar listed in Schedule A set forth below: *Provided,* That if any part of the producer's share of raw sugar is sold through programs which involve the use of foreign aid funds of the United States the money value therefor shall be determined on the basis of the actual price received by the processor minus applicable selling and delivery expenses listed in Schedule A actually incurred. The quantity of raw sugar priced under this subparagraph shall not exceed the quantity calculated by applying to the producer's share of raw sugar the percentage that such sales of raw sugar by the processor are to the total production of 1952–53 crop sugar by the processor.

(c) *Molasses payment.* For each ton of sugarcane delivered, the processor shall pay to the producer an amount equal to the product of (1) 66 percent of the net proceeds per gallon of blackstrap molasses sold of the 1952–53 crop in excess of five cents per gallon, and (2) the average production of blackstrap molasses per ton of sugarcane of the 1952–53 crop processed at the mill. Admissible deductions for selling and delivery expenses to be used in calculating molasses net proceeds are listed in Schedule B set forth below.

(d) *Charges, services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure (or agree to store and insure) all such sugar through December 31, 1953, free of charge to the producer: *Provided,* That the producer shall bear any charges arising out of the necessity of utilizing outside storage facilities for such sugar prior to January 1, 1954.

(2) When payment is made to the producer by the delivery of raw sugar, the processor shall share (or agree to share) with the producer on a prorata basis all ocean shipping facilities available to the processor.

(3) Allowances made to producers by the processor for the 1949–50 crop shall be made for the 1952–53 crop at the rates which were effective under comparable conditions in 1949–50; services performed, the costs of which were absorbed by the processor for the 1949–50 crop, shall be performed for the 1952–53 crop: *Provided,* That nothing in this subparagraph shall be construed as prohibiting modification of practices which may be necessary because of unusual circumstances, any modifications to be subject to approval of the Caribbean Area Office of the Production and Marketing Administration, San Juan, Puerto Rico.

(e) *Reporting requirements.* (1) The processor shall submit to the Caribbean Area Office, PMA, within a reasonable time prior to the commencement of grinding, a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar.

(2) The processor shall submit in duplicate to the Caribbean Area Office, PMA, statements verified by a certified public accountant of the deductions made in determining the f. o. b. mill price; deductions relating to sugar sales involving the use of foreign aid funds of the United States; and deductions made in determining the net proceeds from molasses.

(f) *Agency.* If sugarcane is delivered to the processor in the name of a person other than the producer thereof (commonly referred to as "purchasing agent"), the processor shall make payment to the producer of such sugarcane in accordance with the provisions of this section.

(g) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid for sugarcane of the 1952–53 crop purchased from other producers by a processor who is also a producer of sugarcane. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* The act requires that in determining fair and reasonable prices public hearings be held

and investigations made. Accordingly, on September 25 and 26, 1952, a public hearing was held in San Juan, Puerto Rico, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1952–53 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Puerto Rico. In this price determination, consideration has been given to testimony presented at the hearing and to information resulting from the investigations.

(c) *1952–53 price determination.* The 1952–53 price determination continues the raw sugar sharing provision of the prior determination but alters the pricing provision covering cash settlement for the producer's share of raw sugar. Last year, separate pricing bases were provided for portions of each producer's share of raw sugar depending upon the marketing opportunities available to the processor for sales within the marketing allotment, sales for shipment to nonquota markets, and carryover for marketing in 1953. The current determination provides a single pricing basis which is the average New York raw sugar price for the period from March 1, 1953 to February 28, 1954 for the producer's entire share of raw sugar with the exception of that sold under programs involving the use of foreign aid funds of the United States Government, in which case the actual price received from such sales becomes the pricing basis. The prior determination was amended in December 1952 to permit settlement in the manner noted above for the producer's share of raw sugar sold under foreign aid programs.

At the public hearing, a producer representative recommended that cash settlement for all 1952–53 crop sugarcane be based on the average price of raw sugar for the first 10 months of 1953. A processor representative recommended that the method of pricing specified in the 1951–52 determination be continued and that the method be extended in one important respect. Under that determination, the portion of the producer's share of raw sugar considered to have been sold under the processor's marketing allotment was subject to a deduction for his share of old crop carryover sugar which necessarily was also marketed under that allotment. By transferring from one mill to another or by requesting a change from settlement in cash to settlement in sugar, producers were enabled to avoid this deduction. To the extent that the pricing base referred to above was considered the most desirable one, an incentive was presented to producers to change processing arrangements. The processor representative recommended that the determination be extended to authorize the processor grinding the current crop of sugarcane for the transferring producer to make a deduction for the producer's share of carryover sugar held by the processor who ground his prior crop. The witness recognized that while his recommendation would be equitable as between producers and processors in a collective sense, complete equity could not be achieved as among processors unless a companion action was initiated to charge and credit the marketing allotments of processors in corresponding amounts. Representatives of both producers and processors presented information concerning their operations. Recommendations with respect to a change in the raw sugar sharing relationship specified in the 1951–52 crop determination were limited, however, to one made by the producer representative affecting the valuation of very high and very low quality sugarcane. In a supplemental brief to the hearing, the processor representative recommended an increase of one cent per hundredweight of raw sugar in the allowance for certain designated selling and delivery expenses used in determining the f. o. b. mill value of raw sugar.

The recommendations of both producers and processors concerning the pricing bases for sugarcane settlements made in cash have been considered carefully. The recommendation of the producers has not been accepted because of the inequity resulting from the fact that processors are not in a position to market the entire crop of sugar during the period corresponding to that recommended for sugarcane settlements. Only the raw sugar within processors' marketing allotments can be marketed during the recommended pricing period, and marketings of new crop sugar are necessarily curtailed by the sales of carryover sugar from the prior crop. The recommendation of the processors on this subject has not been accepted because of the intricate record keeping which it would entail and the likelihood of controversies stemming from those situations involving producers whose cane was ground at several mills last year and may be processed at several other mills this year. Another deterring factor is the requirement that processors agree as to the proper debits and credits to their marketing allotments and the possibility that agreement could not in all instances be obtained. The pricing provision of the prior determination is not retained because of the incentive afforded growers to shift from mill to mill in an uneconomic manner solely to gain advantage with respect to the terms of sugarcane settlement. Last year was the first year the deduction clause was effective and, prior to the issuance of the determination, producers were required under Insular law to designate both the mill and mode of settlement elected by them. Accordingly, they were not at that time in a position as they would be now to anticipate a possible gain from changing mills or modes of settlement.

The basis of settlement provided in this determination eliminates the need for extensive record keeping, information clearance among processors, and agreement concerning allotment debits and credits among processors. It also relates the pricing period for sugarcane settlements made in cash to the raw sugar marketing opportunities available to processors. It is anticipated that the 1952–53 crop of raw sugar can be sold within marketing allotments during the 12-month period from March 1, 1953 to February 28, 1954, except for whatever portions may be sold under programs involving the use of foreign aid funds of the United States Government.

The producers' recommendation concerning an increase in their share of raw sugar for very low or very high quality sugarcane has not been accepted because it would tend to over-value such sugarcane, particularly the low quality cane. The processors' recommendation for a one cent per hundredweight increase for allowances in certain selling and delivery expenses has not been adopted because such an increase is not indicated by an analysis of data concerning the costs for the services.

In this determination, consideration has been given to the recommendations made at the public hearing, to investigations and to data reflecting the anticipated returns, costs and profits of sugarcane producers and processors for the 1952–53 crop. An analysis of the economic position of producers and processors indicates that the sharing relationship, the pricing bases and the other requirements of the determination are fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 19th day of January 1953.

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

SCHEDULE A—ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses are for those expenses incurred on 1952–53 crop raw sugar which commence with the unstacking of raw sugar at the warehouse and include expenses incurred thereafter incidental to the delivery of raw sugar to the purchaser. The deductions are limited to the sum of the following expenses actually incurred by a processor, net of any receipts which reduce such expenses:

1. Necessary outside storage;
2. Freight from warehouse to dock, including covering cars where necessary;
3. Handling at dock, including unloading and stacking;
4. Wharfage, lighterage, and dock warehousing when incurred as an item separate from wharfage and when necessary in delivery of sugar from warehouse or mill to shipside;
5. Ocean freight;
6. Freight demurrage resulting from causes beyond the control of the shipper;

and an allowance of 8.7 cents per hundredweight of 96° raw sugar in lieu of:

7. Unstacking, tallying and loading;
8. Shore risk, marine and war risk insurance;
9. Rebagging and mending whenever and wherever incurred;
10. Brokerage or commissions and exchange;
11. Weighing, testing, sampling, mending and taring at destination;
12. All other expenses not itemized herein;

and the following additional expenses incurred between January 1, 1954 and February 28, 1954:

13. Personal property tax;
14. Storage not covered by item 1;
15. Insurance on stored sugar.

When any of the necessary services included in items 1 through 6 and item 14 above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses and vacation expenses properly allocable to such labor;
4. Direct supplies;
5. Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director, PMA Caribbean Area Office, may, by administrative interpretation, permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f. o. b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director, Caribbean Area Office, PMA, San Juan, Puerto Rico, may be allowed in lieu of expenses actually incurred.

The following certification shall be made on statements submitted to the Caribbean Area Office, PMA, San Juan, Puerto Rico:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1952–53 crop of Puerto Rican sugarcane.

SCHEDULE B—DEFINITION OF ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of S. D. 877.5, sugarcane price determination for Puerto Rican sugarcane of the 1952–53 crop, are limited to the sum of the following expenses actually incurred by a processor, net of any receipts which reduce such expenses:

1. Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;
2. Freight from mill tank to shipside (or to local buyers when such molasses is sold on a delivered price basis);
3. Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;
4. Weighing and testing;
5. Wharfage;
6. Shore risk insurance (limited in coverage from mill to shipside);
7. Freight demurrage resulting from causes beyond the control of the shipper;
8. Insular taxes on molasses produced, used, sold, brought into or consumed in Puerto Rico;
9. Brokerage paid to a bona fide broker.

When any of the necessary services included in items 1 through 9 above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions;
4. Fuel, energy or direct supplies;
5. Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of cost. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director, PMA Caribbean Area Office, may, by administrative interpretation, permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The following certification shall be made on statements submitted to the Caribbean Area Office, PMA, San Juan, Puerto Rico:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1952–53 crop of Puerto Rican sugarcane.

[F. R. Doc. 53–805; Filed, Jan. 22, 1953; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5979]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN SURGICAL TRADE ASSOCIATION ET AL.

Subpart—*Combining or conspiring:* § 3.397 *To control marketing methods, practices and conditions;* § 3.425 *To enforce or bring about resale price maintenance;* § 3.430 *To enhance, maintain or unify prices;* § 3.450 *To limit distribution or dealing to regular, established or acceptable channels or classes;* § 3.470 *To restrain and monopolize trade.* Subpart—*Cutting off competitors' or others' access to customers or market:* § 3.560 *Interfering generally with distributive outlets;* § 3.565 *Interfering with advertising mediums.* In connection with the offering for sale, sale and distribution of surgical instruments, supplies, and equipment in commerce, and on the part of respondent American Surgical Trade Association, respondent Manufacturers Surgical Trade Association, their officers, individually and as such officers, their agents, etc., and their members, present and future, entering into, cooperating, carrying out, or continuing any planned common course of action, understanding, agreement or conspiracy between any two or more of said respondents or between any one or more of said respondents and others not parties hereto, to (a) restrict membership in respondent ASTA by denying membership to dealers in instruments, supplies and equipment for physicians and hospitals for competitive reasons as, for example, (1) that the membership in respondent ASTA or some one or more members of it believe or believes that there are enough dealers in the territory in which an applicant is located; (2) that an applicant will not adhere to published prices; (3) that an applicant otherwise qualified is engaged in another business, as well as being a dealer in instruments, supplies and equipment for physicians and hospitals; or for reasons which depart from ASTA's then published or accepted standards governing admission of new members; (b) fail to accept or reject applications for membership in ASTA within a reasonable time; (c) publish in the By-Laws of respondent ASTA the standards ostensibly to be met by applicants who apply for membership and, in practice, impose other standards of admission; (d) attempt to divert or divert trade from nonmembers to themselves by establishing and maintaining a reciprocal arrangement between manufacturers and dealers whereby, in buying and selling, they grant a preference because of membership to one another over nonmembers; educating or persuading buyers or sellers not to deal with nonmembers of ASTA because they are nonmembers, or by denying full access to advertising space in The ASTA Journal to nonmembers on an equal basis with members; (e) attempt to promote or promote resale price maintenance or uniformity in terms and conditions of sale between and among themselves by filing complaints with one another through ASTA as to price cutting; or discuss or make recommendations through ASTA as to price lists, terms, conditions of sale, or resale policies of manufacturers other than with respect to physical size, shape and punching of the paper; (f) attempt to prevent or prevent manufacturers from selling to dealers who have not been approved as dealers by respondent MSTA: or (g), restrict or prevent dealers and manufacturers from carrying on legal courses of action and engaging in trade and commerce by legal methods of their own choosing which are not acceptable to respondents as a group; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Surgical Trade Association et al., Chicago, Ill., Docket 5979, October 16, 1952]

In the Matter of American Surgical Trade Association, a Corporation; Its Officers and Its Members; Manufacturers Surgical Trade Association, a Voluntary Unincorporated Association; and Its Officers and Its Members

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition and/or unfair and deceptive acts and practices, in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated Octo-

ber 22, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on October 16, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That the respondents, American Surgical Trade Association, its officers, individually and as officers of said respondent, American Surgical Trade Association, its agents, representatives and employees, and its members, present and future, and Manufacturers Surgical Trade Association, its officers, individually and as officers of said respondent Manufacturers Surgical Trade Association, its agents, representatives and employees, and its members, present and future, directly or indirectly, in connection with the offering for sale, sale or distribution of surgical instruments, supplies and equipment in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any planned common course of action, understanding, agreement or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts, practices and thing:

I. (a) Resticting membership in respondent ASTA by denying membership to dealers in instruments, supplies and equipment for physicians and hospitals for competitive reasons as, for example, (1) that the membership in respondent ASTA or some one or more members of it believes or believe that there are enough dealers in the territory in which an applicant is located; (2) that an applicant will not adhere to published prices; (3) that an applicant otherwise qualified is engaged in another business, as well as being a dealer in instruments, supplies and equipment for physicians and hospitals; or for reasons which depart from ASTA's then published or accepted standards governing admission of new members.

(b) Failing to accept or reject applications for membership in ASTA within a reasonable time.

(c) Publishing in the By-Laws of respondent ASTA the standards ostensibly to be met by applicants who apply for membership and, in practice, imposing other standards of admission.

(d) Attempting to divert or diverting trade from non-members to themselves by establishing and maintaining a reciprocal arrangement between manufacturers and dealers whereby, in buying and selling, they grant a preference because of membership to one another over non-members; educating or persuading buyers or sellers not to deal with non-members of ASTA because they are non-members, of by denying full access to advertising space in The ASTA Journal to non-members on an equal basis with members.

(e) Attempting to promote or promoting resale price maintenance or uniformity in terms and conditions of sale between and among themselves by filing complaints with one another through ASTA as to price cutting; or discussing or making recommendations through ASTA as to price lists, terms, conditions of sale, or resale policies of manufacturers other than with respect to physical size, shape and punching of the paper.

(f) Attempting to prevent or preventing manufacturers from selling to dealers who have not been approved as dealers by respondent MSTA.

(g) Restricting or preventing dealers and manufacturers from carrying on legal courses of action and engaging in trade and commerce by legal methods of their own choosing which are not acceptable to respondents as a group.

II. *It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

III. *It is further ordered,* That American Hospital Supply Corporation, E. I. DuPont de Nemours & Co., Inc., Eaton Laboratories, Inc., Holland-Rantos Company, F. A. Davis Company, United States Truss Company, Manhattan Surgical Instrument Company, Smith-Holden, Inc., John Sexton & Company, Henkel-Clauss Company, Wm. S. Merrell Company, Lea & Febiger, J. B. Lippincott Company, The Williams & Wilkins Company, Medical Economics, Inc., and Modern Medicine are hereby dismissed from this proceeding.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 16th day of October 1952.

By direction of the Commission.

Issued: October 22, 1952.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-771; Filed, Jan. 22, 1953; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53182]

PART 16—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES; CANADIAN BLUE-VEIN CHEESE

The net amounts of bounties or grants on Canadian 93 and 94 score blue-vein cheese of the Roquefort type declared pursuant to the provisions of section 303, Tariff Act of 1930, and collectors of customs instructed to collect additional duties equal to such net amounts of bounties or grants.

The Bureau is in receipt of official information that bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U. S. C. 1303) are paid or bestowed on blue-vein cheese of the Roquefort type manufactured in Canada after January 1, 1950.

I have estimated and determined and hereby declare the net amount of such bounties or grants paid or bestowed with respect to such cheese to be 1 Canadian cent per pound if it scores 93 points and 2 Canadian cents per pound if it scores 94 or more points.

Collectors of customs, therefore, will collect on cheese described above, imported directly or indirectly, additional duties under section 303 of the tariff act at the appropriate rate set forth above, when such cheese is entered for consumption or withdrawn from warehouse for consumption after the expiration of 90 days after the publication of this decision in the weekly Treasury Decisions.

The table in § 16.24 (a), Customs Regulations of 1943 (19 CFR 16.24 (a)), is amended by inserting after the last entry for Canada the words "cheese: 93–94 score, blue-vein of the Roquefort type" in the column headed "Commodity", the number of this Treasury Decision in the column headed "Treasury Decision", and the words "Assessed duty declared" in the column headed "Action".

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624, Interprets or applies sec. 303; 19 U. S. C. 1303)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: January 16, 1953.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-783; Filed, Jan. 22, 1953; 8:51 a. m.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

In § 221.31 *Defense Production Act of 1950 Controls,* paragraph (a) is hereby amended to read as follows:

(a) For the period this paragraph remains in effect, and notwithstanding the provisions of § 221.16, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account

of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., January 16, 1953.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 53-748; Filed, Jan. 22, 1953; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter C—Miscellaneous Excise Taxes

[Regs. 10; T. D. 5974]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

REQUIREMENTS FOR SEMIANNUAL REPORT OF SPIRITS IN WAREHOUSES PRESCRIBED

1. Subpart XX of Regulations 10, "Warehousing of Distilled Spirits" (26 CFR Part 185, 15 F. R. 5233) is hereby amended as follows:

SUBPART XX—SEMIANNUAL REPORTS OF SPIRITS IN WAREHOUSES

§ 185.1055 *Storekeeper-gauger's report.* The storekeeper-gauger shall prepare a report, in triplicate, on Form 332, by kinds, seasons, and years of production, of stocks of distilled spirits on deposit in the internal revenue bonded warehouse at the close of business on June 30 and December 31 of each year. Form 332 shall be prepared as indicated by the headings of the columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and by this part. In the case of blended brandy the season and year of the oldest brandy in the blend shall be considered the season and year of the blended brandy. The original and one copy will be forwarded to the Assistant District Commissioner [1] on or before the tenth day of the month succeeding the date for which the report was prepared, and the remaining copy shall be retained in the office of the storekeeper-gauger at the warehouse.

§ 185.1056 *Assistant District Commissioner's report.* Each Assistant District Commissioner [1] shall prepare a summary report, in duplicate, on Form 332, by kinds, seasons, and years of production, of distilled spirits in internal revenue bonded warehouses at the close of business on June 30 and December 31 of each year, for each State within his district. Form 332 shall be prepared as indicated by the headings of the columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and by this part. The original of the summary report on Form 332 with the originals of the Forms 332 submitted by storekeeper-gaugers for each internal revenue bonded warehouse within the State shall be forwarded to the Commissioner not later than the last day of the month succeeding the date for which the report was rendered. The duplicate copies of Form 332 shall be retained by the Assistant District Commissioner.

[1] Pursuant to Reorganization Plan No. 1 of 1952 (17 F. R. 2243) the office of District Supervisor has been abolished and the office of Assistant District Commissioner, Alcohol and Tobacco Tax, created in place thereof.

2. The purpose of the amendment is to require storekeeper-gaugers and Assistant District Commissioners to report by kinds, seasons, and years of production, stocks of distilled spirits on deposit in internal revenue bonded warehouses at the close of business on December 31 of each year, in addition to the reporting of such stocks annually as of June 30.

3. It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the issuance of these regulations for the reason that the change made is of an administrative nature and does not impose any requirement on the industry.

4. This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: January 16, 1953.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 53-784; Filed, Jan. 22, 1953; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

MISCELLANEOUS AMENDMENTS

Section 561.15 is rescinded and §§ 561.12, 561.14, 561.16 and 561.17 are revised to read as follows:

§ 561.12 *Boards of officers*—(a) *Appointment.* Boards of officers will be appointed by direction of the area commander and will convene as near as practicable to the place of residence of the person to be examined. Authority to appoint boards may be delegated down to, but not lower than chiefs of military districts.

(b) *Functions.* (1) Boards will be appointed to:

(i) Examine applicants for appointment.

(ii) Submit recommendations in appropriate cases on the transfer of an officer from an active to an inactive status, or on fitness for transfer to an active status from an inactive status.

(iii) Submit recommendation on the fitness of an officer for retention in the Army Reserve.

(iv) Submit recommendation in the case of involuntary discharge or separation of an officer who has completed 3 years or more of commissioned service.

(v) Review and make recommendations in other personnel actions relating to reservists, as determined by the area commander.

(2) Boards appointed to determine physical fitness for retention or for reassignment in the Army Reserve will be furnished a report of physical examination (Standard Forms 88 and 89) of the individual.

(c) *Notification to applicants.* (1) Upon receipt by the examining board of applications and allied papers required by the regulations under which individuals are applying for appointment, the president of the board will notify the applicants of the time and place of appearance before the board. Applicants will be advised that travel, quarters, and meals will be provided at their own expense.

(2) Applicants will be so scheduled that, as far as practicable, no one need spend more than 1 day at the examining place.

(3) Whenever possible, applicants for the same branch will be scheduled in sequence so that the board member of that branch may sit without interruption.

(4) When necessary, the applicant will be advised in advance of any additional information desired by the board or required by regulations to correct or complete an application.

(d) *Disclosure of board action.* An examining board will not, under any circumstances, advise an applicant or any other unauthorized person of its recommendations, whether favorable or unfavorable, nor will an applicant be given access to any of the PRT's used. The applicant will be informed that regardless of the board's recommendations, appointment is subject to satisfactory test scores and decision of the appointing authority; and that appointments will be based on over-all qualifications and the requirements of the military service.

§ 561.14 *Appointment of officers and former officers as reserve commissioned officers of the Army*—(a) *General.* Appointment of individuals under this section will not be in:

(1) General officer grades.

(2) Chaplains branch.

(3) Judge Advocate General's Corps branch.

(4) Army Medical Service branches.

(b) *Grades for appointment and personnel eligible.* (1) The following personnel, if otherwise qualified, may be appointed in grades as indicated, subject to the limitations contained in subparagraphs (2) and (3) of this paragraph and in paragraph (d) (1) of this section.

(i) Former commissioned officers of the Regular Army, the Officers' Reserve Corps, the Army Reserve, the National Guard of the United States, and the Army of the United States without component, which includes officers of the Army of the United States without component who have been released from active duty but who retain AUS commissioned status, in highest grade satisfactorily held, or in the last grade held if reduced from a higher grade under the provisions of Army Regulations, re-

classification proceedings, or similar action.

(ii) Former commissioned officers of the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, and the United States Public Health Service, including reserve and temporary officers thereof, in the Army grade comparable to the last grade held by them.

(iii) Officers of reserve components of other Armed Forces of the United States, and United States Public Health Service, in the Army grade comparable to the last grade held by them.

(2) The following are restricted to the grades indicated:

(i) *Male officers.* Up to and including colonel.

(ii) *Women's Army Corps.* Up to and including lieutenant colonel, except that a former director of the WAC may be appointed in the grade of colonel.

(3) The grades in which appointed to fill vacancies in troop program units or mobilization designations (paragraph (d) of this section) will not exceed the grades authorized in subparagraph (1) of this paragraph, and will not be higher than that authorized for the position to be filled.

(c) *Eligibility and age requirements*—(1) *Eligibility.* Applicants must meet the eligibility requirements of §§ 561.2 to 561.8, and not be in a category listed in those sections as ineligible.

(2) *Age.* Applicants must not have reached the birthday shown below prior to appointment in grade indicated, except that age limits may be increased by an amount not to exceed length of previous service in the grade in which appointment is authorized. Previous service includes active duty in the Army, in the federally recognized National Guard, and/or active reserve status.

Grade:	*Age*
Second lieutenant	28
First lieutenant	33
Captain	39
Major	48
Lieutenant colonel	51
Colonel	55

(d) *Limitations on appointments.* (1) Appointments will be limited to those necessary to:

(i) Fill existing vacancies in the Ready Reserve Troop program units when there are no qualified officers of appropriate or lower grade available to fill such vacancies.

(ii) Fill mobilization designation position vacancies within authorized ceilings when the applicant has been approved by the T/D proponent agency for designation to fill such position.

(iii) Meet the need for Ready Reserve reinforcements under quotas announced by the Department of the Army, but not above the grade of captain.

(iv) Meet the need for officers for active duty, when qualified reserve officers are not available.

(2) The limitations in subparagraph (1) of this paragraph do not apply to former officers of the Armed Forces of the United States who are in the active military service in a warrant officer or enlisted status.

(e) *Branches.* Except as provided in paragraph (a) of this section, appointments under this section will be made for assignment in the branches listed in § 561.1, subject to the following:

(1) Former commissioned officers of any of the Armed Forces of the United States on active duty in the Army in a warrant officer or enlisted status, if qualified, will be given the option of accepting appointment for assignment:

(i) In any branch in which they have been assigned or detailed, provided they are qualified therefor, or

(ii) In the branch in which they have formerly held an appointment, or

(iii) In the Staff Specialist branch if they meet the requirements set forth in special regulations.

(2) For qualified applicants who are not on active duty, the branches for assignment will be determined by their qualifications and the vacancies which they are to fill or in accordance with subparagraph (1) of this paragraph.

(f) *Board action.* All applicants applying under this section will be required to appear before a board of officers as provided in § 561.12 for examination and recommendation as to whether they are qualified professionally for the appointment.

(g) *Applications.* Application and allied papers, including report of medical examination required by § 561.13, will be submitted as prescribed in that section.

(h) *Processing applications and appointments.* The procedures prescribed in § 561.13 will be followed in processing applications for appointments under this section, and for issuing letters of appointment and securing oaths of office.

§ 561.16 *Appointment as reserve commissioned officers of the Army for assignment to the chaplains branch*—(a) *General.* This section sets forth the procedures whereby duly ordained or accredited ministers, priests, and rabbis who meet the necessary requirements may be appointed as Reserve commissoined officers of the Army for assignment to the Chaplains Branch in the Army Reserve.

(b) *Grade.* (1) Appointments of individuals under this section will not be made in the grade of second lieutenant or in general officer grades.

(2) Subject to the restrictions set forth in subparagraph (1) of this paragraph and paragraphs (d) and (e) of this section, appointments may be made in the following grades:

(i) Applicants who have had no prior commissioned service will be appointed initially in the grade of first lieutenant only. Appointment in higher grades may be made by the Secretary of the Army upon recommendation of the Chief of Chaplains.

(ii) Former chaplains of any of the Armed Forces of the United States other than the Army may be appointed in a grade corresponding to the last grade held.

(iii) Former chaplains of any component of the Army or of the Army of the United States without component, may be appointed in the highest grade held.

(iv) Former officers of any of the Armed Forces of the United States other than the Army who have had no service as chaplains may be appointed in a grade not above that of captain.

(v) Former officers of any component of the Army or of the Army of the United States without component, who have had no service as chaplains may be appointed in a grade not above that of captain.

(vi) Chaplains of reserve components of other Armed Forces of the United States may be appointed in a grade corresponding to the last grade held.

(d) *Limitations on appointments.* Appointments will be limited to:

(1) Those necessary to fill existing vacancies in the Ready Reserve troop program units when there are no qualified officers of appropriate or lower grade available to fill such vacancies.

(2) Those necessary to fill mobilization designation position vacancies within authorized ceilings when the individual has been approved by the T/D proponent agency for designation to fill such position.

(3) Those necessary to meet the need for Ready Reserve reinforcements under quotas announced by the Department of the Army but not above the grade of captain.

(4) Those necessary to meet the need for officers for active duty, when qualified Reserve officers are not available.

(e) *Eligibility requirements.* (1) Applicants with prior service as chaplains in any of the Armed Forces of the United States must meet the requirements outlined in §§ 561.2 to 561.8 and subparagraph (2) (ii), (iii) and (iv) of this paragraph.

(2) Applicants for initial appointment and former officers who have had no prior service as chaplains must meet the following requirements in addition to those contained in §§ 561.2 to 561.8.

(i) *Education.* (*a*) Applicants must possess a consolidated transcript of 120 semester hours of undergraduate credit obtained at a recognized college or university, and a consolidated transcript of 90 semester hours of credit obtained at a recognized theological school or equivalent credits in the fields of religion and the social sciences performed in a recognized university or other graduate school. The Secretary of the Army will consider requests for waiver of the graduate requirement upon specific recommendation of the Chief of Chaplains.

(*b*) A senior seminary student of a recognized theological school who desires appointment and call to active duty is not required to have completed graduate study as described above at the time of application, which may be initiated 120 days prior to graduation and ordination, but must submit transcript of graduate work at the theological school which will include seminary courses or a statement of the registrar of the hours earned to date of application and also the hours which will be credited upon completion of the school year. The Department of the Army will verify successful completion of graduate study prior to appointment.

(ii) *Age.* (*a*) Applicant must have reached his eighteenth birthday at date of initial appointment.

(b) Applicants must not have reached the birthday indicated below prior to appointment in the grade indicated.

Grade:	Age
First lieutenant	33
Captain	39
Major	48
Lieutenant colonel	51
Colonel	55

(c) Age limits in (b) of this subdivision may be increased for former chaplains of any component of the Army and of the Army of the United States without component by an amount not to exceed previous length of service in the grade in which appointment is authorized.

(d) The Secretary of the Army, upon recommendation of the Chief of Chaplains, will consider granting waiver of age limitation for initial appointment and concurrent active duty in the grade of first lieutenant for certain individuals who have not attained their thirty-ninth birthday and who are otherwise qualified.

(iii) *Ecclesiastical indorsement.* Applicants must present an ecclesiastical indorsement certifying that the applicant is accredited by and in good standing in a recognized religious denomination or organization; that he is fully ordained or accredited priest, rabbi, or minister of religion; that he is actively engaged in the pursuit of his religious vocation; and that he is recommended as being qualified spiritually, intellectually, and emotionally for the Army Chaplaincy. In lieu of ecclesiastical indorsement, senior theological students who desire active duty may submit a conditional -ecclesiastical indorsement from their respective denominational agency indicating that they will receive full indorsement upon ordination. The Department of the Army will verify ecclesiastical qualifications and indorsement prior to appointment.

(f) *Unit vacancies and active duty quotas.* Individuals interested in appointment may secure information from chiefs of military districts or unit commanders. Information regarding quotas for active duty may be secured from the appropriate area commander or the Chief of Chaplains, Department of the Army, Washington 25, D. C.

(g) *Applications.* Individuals applying for appointment will submit application forms and allied papers prescribed by § 561.13, together with the following additional documents:

(1) *Senior theological students.* (i) Transcript or statement of registrar as specified in paragraph (e) (2) (i) (b) of this section.

(ii) Conditional ecclesiastical indorsement as specified in paragraph (e) (2) (iii) of this section.

(2) *Other applicants.* (i) A consolidated transcript of undergraduate and graduate work.

(ii) Ecclesiastical indorsement of the appropriate denominational indorsing agency.

§ 561.17 *Appointment as reserve commissioned officers of the Army for assignment to the Judge Advocate General's Corps Branch*—(a) *Grade.* (1) Appointments of individuals under this section will not be made in the grade of second lieutenant or in general officer grades.

(2) Subject to the restrictions set forth in subparagraph (1) of this paragraph and in paragraphs (b) and (c) of this section, appointments may be made in the following grades:

(i) Applicants who have had no prior commissioned service may be appointed initially in the grade of first lieutenant only.

(ii) Former officers of any of the Armed Forces of the United States, who served in an assignment corresponding to an assignment in the Judge Advocate General's Corps may be appointed in the last grade satisfactorily held or equivalent grade.

(iii) Former officer of any component of the Army and of the Army of the United States without component who held appointment in or assignment to the Judge Advocate General's Corps may be appointed in the highest grade held.

(iv) Former officer of any component of the Army and of the Army of the United States without component who have not held appointment in or assignment to the Judge Advocate General's Corps may be appointed in the highest grade held.

(v) Officers of reserve components of other Armed Forces of the United States, and the United States Public Health Service, who are serving in an assignment corresponding to an assignment in the Judge Advocate General's Corps may be appointed in the grade currently held or equivalent grade.

(b) *Limitation on appointment.* Appointments will be limited to those necessary to:

(1) Fill existing vacancies in Ready Reserve troop program units when there are no qualified officers of appropriate or lower grade available to fill such vacancies.

(2) Fill mobilization designation position vacancies within authorized ceilings when the individual has been approved by the table of distribution (T/D) proponent agency for designation to fill such position.

(3) Meet the need for Ready Reserve reinforcements under quotas announced by the Department of the Army but not above the grade of captain.

(4) Meet the need for officers for active duty, when qualified Reserve officers are not available.

(c) *Eligibility requirements.* (1) Former Judge Advocate General's Corps officers of any component of the Army or of the Army of the United States without component must meet the requirements outlined in §§ 561.2 to 561.8, and subparagraph (2) (i) (b) and (ii) of this paragraph.

(2) Applicants for initial appointment and former officers who have not held prior appointment in or assignment to the Judge Advocate General's Corps must meet the following requirements in addition to those shown in §§ 561.2 to 561.8, except that consideration will be given by the Department of the Army to waiver of subdivision (i) (c) and (d) of this subparagraph in the case of outstanding applicants who were admitted to practice before the highest court of a State of the United States or a Federal Court subsequent to 1950, and whose services are desired for immediate active duty:

(i) *Professional qualifications.* Applicants must:

(a) Have graduated from an approved law school, with a professional degree.

(b) Have been admitted to practice, and have membership in good standing of the bar of the highest court of a State of the United States or a Federal Court.

(c) Be presently engaged in the private practice of law, teaching of law, or hold judicial office.

(d) Meet the following practice requirements:

First lieutenants	Actively engaged in practice.
Captains	4 years.
Majors	11 years.
Lieutenant colonels	18 years.
Colonels	25 years.

(ii) *Age.* (a) Applicants must have attained eighteenth birthday at date of initial appointment.

(b) Applicants must not have attained the birthday indicated below, prior to appointment in the grade indicated.

	Age
First lieutenant	33
Captain	39
Major	48
Lieutenant colonel	51
Colonel	55

(c) Age limits shown in (b) of this subdivision may be increased for former officers of the Army by an amount not to exceed previous length of service in the grade in which appointment is authorized.

(d) *Vacancies and active duty quotas.* Individuals interested in appointment may secure information as to vacancies from unit commanders. Information relative to quotas for active duty may be secured from the appropriate area commander.

(e) *Applications.* (1) Individuals applying for appointment under this section will submit application forms and allied papers prescribed by § 561.13, together with the following additional documents:

(i) A consolidated transcript of all college or university work completed, properly certified by the college or university at which such work was accomplished. This transcript should show, if practicable, the general class standing of the applicant.

(ii) A certificate or photostatic copy thereof from the clerk of the highest court of a State or a Federal Court to the effect that the applicant has been admitted to practice law before the said court and is a member of the bar thereof in good standing.

(iii) An affidavit from the applicant containing a statement of his full-time or part-time legal experience. Legal experience may include governmental, judicial, teaching, military legal experience, and private practice. If he has practiced law, he should include a list of the important cases handled by him, showing the nature of each, and a general statement of the character of his practice; if he has taught law, the subject which he teaches or has taught; if he has held judicial office, the extent of

the jurisdiction of his court; if he has had governmental or military legal experience, a description of his position and rating.

(iv) Letters based on personal acquaintance from not less than three disinterested judges or lawyers relative to the applicant's reputation and professional standing, the types of cases handled by him, and his ability as an attorney, teacher, or judge. Recent law school graduates may obtain letters from former law professors.

(2) Former Judge Advocate General's Corps officers of the Army are exempt from the requirements indicated in subparagraph (1) (i) of this paragraph.

[SR 140-15-1, Dec. 31, 1952; SR 140-105-2, Dec. 29, 1952; SR 140-105-4, Dec. 30, 1952; SR 140-105-5, Dec. 29, 1952] (Sec. 251, Pub. Law 476, 82d Cong.)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-741; Filed, Jan. 22, 1953; 8:45 a. m.]

Chapter VI—Department of the Navy

PART 765—RULES APPLICABLE TO THE PUBLIC

MISCELLANEOUS AMENDMENTS

1. Section 765.9 is revised to read as follows:

§ 765.9 *Failure by Naval personnel to satisfy indebtedness or to provide adequate support for dependents.* (a) In cases of alleged failure by Naval personnel to satisfy indebtedness or to provide adequate support for legal dependents, the creditor or other person alleging a default or unsatisfactory fulfillment of an obligation may address to the commanding officer of the individual concerned, a communication regarding the obligation in question. In the event the identity or mailing address of the commanding officer is not known to the creditor or complainant, he may address a communication in the premises to the Chief of Naval Personnel, Department of the Navy, Washington 25, D. C. in order that it may be forwarded to the appropriate commanding officer.

(b) Generally speaking, the naval establishment is without authority to attach, assign, or otherwise control, directly or indirectly, the pay and allowances of its officer and enlisted personnel. An exception to this general rule is set forth under § 715.4 of this chapter.

(c) Neither the Department of the Navy nor the commanding officer of a naval ship, station, or other naval activity has authority to adjudicate claims or arbitrate controversies concerning asserted default in fulfillment of private obligations of naval personnel, or to act as agent or collector for the creditor, claimant, or complainant involved. The office of the commanding officer is normally limited to referring the correspondence alleging a debt or default to the person concerned for reply to the originator.

2. Section 765.10 (b) is revised to read as follows:

(b) The discharge of an enlisted woman who is determined to be under the statutory age for enlistment (18) is mandatory, and application of her parent or legal guardian is not required. The law provides that no woman under the age of 21 years shall be enlisted without the written consent of her parents or guardians. If for any reason proper consent is not obtained prior to the enlistment or reenlistment in the Regular Navy or Naval Reserve of a woman who has attained age 18 but has not yet attained age 21, discharge may be authorized upon request from parent or legal guardian and presentation of satisfactory evidence of the minor's age, provided that such request and evidence are received prior to the date on which the minor attains age 21. If no such request is received in the case of a woman minor who enlisted after attaining the statutory age for enlistment, tacit consent of the parent or guardian is recognized.

(R. S. 161; 5 U. S. C. 22)

DAN A. KIMBALL,
Secretary of the Navy.

JANUARY 15, 1953.

[F. R. Doc. 53-745; Filed, Jan. 22, 1953; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 10 to Supplementary Regulation 7]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

CEILING PRICE ADJUSTMENTS FOR SALES OF MIXED FERTILIZERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 10 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 7 to Ceiling Price Regulation 22 is issued for the same reasons, and accomplishes the same objectives, as Supplementary Regulation 131 to the General Ceiling Price Regulation. The statement of considerations accompanying the issuance of that supplementary regulation is therefore incorporated herein.

An increase of approximately one percent in ceiling prices established under Ceiling Price Regulation 22 is authorized under this amendment in accordance with the requirements of the industry earnings standard, for sales of mixed fertilizers when these commodities are sold by their manufacturers. Where the ceiling price is for a sale on a delivered basis, the increase allowed is one percent of the net price after average outbound freight costs are excluded. In this manner, sellers on an f. o. b. basis and sellers on a delivered basis are accorded equal treatment. Moreover, the determination of the industry's need for increases was made on the basis of net prices, after freight costs were excluded. Adjustments for increased freight costs were allowed the industry by SR 31 to CPR 22, which became effective August 13, 1952.

In the judgment of the Director of Price Stabilization, the provisions of this Amendment to Supplementary Regulation 7 to CPR 22 are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

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

AMENDATORY PROVISIONS

Supplementary Regulation 7 to Ceiling Price Regulation 22 is amended by adding section 11 which reads as follows:

SEC. 11. *Adjustment of ceiling prices of mixed fertilizer.* (a) This section applies to you if you are a manufacturer of mixed fertilizers, and your ceiling prices for these mixed fertilizers are established under Ceiling Price Regulation 22. It increases these ceiling prices for sales by you of these commodities by an amount determined in accordance with paragraph (b).

(b) Your ceiling prices for sales of mixed fertilizers which are in effect on January 22, 1953, are increased as follows:

(1) *Ceiling prices f. o. b. your production plant.* Each of your ceiling prices in effect on January 22, 1953, applicable to a sale on an f. o. b. your production plant basis, is increased by an amount equal to one percent of that ceiling price.

(2) *Ceiling prices which include outbound freight costs.* If any ceiling price in effect on January 22, 1953, includes costs of delivery to the purchaser, that ceiling price is increased by an amount equal to one percent of the difference between the ceiling price and your weighted average freight cost, as shown on your books, for the sale to which the ceiling price is applicable.

Example. Your ceiling price for a mixed fertilizer, delivered to a purchaser in Area A, is $50 per ton. Your weighted average freight costs for deliveries in Area A is $3.50 per ton. Your ceiling price is therefore increased in an amount equal to one percent of ($50—$3.50) or one percent of $46.50 or 47 cents. Your adjusted ceiling price is $50.47, which may be rounded in accordance with subparagraph (3) below.

(3) *Rounding of adjusted ceiling prices.* You may round your ceiling prices adjusted under this section to the nearest five cents. If you elect to round any of your ceiling prices adjusted under this section, you must round all of them.

(c) All the provisions of Ceiling Price Regulation 22 remain applicable to you in your sales of mixed fertilizers covered by this section, except as those provisions are modified and supplemented by this section. The ceiling prices adjusted under this section shall be deemed to be ceiling prices established under Ceiling Price Regulation 22.

(d) When used in this section, the term "mixed fertilizer" means any substance containing any two or more of the basic fertilizer materials, namely nitrogenous material, superphosphate and potash, when marketed or sold as an aid to the growth of crops or plants.

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

Effective date. This Amendment 10 to Supplementary Regulation 7 to Ceiling Price Regulation 22 shall become effective January 22, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 22, 1953.

[F. R. Doc. 53-879; Filed, Jan. 22, 1953; 11:42 a. m.]

[Ceiling Price Regulation 184]

CPR 184—GUMMED PAPERS AND RELATED ITEMS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 184 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation specifies the dollar-and-cent ceiling prices which manufacturers may charge for six basic grades of gummed products and establishes a method for determining ceiling prices on related grades. Also, a formula is provided to establish ceiling prices on gummed flat papers and gummed specialties.

Description of the products and the industry covered. The gumming industry is composed of 30 separate companies having a sales volume of $68,000,000 in 1951. The industry is engaged in the conversion of paper stock into gummed paper tape and flat gummed paper, and in the conversion of certain textile products into gummed cloth. Manufacturers of 90 percent of the products are located in the region east of the Mississippi River and north of the Ohio River and Southern Virginia State line. The remaining 10 percent is manufactured on the Pacific Coast. Most of the companies in this industry are nonintegrated, i. e., they do not make any of the base paper for gumming. Only five of the thirty manufacturers are wholly or partially integrated.

Gummed kraft sealing tape comprises half of the sales value of this industry. It is made in various basis weights and used for sealing packages, bundles, and corrugated paper or fiber cartons. Gummed corrugated box tape makes up nearly one-third of the industry's sales. It is used in the manufacture of corrugated and fiber shipping containers. Gummed flat papers represent a little over 10 percent of the sales and are the base papers used in making many types of gummed labels and seals. The balance of the industry's sales is of gummed holland cloth, gummed stay paper, gummed veneer tape and gummed specialties which are used mainly by manufacturers who produce tablets, wood veneer, and corrugated or fiber cartons.

Recent economic developments. In 1949, sales of gummed paper and cloth were at their lowest level since World War II, amounting to only 40.9 million dollars. In 1950, however, apparently as a result of the outbreak of the war in Korea, the volume of sales increased to 61.6 million dollars and in 1951 sales further increased to 67.6 million dollars. The growth of shipments by the industry subsequent to June 1950 is indicated by the 40 percent increase in shipments of gummed kraft sealing tape, the principal product of the industry, between the second and third quarters of 1950 as shipments rose from 45.8 to 62.8 million pounds. This high level of shipments was maintained through the first six months of 1951. Thereafter, shipments diminished and for the fourth quarter of that year were 39.3 million pounds, 35 percent less than for the same period in 1950.

The marketing of standard gummed products covered by this regulation is highly competitive and changes in demand are quickly reflected in the level of prices. When the war in Korea began in June 1950, the greater demand for these products and rising raw material costs caused prices, which had been at their post-war low, to increase steadily until they were frozen in January 1951 at a level 23 percent higher than the average of prices in the pre-Korea base periods under CPR 22. Since that time, although most manufacturers qualified for higher prices under CPR 22, the prices in effect in January 1951 have been continued in general, although with some recent softness. The price changes in recent years are illustrated by the average prices for the past five years of 60 pound gummed kraft sealing tape shown below.

Price per bundle of 60-pound gummed kraft sealing tape

1947	$6.60	1950	$5.85
1948	6.75	1951	7.20
1949	5.85		

This grade of tape is the largest selling item in the industry and its price movements are representative of the changes in the price level for the entire industry.

Summary of the main features of the regulation. The preponderance of the tonnage in this industry is made up of highly competitive and reasonably well standardized items. Because of competitive factors and the degree of standardization, prices for the same or similar commodities are at fairly uniform levels. Consequently, spelled out ceiling prices can be set for practically all of the product lines, maintaining the normal pricing pattern in the industry. Approximately 85 percent of the total volume in this industry has been given flat dollar-and-cent ceiling prices by this regulation. The prices spelled out in the regulation cover the following product lines: Standard Gummed Kraft Sealing Tape, Super Standard Gummed Kraft Sealing Tape, Regular Sisal Tape, Regular Gummed Hollands, Standard Gummed Box Stay Tape and Regular Brown Gummed Kraft Veneer Tape. Grades directly related to these items are priced by the use of the customary grade differentials in effect during the base period, December 19, 1950, through January 25, 1951.

The remaining 15 percent of the industry production is made up of gummed flat papers and gummed specialties. These two categories consist of thousands of different items and there is little uniformity of price or of standardization of grades between competing sellers. Consequently, formula pricing has been provided for these items in this regulation. However, if a manufacturer used an established price list during the period December 19, 1950, through January 25, 1951, ceiling prices may be based on this price list which, if used, must apply to all of his Gummed Flat Papers and Gummed Specialties. The formula is comprised of the following cost factors: raw materials, conversion, margin, and delivery. Each of these factors is determined by the same method employed by the seller during the base period, and none may exceed the base period cost, except that the basic raw material may be costed in at no higher than the initial ceiling price of a tailored regulation when issued.

In a rapidly rising market, such as existed between the outbreak of the Korean War and the day of the general freeze, flat priced standard items generally adjust themselves readily to the competitive situation while the specialty items, usually priced by formula, show a lag because they are less sensitive to economic conditions and tend to reflect only actual changes in cost. This regulation adjusts for the imbalance under GCPR between prices of standard and specialty products by permitting the use of tailored ceiling prices in computing cost factors for basic raw materials used in specialty items, or, if no tailored ceiling price regulation has been issued for such materials, then the highest cost up to and including December 31, 1951, may be used.

The level of prices established by this regulation. The ceiling prices in this regulation for 85 percent of the volume are no lower than the prices prevailing just before the date of issuance for this regulation and are approximately at the level of prices prevailing during the period December 19, 1950, through January 25, 1951. These ceiling prices average about 25 percent higher than those prevailing at the beginning of the year 1950. The ceiling prices for gummed products comprising the remaining 15 percent of the volume are no lower than the prices prevailing just before the issuance of the regulation and will probably be at a slightly higher level than in the GCPR period because they will in many instances be determined by application of the individual producers' formulae and will reflect certain cost increases for basic raw materials since the issuance of the General Ceiling Price

Regulation. This is believed necessary to restore the normal price relationship between standard and specialty items produced by this industry. The customary differentials which the industry had in effect during the base period of December 19, 1950 through January 25, 1951, are retained.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the base period December 19, 1950 through January 25, 1951, and just before the issuance of this regulation, and to relevant factors of general applicability.

In the formulation of this regulation there has been consultation with industry representatives, including three industry advisory committee meetings, and with trade association representatives, and consideration has been given to their recommendations.

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

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 23 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 regulation does.* (a) This is a regulation for manufacturers. It establishes specific base prices for six basic grades of gummed products, and provides a method for determining ceiling prices for grades related to the six basic grades and for new grades. This regulation also provides a formula whereby ceiling prices on Gummed Flat Papers and Gummed Specialties can be established.

(b) *Where this regulation applies.* This regulation applies in the 48 States of the United States and in the District of Columbia but does not apply in or to the territories and possessions of the United States.

(c) *What this regulation supersedes.* The ceiling prices in this regulation supersede those established under the provisions of the General Ceiling Price Regulation and Ceiling Price Regulation 22. However, manufacturers who have received ceiling price adjustments under General Overriding Regulations 20 or 21, or under Supplementary Regulations 17 or 18, to Ceiling Price Regulations 22, may elect to retain the ceiling prices which have been established thereunder, but in all other respects are subject to this regulation. If a manufacturer so elects, he must do so for all the products covered by this regulation for which his ceiling prices are now determined under GOR 20 or 21, or SR 17 or 18 to CPR 22.

SEC. 2. *Manufacturer defined.* Manufacturer means any person who produces and sells any of the products covered by this regulation. It also includes those persons whom the manufacturer designates as his representatives and who are directed by that manufacturer to sell the latter's products at prices and terms no higher than those permitted the manufacturer under this regulation, and who bill and collect in their own name or their firm name.

SEC. 3. *Ceiling prices for listed grades.* The base prices for the sale of six basic grades of gummed products are listed in this section. These base prices are delivered prices into various zones as specified and defined in Section 23. (West Coast manufacturers use paragraph (g) of this section.) To determine the ceiling price for an actual sale of one of these grades, you may add to, or you shall subtract from, as the case may be, the base price all differentials as defined in Section 23 which are appropriate to the particular sale.

(a) *Standard Gummed Kraft Sealing Tape.* Base prices to jobbers for 1 bundle made up of standard size rolls, 60 pound basis weight, of 1 inch, 1½ inches, 2 inches, 2½ inches, 3 inches, 4 inches and over in width and packed so that the bundle is approximately 30 inches in width and 600 feet per roll are:

Color	Deliveries into Zone 1		Deliveries into Zone 2		Deliveries into Zone 3		Deliveries into Zone 4	
	16–499 bundles	500 bundles and up	16–499 bundles	500 bundles and up	16–499 bundles	500 bundles and up	16–499 bundles	500 bundles and up
Brown	$7.50	$7.20	$7.50	$7.20	$8.10	$7.80	$7.80	$7.50

(b) *Super-Standard Gummed Kraft Sealing Tape.* Base prices to jobbers for 1 bundle made up of standard size rolls, 60 pound basis weight, of 1 inch, 1½ inches, 2 inches, 2½ inches, 3 inches, 4 inches and over in width and packed so that the bundle is approximately 30 inches in width and 600 feet per roll are:

Color	Deliveries into Zone 1		Deliveries into Zone 2		Deliveries into Zone 3		Deliveries into Zone 4	
	16–499 bundles	500 bundles and up	16–499 bundles	500 bundles and up	16–499 bundles	500 bundles and up	16–499 bundles	500 bundles and up
Brown	$7.95	$7.65	$7.95	$7.65	$8.55	$8.25	$8.25	$7.95

(c) *Regular Sisal Tape.* Base prices to industrial consumers of 1,000 one inch yards in rolls (1,000 one inch yards means a quantity of tape 1,000 yards long and one inch wide which is the standard unit to be used in calculating all base prices of this product) are:

Grade	Deliveries into Zone 1		Deliveries into Zone 2		Deliveries into Zone 3		Deliveries into Zone 4	
	Less than carload [1]	Carload	Less than carload	Carload	Less than carload	Carload	Less than carload	Carload
Regular	$6.10	$5.95	$6.30	$6.15	$6.45	$6.30	$6.35	$6.20

[1] Carload refers to a minimum content weight of 36,000 pounds.

(d) *Regular Gummed Hollands.* Base prices to jobbers in Zone 1 for 1,000 one inch yards (for definition see paragraph (c) above) of standard widths, ½ inch to 35½ inches, and standard lengths of rolls, 100 yards and over, are:

	Base price (per 1,000 1-inch yards)
50,000 yards and over	$14.00
25,000 through 49,999 yards	14.50
10,000 through 24,999 yards	15.00
5,000 through 9,999 yards	15.50
1,000 through 4,999 yards	16.00
Less than 1,000 yards	21.00

For deliveries to Zones 2 and 4 add $0.10 per 1,000 one inch yards to the above base prices to jobbers. For Zone 3 deliveries add $0.20 per 1,000 one inch yards to the above base prices to jobbers.

(e) *Standard Gummed Box Stay Tape.* Base prices per hundredweight in rolls, basis weights from 90 through 120 pounds, to jobbers are:

[Per hundredweight]

Color	500 through 1,999 pounds	2,000 through 4,999 pounds	5,000 pounds and over
Brown	$18.50	$18.00	$17.50

(1) The base prices stated above for Standard Gummed Box Stay Tape are delivered prices to those customers or areas for which you normally had the lowest delivered price. If during the base period, you customarily added a fixed charge to the price of Gummed Stay Tape for delivery to other customers or areas you may continue to receive this added charge but it shall be no higher than the added charge that you had in effect during such base period.

(f) *Regular Brown Gummed Kraft Veneer Tape.* Base prices per hundredweight, for widths ¾ inch and wider, in coils approximately 10 inches in diameter (not perforated), to consumers are:

BASE PRICES PER HUNDREDWEIGHT, BY BASIS WEIGHT

Quantity	35 pounds	50 pounds	60 pounds
Less than 200 pounds	$35.50	$33.50	$33.50
200 through 349 pounds	33.50	31.50	31.50
350 through 499 pounds	33.00	31.00	31.00
500 pounds and over	32.00	30.00	30.00

(1) To establish your ceiling prices for Perforated Veneer Tapes of all grades, you shall apply to the appropriate base price per hundredweight for Regular Brown Gummed Kraft Veneer Tape, your customary differentials (see section 23) in effect during the base period.

(2) The base prices stated above for Regular Brown Gummed Kraft Veneer Tape are delivered prices to those customers or areas for which you normally had the lowest delivered price. If during the base period you customarily added a fixed charge to the price of Gummed Veneer Tape for delivery to other customers or areas you may continue to receive this added charge but it shall be no higher than the added charge that you had in effect during such base period.

(g) *Ceiling prices for listed grades sold by West Coast manufacturers.* For manufacturers who are located in California, Oregon, or Washington, the f. o. b. mill base prices for Standard Gummed Kraft Sealing Tape, Super-Standard Gummed Kraft Sealing Tape, Regular Sisal Tape, and Regular Gummed Hollands, shall be those base prices specified for deliveries into Zone 1 in paragraphs (a), (b), (c) and (d) respectively. The f. o. b. mill base prices for Standard Gummed Box Stay Tape, Regular Brown Gummed Kraft Veneer and Perforated Veneer Tape of all grades shall be the same as those established in paragraphs (e) and (f) of this section respectively. All of these f. o. b. mill base prices are subject to the same freight allowances and other differentials which you had in effect during the base period.

SEC. 4. *Identification of related grades.* A grade is related to another grade, for the purpose of determining a ceiling price under this regulation, if it is recognized in the trade or industry as having the same general use or serviceability, and is most closely comparable by cost, quality and quantity of raw materials to a unit of the grade to which it is related, and is most nearly alike for the converting operations required. Printing shall have no effect on the comparability of one grade to another. Some specific considerations applicable when relating grades of gummed tapes are as follows:

(a) With respect to Standard Gummed Kraft Sealing Tape, related grades include, but are not limited to, other grades, weights, quantities, colors, widths and lengths of Standard Gummed Kraft Sealing Tape and Gummed Reinforced Sealing Tape.

(b) With respect to Super-Standard Gummed Kraft Sealing Tape, related grades include, but are not limited to, other grades, weights, quantities, colors, widths and lengths of Super-Standard Gummed Kraft Sealing Tape.

(c) With respect to Regular Sisal Tape, related grades include, but are not limited to, other grades of Gummed Corrugators Box Tapes, such as light, medium and heavy duplex, light, medium and heavy cloth filled, and other tapes regularly employed for the "Manufacturer's Joint" of corrugated or fiber boxes.

(d) With respect to Regular Gummed Hollands, related grades include, but are not limited to, Albert Hollands and other grades, weights, quantities, special colors, widths, lengths, and sheets of Gummed Hollands and Albert Hollands.

(e) With respect to Standard Gummed Box Stay Tape, related grades include, but are not limited to, all other grades, weights, quantities, colors, widths and roll lengths of Gummed Stay Tape.

(f) With respect to Regular Brown Gummed Kraft Veneer Tape, related grades include, but are not limited to, all other grades, colors, weights, quantities and additional processes of manufacturing Gummed Kraft Veneer Tape.

SEC. 5. *Ceiling prices for grades related to listed grades both of which were sold or offered for sale during the base period.* The base price for any grade related to a listed grade in section 3, both of which were sold or offered for sale during the base period, shall be determined as follows:

Determine the base price charged by you during the period December 19, 1950 through January 25, 1951, for the appropriate listed grade in section 3, to a purchaser of the same class, and ascertain the difference between that price and the base price charged to a purchaser of the same class for the same quantity during the same period for the related grade for which a ceiling price is being determined. The difference between the two shall be added to or subtracted from, as the case may be, the appropriate base price listed in section 3. The result of the computation shall be the base price for the quantity to a purchaser of the same class of the related grade being priced. In order to determine your ceiling price for the particular grade, apply to that base price the appropriate differentials in accordance with your customary practice during the base period.

SEC. 6. *Ceiling prices for Gummed Flat Papers and Gummed Specialties*—(a) *Available methods for fixing ceiling prices under this section.* Your ceiling prices for Gummed Flat Papers and Gummed Specialties, provided these papers are not required to be priced under any other section of this regulation, shall be established under this section. You may elect to use as your ceiling prices those prices which were contained in your price list during the base period, December 19, 1950, through January 25, 1951, if such price list complies with the requirements of paragraph (b) of this section. If you do not or cannot exercise the option stated above, then you shall compute a ceiling price for each commodity covered by this section by a formula consisting of factors for raw material, conversion, margin, and delivery, calculated in the same manner by which prices were established during the base period, subject, however, to the following limitations in the determination of each factor:

(1) *Raw material factor.* Your basic raw material costs shall be calculated in your base period manner.

(i) Except as provided in subdivision (ii) below, in calculating your factor for basic raw materials (see section 23) you may use, and shall not exceed the ceiling prices of the basic raw materials as initially established by a tailored regulation or, until such a regulation is issued, the highest costs to you of such basic raw materials up to and including December 31, 1951. For all other raw materials you may use the highest lawful costs to you during the base period.

(ii) If you produce any basic raw material and during the base period it was your practice to use a transfer price for that basic raw material which was lower than your market price, you shall reduce the ceiling price in the tailored regulation for such basic raw material by the same dollar amount as your transfer price was below your market price during the base period. If, however, you did not have a market price for such basic raw material during the base period but during such period you customarily costed in such material at a price below market, you shall reduce the ceiling price in the tailored regulation for such basic raw material by the same dollar amount as your transfer price was below the market price of your most closely competitive manufacturer who had a market price during the base period.

(iii) If you included amounts for waste or spoilage in computing your raw material factor during the base period, you may continue to do so in your base period manner. However, you may not add

more than the same percentage allowed for waste or spoilage during the base period, and you must subtract credits received from the sale or other disposition of waste material in the same manner in which such credits were subtracted during the base period.

(2) *Conversion factor.* (i) Conversion charges for any hand or machine operation, or both, incident to the manufacture of the gummed products, including make-ready, fabrication, printing, perforation, assembly, marking and packing, shall be computed in accordance with the hourly or piece rates, or both, and standards of production (as defined in section 23) which you used for the same commodity during the base period.

(ii) Conversion charges for a gummed product which was not offered or manufactured by you during the base period shall be calculated by the same method you used for your conversion charges for the most comparable product upon which you did quote a price during the base period.

(3) *Margin factor.* Your margin factor is the difference between your selling price f. o. b. your plant and the sum of your raw material and conversion factors as computed during the base period. Your margin factor may be figured on a percentage basis, or on a rate per unit of material basis, or it may be included in the machine hour rate. It may also be a combination of any or all of these methods, but it must be based upon the same accounting and costing practices which you used during the base period. In no event shall the margin factor exceed the following limitations:

(i) If the gummed product is one which you sold to the same class of purchaser during the base period, your margin factor shall not exceed the margin factor employed by you for sales of the same product to the same class of purchaser during the base period.

(ii) If the commodity is one that you did not sell to the same class of purchaser during the base period, the margin factor shall not exceed that employed by you in pricing the most comparable gummed product which you sold to the same class of purchaser during the base period.

(iii) If you did not sell any gummed product to the same class of purchaser, then you should apply for a margin factor under section 7.

(iv) Differentials for quantities shall be no less favorable to the buyer than those you had in effect during the base period for the same or similar type of gummed product to the same class of purchaser.

(4) *Delivery factor.* With respect to all delivery charges, you shall continue to use the method, allowances, and zones employed by you during the base period, for example, f. o. b. mill pricing, f. o. b. mill pricing with a freight allowance, delivered pricing, delivered zone pricing, or any other method which you applied consistently during the base period, except that you may elect to revise your allowances and zones if the result is more favorable to each purchaser.

(b) *Price list.* (1) If you used a price list which actually governed the sales of your Gummed Flat Papers or Gummed Specialties during the base period, you may elect to use as your ceiling prices under the regulation the prices contained in that list, plus the legally established ceiling prices for new grades added to your list since January 25, 1951 but before the effective date of this regulation, subject to your differentials then in effect. However, if you did not calculate selling prices by means of a formula during the base period, you may determine your ceiling prices for new grades to be added to your price list subsequent to the effective date of this regulation in the following manner. You shall employ the percentage markup method of determining a ceiling price for a nearest related grade as provided by section 8 (b) of this regulation. In the event that you are not able to employ section 8 (b), you shall file as your proposed ceiling price for the new grade, a price which does not exceed the ceiling price of your most closely competitive manufacturer who is selling the same grade to the same class of purchaser pursuant to the provisions of section 8 (a). In connection with your use of either section 8 (b) or 8 (a), you shall file the application required by section 8.

(2) Such price list may be used, however, only if: (i) it was published or circulated to the trade or to your salesmen during the base period and is currently so published or circulated; (ii) you use it in its entirety for all Gummed Flat Papers and Gummed Specialties listed on such price list; and (iii) a copy of such price list has been filed (as defined in section 23) with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., within 30 days after the effective date of this regulation. The ceiling prices established by such a price list shall be subject to nonretroactive disapproval or modification, at any time, by the Director of Price Stabilization to bring said prices into line with the general level of prices established by this regulation.

(c) *Differentials and allowances.* You shall adjust all ceiling prices calculated or established under this section so that they reflect your differentials and allowances as defined in section 23.

SEC. 7. *Application for approval of new formula factors.* If you are a manufacturer of Gummed Flat Papers or Gummed Specialties who was in business during the base period and who has subsequently installed new equipment, or methods of production requiring new conversion or margin factors, or if you cannot establish a margin factor under section 6, you shall file (as defined in section 23) an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., which shall include your proposed factors for approval, disapproval or modification.

(a) Your application for approval of a new conversion factor shall include: (1) The hourly or piece rates for similar hand or machine operations generally prevailing in your immediate competitive area during the base period, and (2) an explanation for any variance between such generally prevailing rate and the rate you now wish to apply.

(b) Your application for approval of a new margin factor shall include: (1) The location of your plants; (2) the type of equipment you use; (3) the capacity of your equipment; (4) a list of the products you intend to produce; (5) the margins proposed; and (6) a statement and an example of the method you use to determine differentials.

(c) You may use the proposed conversion or margin factors as soon as you file your application. However, until your application has been approved by the Director of Price Stabilization, you shall notify the purchaser in writing that all ceiling prices which have been based upon the proposed conversion or margin factors are subject to adjustment by you, and to refunds if necessary, to conform with the conversion or margin factors as established by the Director of Price Stabilization. If the Director does not disapprove or revise your formula or factor by letter order within 21 days from the date of filing, the factors requested may be deemed to be approved subject to non-retroactive disapproval or revision at any later time by the Director. In the event that more information is requested, your ceiling price shall not be deemed to be approved until 15 days after filing the additional information.

SEC. 8. *Grades which cannot be priced under section 3 or 5.* An application to be filed (as defined in section 23) with the Director of Price Stabilization, Washington, 25, D. C., is required for approval of your proposed ceiling prices on your new related grades, for grades related to grades not sold or offered for sale during the base period, or for those grades on which you are uncertain as to the classification for pricing, specifying the reason why each such grade cannot be priced under section 3 or 5.

(a) If the grade is one for which other manufacturers have established ceiling prices under this regulation, you may file as your proposed ceiling price for that commodity, a price which does not exceed the ceiling price of your most closely competitive manufacturer (see section 23) of the same grade to the same class of purchaser. Your application for commodities in this category should name and describe the grade being priced; submit a sample; name and locate the most closely competitive manufacturer; explain why that manufacturer was selected as your most closely competitive manufacturer; specify the brand, current ceiling price and grade name, (submit a sample of the closest type of paper made by this competitor); and state the proposed ceiling price, including all base period differentials of the most closely competitive manufacturer, for the grade to be priced.

(b) (1) If the grade is one for which you are unable to find a competing manufacturer who has established a ceiling price under this regulation or whose ceiling price is unobtainable, your application for a proposed ceiling price should be based on the following considerations: The base price for the grade shall be

a price which corresponds with the base price established by this regulation for your nearest related grade (see section 4). Your nearest related grade shall be that grade priced in section 3 or 5 of this regulation which you are producing currently and the total current unit direct cost of which is closest to the total current unit direct cost of the grade for which a ceiling price is sought.

(2) If the total current unit direct cost of the grade being priced and the nearest related grade are the same, the base price for the grade in question shall be the same as the base price for the nearest related grade. If the total current unit direct cost of the grade in question and the nearest related grade differ, the corresponding base price shall be established by applying to the total current unit direct cost of the new grade the base price percentage markup over the total current unit direct cost of the nearest related grade. To this base price you shall apply all relevant differentials (see section 23) in accordance with your customary practice during the base period.

(3) "Current unit direct cost", as defined for calculation purposes in this section, means the sum of the amounts (not higher than permitted by law) which it costs you for direct labor and direct materials to produce the grade at the time you use the pricing methods provided by this section. All maintenance and overhead costs are to be excluded. Current unit direct materials costs shall be computed upon the basis of your current replacement costs for materials, and current unit direct labor costs shall be computed upon the basis of current wage rates in effect by you for direct labor. The method used in computing current unit direct materials costs and current unit direct labor costs for the grade to be priced and the nearest related grade shall be the same in every respect.

(4) Your application for your proposed ceiling price under this paragraph (b) should include the following information: the nearest related grade and an explanation why you have selected it; a description and a sample of the grade being priced and a description and a sample of the nearest related grade; a breakdown of the current unit direct cost of each major item of material (such as pulp, paper and adhesive) and current unit direct cost of labor of the grade being priced and of the nearest related grade; the gross margin and the percentage markup over current unit direct cost of the grade being priced and of the nearest related grade; the proposed ceiling price of the grade being priced and the ceiling price of the nearest related grade; delivery charges, discounts and differentials in effect during the base period for sales to purchasers of various classes with respect to these comparable grades.

(c) You may sell at the proposed ceiling price under paragraphs (a) or (b) after 15 days have elapsed from the date of filing your application, provided you have not received notice from the Director disapproving or modifying the proposed prices or requesting additional information relative to your application. In the absence of any of the foregoing actions, your application may be deemed to have been approved, subject to non-retroactive disapproval or modification at any later time by the Director. In the event that more information is required, you may not sell until 15 days after filing the additional information unless the Director authorizes you to do so soonor.

SEC. 9. *Ceiling prices for new manufacturers of gummed papers and related items.*—(a) *New manufacturers who started in business after the base period.* If you are a manufacturer who started in business after the base period and before the effective date of this regulation and you are not the transferee of a concern which manufactured and sold gummed paper and related items during the base period, your ceiling prices shall be determined under the provisions of this regulation, except that, insofar as you are concerned the term base period wherever used in this regulation shall refer to the 30-day period immediately preceding the effective date of this regulation. Your ceiling prices shall be subject to non-retroactive modification or disapproval by the Director of Price Stabilization.

(b) *New manufacturers of Gummed Flat Papers or Gummed Specialties who begin business after the effective date of this regulation.* If you are a manufacturer of Gummed Flat Papers or Gummed Specialties who starts business after the effective date of this regulation, you shall file (as defined in section 23) a proposed formula with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., including the items making up the raw material factor, conversion factor, margin factor and delivery factor employed by you in determining the selling price of each commodity, as well as one sample estimate showing how each formula is applied. You may not sell the commodity until the Director of Price Stabilization, in writing, approves your formula. If the Director does not approve, disapprove, revise, request additional information, or extend the time within which to do any of the foregoing to your formula within 21 days from the date your formula is filed, your formula may be deemed to be approved subject to non-retroactive disapproval or modification at any later time by the Director of Price Stabilization.

(c) *New manufacturers of commodities not covered by paragraph (b).* If you are a manufacturer who goes into business after the effective date of this regulation, and you propose to manufacture gummed papers, except Gummed Flat Papers and Gummed Specialties, subject to this regulation which are not listed in section 3, you shall file (as defined in section 23) your proposed ceiling prices, including differentials, for all of your commodities. You shall also file the ceiling prices, including differentials and the trade name and address of your most closely competitive manufacturer who is selling the same grade of gummed paper to the same class of purchaser insofar as you can determine. (See section 19 if you are the transferee of a business subject to this regulation.)

(1) You may not sell your commodities until the Director, in writing, acts upon your proposed ceiling prices. However, if such action approving, disapproving, revising, requesting additional information, or extending for cause the time within which to do any of the foregoing, is not taken with respect to your proposed ceiling prices within 21 days from the date of filing, you may consider them approved subject to non-retroactive disapproval or modification at any time by the Director of Price Stabilization.

(2) If you are a new manufacturer of any grade listed in section 3 who went into business after the effective date of this regulation, any differentials you apply to the base price of such listed grade shall be no higher than those used by your most closely competitive manufacturer.

SEC. 10. *Rounding of ceiling prices.* You shall round your prices in the same manner that you did during the base period when calculating ceiling prices under this regulation. For example, if you rounded to the nearest five cents, cents and fractions of a cent shall be dropped if less than two and one half cents and may be increased to the nearest higher five cents if two and one half cents or more; similarly in rounding to the nearest cent, fractions less than one half cent shall be dropped but fractions one-half cent or more may be increased to the nearest higher cent.

SEC. 11. *Redetermination of ceiling prices.* Once a ceiling price has been established or determined for a commodity as provided under this regulation, you may not thereafter redetermine it, except as provided in section 7, and except to correct any error in such determination. If such correction results in a higher ceiling price it must have the approval of the Director. Approval of a redetermination due to error may be obtained by notifying the Director of such error and of its effect on your price ceilings. You may not sell above your originally computed ceiling price until 10 days after filing (as defined in section 23) your redetermination of that ceiling due to error. Thereafter, you may sell the commodity at your redetermined ceiling unless and until notified by the Director that your redetermined ceiling price has not been approved or that additional information is required. If you receive notice that your redetermination is not approved, you may not sell above your originally computed price.

SEC. 12. *Prices lower than ceiling prices.* Lower prices than the ceiling prices established by this regulation may be charged, demanded, paid or offered.

SEC. 13. *Modification of ceiling prices.* (a) Upon your application or upon his own motion the Director of Price Stabilization may modify any ceiling price established under this regulation so as to bring it into line with the general level of ceiling prices established by this regulation.

(b) Applications for modification shall be filed (as defined in section 23) with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C.,

and shall contain the following information:

(1) The trade name and address of your company.

(2) The brand name, grade name, if any, specifications, current unit direct cost of labor and materials, customary end use, and a sample of the gummed product which is the subject of the application.

(3) The ceiling price for this grade established under this regulation and the computations by which this price was calculated.

(4) The ceiling price of your most closely competitive manufacturer for this grade, if available, or for a comparable grade of your most closely competitive manufacturer. Give the name and location of the above competitor, the brand and grade name, if any, and the customary end use of the product used in the comparison.

(5) Information as to the customary differentials, which existed prior to and during price control, between grades of paper demonstrating the necessity for modifying the prices which are the subject of your application so as to bring them into line with the general level of ceiling prices established by this regulation.

(c) You may not make any modification applied for under this section unless and until you have been notified that you may do so by the Director of Price Stabilization.

SEC. 14. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 15. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the proper OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 16. *Adjustable pricing.* Any person may agree to sell, or may sell, at a price which can be increased up to the ceiling price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Stabilization, agree to sell or sell at prices to be adjusted upward in accordance with any increase in a ceiling price after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950, as amended.

SEC. 17. *Taxes separately stated.* (a) In addition to your ceiling price, you may collect the amount of any excise, sale or similar federal, state or local taxes paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar commodities.

(b) If such a tax is imposed by a law which is not effective until after the effective date of this regulation, or if any increase in such a tax is made subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax paid.

SEC. 18. *Exports and imports.* The ceiling prices for export sales of gummed papers and related items covered by this regulation are to be determined under Ceiling Price Regulation 61. The ceiling prices for sales of commodities covered by this regulation which are imported into the United States are to be determined under Ceiling Price Regulation 31.

SEC. 19. *Transfers of business or stock in trade.* If the business assets or stock in trade of any business subject to this regulation have been sold or otherwise transferred after January 25, 1951 and the transferee carries on the business or continues to deal in the same type of products in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 20. *Records and reports.* (a) On and after the effective date of this regulation, on all sales, exchanges or purchases of gummed papers and related items you shall, in addition to the base period records required by section 16 (a) of the General Ceiling Price Regulation, keep for inspection by the Office of Price Stabilization for a period of two years after making such sale or purchase, records of each sale, exchange or purchase of gummed papers and related items. Such records may be in the form of invoices and must show the following:

(1) Date of sale or exchange.

(2) Name and address of the seller and the buyer.

(3) Quantity and grade of gummed paper or related item sold or exchanged.

(4) Prices charged, including differentials, shipping terms, premiums, if any, and other terms of sale.

(b) You shall keep such other records and shall submit such reports as the Director of Price Stabilization may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) With respect to each sale of paper covered by this regulation, you shall furnish the buyer with the information set out in subparagraphs (1), (2), (3) and (4) of paragraph (a) above which may be in the form of an invoice.

SEC. 21. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all 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. 22. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or concealing or falsely representing information required for record purposes is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 23. *Definitions and explanations.* The terms in this regulation shall be construed in the following manner unless otherwise clearly required by the context.

Base period. The base period is from December 19, 1950, through January 25, 1951.

Base price. Means your price for a particular commodity before the application of the appropriate differentials as defined in this section. If no differentials are applicable, your base price becomes your ceiling price.

Basis weight. Basis weight means the weight in pounds of a 500 sheet ream of paper 24" x 36" per sheet (total area 432,000 sq. in.).

Differentials. This term includes all types of adjustments made by you during the base period both by addition to and subtraction from your base price. These adjustments may be for quality

and quantity variations, basis weight, printing, color, finish, packing, cutting, freight practices, discounts and allowances in order to transform a standard sale of a standard grade of gummed paper covered by this regulation into an actual sale of particular paper to a particular purchaser (see definition in this section).

File. This term means the forwarding of any applications signed by an authorized person by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C. The date of filing shall be construed as the date of receipt by the Office of Price Stabilization in Washington, D. C. If hand delivered, the date of delivery shall be the date of filing.

Grade. Grade has reference to your practice of classifying your particular papers for pricing purposes in accordance with their real differences in physical characteristics, costs and serviceability, and also is applicable to those papers of your manufacture to which you have not given a brand or trade name. Papers produced by you which differ in physical characteristics, cost and serviceability constitute more than one grade. See section 4 for identification of a related grade.

Gummed Flat papers are generally strong, hard-sized, machine finish, English Finish or super-calendered uncoated papers or coated papers, gummed on one or both sides with water or solvent remoistenable adhesive. They are sold in rolls or sheets to the gummed label, embossed seal, drug label, register paper and other industries. They may be white, colored, or coated including metallic coatings. Standard sizes, when sheeted, are 17 inches x 22 inches and 20 inches x 25 inches, 500 sheets to the ream. Different gummings are required depending upon the surface to which the paper is to adhere.

Gummed Specialties is a general name for any paper product or cloth, gummed on one or both sides with a water or solvent remoistenable adhesive which is made according to the specifications of an individual purchaser. Gummed specialties of various types are used for stickers, labels, seals, stamps, splices, teletype tape, postage meter tape and other miscellaneous gummed products.

Manufacturer. This term is explained in section 2.

Most closely competitive manufacturer. Your most closely competitive manufacturer is the manufacturer with whom you are in most direct competition. You are in direct competition with another manufacturer who sells the same commodity or the same type of commodity to the same classes of purchasers in similar quantities on similar terms and with approximately the same amount of service.

Offered for sale. This means the actual selling price quoted in your price list or, if you had no such price list, the actual selling price which you regularly quoted in any other manner.

Person. Person includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

Purchaser of the same class. This term refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Raw material. This term means the materials which are fabricated into the commodities covered by this regulation, such as the remoistenable adhesive. Basic raw material means the paper, textile, foil, or plastic film to which remoistenable adhesive is applied.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Regular Brown Gummed Kraft Veneer Tape is a gummed paper tape used in the manufacture of veneered wood to hold the edges together during the process of gluing to the core. It is generally sandpapered or sponged off the word in the finishing process. The usual basis weights are 35, 40, 50, and 60 pounds.

Regular Gummed Hollands are lightweight, highly specialized cloth tapes commonly used for tablet stripping, book binding and other related uses.

Regular Sisal Tape is gummed corrugator's box tape which is laminated and reinforced with sisal fibers designed for use by manufacturers of corrugated and fiber shipping containers for the corner stay (commonly referred to as the "manufacturer's joint") of a corrugated or fiber container.

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

Standard Gummed Box Stay Tape is a gummed tape used during the construction of set-up paper boxes to stay the corners before they are permanently made. It is heavier than the normal sealing tape, the basis weights of the kraft paper used being generally 90 to 120 pounds (24×36−500).

Standard Gummed Kraft Sealing Tape shall be any gummed kraft sealing tape which complies with the minimum specifications set forth in Federal Specification UU–T–111b. It includes, but is not limited to, those grades of Gummed Kraft Sealing Tape which, during the base period, were commonly accepted by the trade or designated either by trade name, number, or otherwise as "standard" and sold in the same price line.

Standard of Production. This term means the normal standards usually accepted in the paper trade as representative of good hand or machine work.

Superstandard Gummed Kraft Sealing Tape refers to any gummed Kraft sealing tape which, during the base period, was sold by a manufacturer at a premium not in excess of $0.45 per bundle above the standard price during the base period; and which exceeds the minimum specifications set forth in Federal Specification UU–T–111b by an appreciable margin and possesses qualities superior to those of the corresponding standard grade to a degree that warrants the price differential.

You. This terms means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Zone one includes the states of Maine; New Hampshire; Vermont; Massachusetts; Connecticut; Rhode Island; New York; New Jersey; Delaware; District of Columbia; Pennsylvania; Maryland; Virginia; West Virginia; North Carolina; Ohio; Kentucky; Tennessee; Michigan; Indiana; Wisconsin; Illinois; Minnesota; Iowa; Missouri; and the cities of Sioux Falls, South Dakota; Omaha, Nebraska; Kansas City, Kansas.

Zone two includes South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, North Dakota, South Dakota (except Sioux Falls), Nebraska (except Omaha), Kansas (except Kansas City), Oklahoma, and Texas (except El Paso).

Zone three includes the States of Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada and the city of El Paso, Texas.

Zone four includes Washington, Oregon, and California.

Effective date. This regulation shall become effective Januay 27, 1953.

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

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 22, 1953.

[F. R. Doc. 53-882; Filed, Jan. 22, 1953; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 131]

GCPR, SR 131—CEILING PRICE ADJUSTMENTS FOR SALES OF MIXED FERTILIZERS AND BAGGED SUPERPHOSPHATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 131 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation permits all manufacturers of mixed fertilizers whose ceiling prices for sales of these commodities are established under the General Ceiling Price Regulation, to adjust these ceiling prices, by the addition of an amount approximating one percent of such ceiling prices. Adjustments are also permitted in the ceiling price of superphosphate which these manufacturers buy in bulk and bag for sales to dealers and consumers. An adjustment of one percent is allowed on all ceiling prices which are on an f. o. b. production plant basis. Where the ceiling price is for a sale on a delivered basis, the increase allowed is one percent of the net price after average outbound freight costs are excluded. In this manner sellers on an f. o. b. basis and sellers on a delivered basis are accorded equal treatment. Moreover the determination of the industry's need for increases was made on the basis of net prices after freight costs were excluded. Adjustments for increased freight costs were allowed the industry by Supplementary Regulation 114 to GCPR which became effective August 13, 1952.

Pursuant to the provisions of Supplementary Regulation 12 to Ceiling Price Regulation 22, manufacturers of these commodities are permitted to elect not to use CPR 22 and in that event to continue to use as to these commodities ceiling prices determined under the General Ceiling Price Regulation. This supplementary regulation permits adjustments for those manufacturers who elected to remain under the General Ceiling Price Regulation. Amendment 10 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is being issued to afford similar relief to manufacturers whose ceiling prices for these commodities are established under that regulation.

At the request of representatives of the mixed fertilizer industry, the Office of Price Stabilization conducted a survey to determine whether the ceiling prices established for sales of mixed fertilizer by the manufacturer under the GCPR or CPR 22 provide a sufficient return under this Agency's industry earnings standard. In accordance with the requirements of the industry earnings standard, earnings data were collected from a representative group of mixed fertilizer producers for the fiscal years ending in 1946 through 1949, and for their most recent annual accounting period. Also for the last mentioned period, earnings data were projected at ceiling prices on the basis of expenses which show the full impact of recent cost increases. These data support the conclusion that an increase of one percent is required to satisfy the industry earnings standard at the industry's present volume of sales. Accordingly, the price adjustment here granted may be applied by each firm to its calculated or actual f. o. b. ceiling prices established under either GCPR or CPR 22.

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

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

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

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustment of ceiling prices of mixed fertilizer and bagged superphosphate.
3. Applicability of the General Ceiling Price Regulation.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2104–2110, E. O. 10161, September 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation applies to you if you are a manufacturer of mixed fertilizer and your ceiling prices for these mixed fertilizers are established under the General Ceiling Price Regulation. It also applies to you if you manufacture mixed fertilizers and sell bagged superphosphate, as defined in section 4. It increases the ceiling prices for sales by you of these mixed fertilizers and bagged superphosphate by an amount determined in accordance with Section 2.

SEC. 2. *Adjustment of ceiling prices of mixed fertilizer and bagged superphosphate.* Your ceiling prices for your sales of mixed fertilizer and bagged superphosphate which are in effect on the date this supplementary regulation becomes effective are increased as follows:

(a) *Ceiling prices f. o. b. your production plant.* Each of your ceiling prices for mixed fertilizer or bagged superphosphate in effect on the effective date of this supplementary regulation which is for a sale on an f. o. b. your production plant basis is increased by an amount equal to 1.0 percent of that ceiling price.

(b) *Ceiling prices which include outbound freight costs.* If any ceiling price in effect on the effective date of this supplementary regulation for your sales of a mixed fertilizer or bagged superphosphate includes costs of delivery to the purchaser, that ceiling price is increased by an amount equal to 1.0 percent of the difference between the ceiling price and your weighted average freight cost, as shown on your books, for the sale to which the ceiling price is applicable.

Example. Your ceiling price for a mixed fertilizer, delivered to a purchaser in Area A is $50 per ton. Your weighted average freight costs for deliveries in Area A is $3.50 per ton. Your ceiling price is therefore increased by an amount equal to one percent of ($50–$3.50) or one percent of $46.50 or 47 cents. Your adjusted ceiling price is $50.47, which may be rounded in accordance with paragraph (c), below.

(c) *Rounding of ceiling prices.* You may round your ceiling prices adjusted under this supplementary regulation to the nearest five cents. If you elect to round any of your ceiling prices under this section you must round all of them.

SEC. 3. *Applicability of the General Ceiling Price Regulation.* All the provisions of the General Ceiling Price Regulation remain applicable to you in your sales of mixed fertilizers covered by this supplementary regulation except as these provisions are modified and supplemented by this supplementary regulation. The ceiling prices determined under this supplementary regulation shall be deemed to be ceiling prices established under the General Ceiling Price Regulation.

SEC. 4. *Definitions.* When used in this supplementary regulation, the term:

(a) *Mixed fertilizer.* "Mixed fertilizer" means any substance containing any two or more of the basic fertilizer materials, namely nitrogenous material, superphosphate and potash, when marketed or sold as an aid to the growth of crops or plants.

(b) *Bagged superphosphate.* "Bagged superphosphate" means superphosphate purchased in bulk by a manufacturer of mixed fertilizers and bagged and sold by him to dealers or consumers.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective January 22, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 22, 1953.

[F. R. Doc. 53–880; Filed, Jan. 22, 1953; 11:42 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 132]

GCPR, SR 132—ADJUSTMENT IN CEILING PRICES FOR PRODUCERS OF DEAD BURNED MAGNESITE

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

This supplementary regulation authorizes an interim increase of 9 percent in the manufacturer's ceiling prices of dead burned magnesite.

At the request of producers of dead burned magnesite, the Office of Price Stabilization has completed a survey to determine whether the ceiling prices established for dead burned magnesite by the General Ceiling Price Regulation (GCPR) are generally fair and equitable. In accordance with the requirements of the Industry Earnings Standard, as revised, earnings data were obtained from representative firms in the industry for

the years 1946 through 1949 and for 1951. The price adjustment provided for by this amendment is based upon a comparison of aggregate earnings to consolidated net worth for the companies involved in the best three out of four years during the 1946 to 1949 period, with the aggregate earnings to consolidated net worth for a recent representative period. A comparison of the data referred to above indicates that the industry's earnings, until recently, were adequate under the Standard but that because of the impact of various increases, particularly the increased wage contracts which the industry has recently put into effect, the industry's earnings have now decreased to the extent that a 9 percent increase in ceiling prices is required to restore them to the Industry Earnings Standard level (85 percent of the industry's average base period earnings, before income and excess profits taxes, adjusted for changes in net worth). Accordingly, this supplementary regulation permits manufacturers of dead burned magnesite to increase their ceiling prices by 9 percent.

The ceiling price increase provided for in this supplementary regulation is found to be necessary to meet the Industry Earnings Standard on the basis of current ceiling prices. Therefore, to the extent that the industry's current ceiling prices include adjustments made pursuant to the Capehart Amendment to the Defense Production Act of 1950, as amended (section 402 (d) (4)) and the regulations issued pursuant thereto (General Overriding Regulation (GOR) 20 and GOR 21), or any other OPS regulation, the 9 percent adjustment provided herein may be added to current ceiling prices.

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

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

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustment of ceiling prices.
3. Applicability of General Ceiling Price Regulation.

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.* This supplementary regulation permits producers of dead burned magnesite to increase their current ceiling prices by 9 percent.

SEC. 2. *Adjustment of ceiling prices.* If you are a producer of dead burned magnesite you may increase your ceiling prices in effect immediately before the effective date of this supplementary regulation by 9 percent. The ceiling prices to which this increase may be applied are either those established under the General Ceiling Price Regulation (GCPR), or those ceiling prices as adjusted pursuant to any other OPS regulation such as GOR 10, GOR 21 or GOR 29.

SEC. 3. *Applicability of General Ceiling Price Regulation.* Except to the extent expressly modified or supplemented by this regulation, all provisions of the GCPR shall be applicable to any producer subject to this regulation.

Effective date. This Supplementary Regulation 132 to the General Ceiling Price Regulation is effective January 22, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 22, 1953.

[F. R. Doc. 53-881; Filed, Jan. 22, 1953; 11:42 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 5, Amdt. 1 of January 22, 1953]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, INSTALLATION, AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN

ADDITION OF CERTAIN METALWORKING MACHINES TO SCHEDULE I

This amendment to CMP Regulation No. 5, 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 amendment, consultation with industry representatives has been impracticable because of the need for immediate action.

AMENDATORY PROVISIONS

CMP Regulation No. 5, as amended June 25, 1952, is hereby further amended so as to add metalworking machines priced at less than $1,000 to Schedule I, which lists materials to which the allotment symbol MRO or the rating DO-MRO may not be applied or extended under CMP Regulation No. 5. Schedule I of CMP Regulation No. 5 is hereby amended by adding an item 13 to read as follows:

13. Metalworking machines priced at less than $1,000. This means any metalworking machine which is listed in Exhibit A of NPA Order M-41 and which has a producer's list price for the basic machine itself of less than $1,000.

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

This amendment shall take effect January 22, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-873; Filed, Jan. 22, 1953; 11:06 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Procedural Regulation 3, Amdt. 2]

RPR 3—PROCEDURES FOR ADJUSTMENTS, ADMINISTRATIVE REVIEW AND INTERPRETATIONS

MISCELLANEOUS AMENDMENTS

Effective January 22, 1953, Rent Procedural Regulation 3 is amended as set forth below.

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

Issued this 19th day of January 1953.

JAMES MC I. HENDERSON,
Director of Rent Stabilization.

1. The introductory paragraph is amended to read as follows:

This regulation is issued in order to provide for orderly procedures by prescribing the following rules for adjustments, administrative review and interpretations under the maximum rent regulations.

2. Paragraph (a) of section 20 is amended to read as follows:

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

3. In sections 9 (b), 21 (a) (8) and 36 (a), the word "appeal" is changed to "protest".

4. The first sentence of section 27 (a) is amended to read as follows: "Where a protest from an order issued by an Area Rent Director has been filed by a landlord or tenant, the other party or parties shall be afforded a period of fifteen (15) days from the date of service of such protest and documents within which to serve and file a response to the protest."

5. In section 52 (a), the word "petition" is changed to "protest".

6. Section 79 is revoked and deleted.

[F. R. Doc. 53-772; Filed, Jan. 22, 1953; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

GOLD CERTIFICATES AND GOLD

In § 127.22 *Gold and gold certificates* make the following changes:

1. Amend paragraph (a) (1) to read as follows:

(1) When offered for mailing from the continental United States (that is the States of the United States, the District of Columbia, and the Territory of Alaska) to any destination (domestic or international) outside the continental United States:

Gold certificates or gold in any form.

2. Amend paragraph (a) (2) to read as follows:

(2) When offered for mailing from a place outside the continental United States but which is subject to the jurisdiction of the United States to another country:

Gold certificates or United States gold coin;

Gold in any other form than United States gold coin, if such gold is held or owned by a person who is a resident of, or who is domiciled in, the continental United States. Before accepting gold in any other form than United States gold coin, pursuant to this paragraph, the accepting clerk shall require the sender to place on the wrapper of the article or parcel, and on the shipper's export declaration, when required (see § 127.85), a statement that the gold contained therein is held or owned by a person who is not a resident of, or who is not domiciled in, the continental United States. If the gold offered for mailing is fabricated gold, the accepting clerk will be governed by the provisions of paragraph (b) of this section.

3. Amend paragraph (b) to read as follows:

(b) Fabricated gold, as defined in paragraph (c) of this section, may be accepted for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department, Bureau of Transportation, Division of International Service. However, the shipper is required to endorse the wrapper of the package with the words "Fabricated Gold." The shipper's export declaration, when required (see § 127.85), shall contain, in addition to a specific description of the contents of the package, the following notation, "Fabricated gold as defined by section 54.4 of the Gold Regulations, being exported pursuant to the authorization contained in section 54.25 (b) (2) of such regulations."

4. Amend paragraph (c) to read as follows:

(c) Fabricated gold is defined by the Treasury Department as processed or manufactured gold in any form (other than gold coin or scrap gold) which has a gold content the value of which does not exceed 80 percent of the total domestic value of the processed or manufactured gold and which has in good faith and not for the purpose of evading or enabling others to evade the provisions of the Gold Reserve Act of 1934, the Act of October 6, 1917, as amended, or the regulations of the Treasury Department, been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses. The basis by which prospective shippers may determine the value of the gold content and the total domestic value of an article of processed or manufactured gold is set out in paragraph (d) of this section. (Fabricated gold is to be distinguished from semiprocessed gold, which may be exported only pursuant to Treasury License, and which is defined to include gold articles of which more than 80 percent of the total domestic value is attributable to the gold content thereof.)

5. Redesignate paragraphs (d) and (e) as (e) and (f), respectively, and insert new paragraph (d) to read as follows:

(d) While no obligation is imposed upon postal employees to attempt to determine whether an article is semiprocessed or fabricated gold, as defined in paragraph (c) of this section, interested patrons may be informed that to make such a determination the value of the gold content is computed at $35 per fine troy ounce of gold and the total domestic value is determined on the basis of the cost of the article to the owner and not the selling price. In the case of a manufacturer or processor, the allowable elements of such value are the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article. In the case of a dealer or other person who holds or disposes of gold without further processing, total domestic value includes only the net purchase price paid by such person and any transportation costs incurred in obtaining delivery of such article to his usual place of business.

6. Amend paragraph (e), formerly paragraph (d), to read as follows:

(e) The acceptance in the regular mails or parcel post for any foreign country of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $100 is prohibited, even though a license has been granted to export such gold coin, gold bullion, or gold dust.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 53-747; Filed, Jan. 22, 1953; 8:47 a. m.]

PART 155—FORMS OF THE POST OFFICE DEPARTMENT

SLIP—NOTICE TO NEW PATRON OF ZONE NUMBER AND DELIVERY UNIT

In Part 155—Forms of the Post Office Department (17 F. R. 11320), change "§ 155.707 *Form 1525; slip—notice to new patron of zone number and delivery unit,*" to read "§ 155.708 *Form 1525; slip—notice to new patron of zone number and delivery unit.*"

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 53-746; Filed, Jan. 22, 1953; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 1837]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

REGULATIONS GOVERNING THE SALE OF TIMBER ON THE O. & C. LANDS

Sections 115.36 to 115.53, inclusive, are repealed and the following is substituted therefor:

Sec.
115.36 Statutory authority.
115.37 Definitions.
115.38 Disposals which must be made under other statutes; rights under other statutes.
115.39 Sale and appraisal.
115.40 Qualifications of bidders.
115.41 Timber sale plan.
115.42 Publication and posting.
115.43 Oral auction sales.
115.44 Deposits with bids.
115.45 Action on bids.
115.46 Contracts.
115.47 Bonds.
115.48 Payment.
115.49 Reappraisals.
115.50 Permits to mining claim owners, Revested and Reconveyed lands.
115.51 Appeals.

AUTHORITY: §§ 115.36 to 115.51 issued under sec. 5, 50 Stat. 875.

§ 115.36 *Statutory authority.* The act of August 28, 1937 (50 Stat. 874) authorizes the sale and disposal of timber from the Revested Oregon and California Railroad and the Reconveyed Coos Bay Wagon Road Grant Lands.

§ 115.37 *Definitions.* Except as the context may otherwise indicate, as the terms are used in §§ 115.36 to 115.51 and in contracts made thereunder:

(a) "Bureau" means Bureau of Land Management, Department of the Interior.

(b) "Regional Administrator" means the Regional Administrator, Region I, Bureau of Land Management, or his authorized representative.

(c) "Revested and Reconveyed Lands" means the Revested Oregon and California and Reconveyed Coos Bay Wagon Road Grant Lands, and other lands administered by the Bureau of Land Management under the provisions of the act of August 28, 1937 (50 Stat. 874).

(d) "O. and C. Lands" means the Revested and Reconveyed lands.

(e) "District Forester" means a district forester of the Bureau who is stationed in Oregon and in or west of Range 8 East, Willamette Meridian, Oregon.

(f) "Signing Officer" means the Government official who has been duly authorized to sign a contract or issue a permit for the disposal of timber from the O. and C. lands, and to supervise operations and take action under such contract or permit.

(g) "Officer in Charge" means such officer as may be designated by the signing officer or other authorized Govern-

ment official to supervise operations under such contract or permit.

(h) "Timber" means standing and downed trees, logs, and forest products of any type.

§ 115.38 *Disposals which must be made under other statutes; rights under other statutes.* On the Revested and Reconveyed lands the owner of any patented or unpatented mining claim which was located on or after August 28, 1937, shall have no title to the timber, possessory or otherwise, except that he may use timber not disposed of by the United States in the development and operation of the mine only, as provided under the act of April 8, 1948 (62 Stat. 162) and the applicable regulations (§ 185.37 (a) to (e) of this chapter). The owner of a patented or unpatented mining claim which was located prior to August 28, 1937, on Revested and Reconveyed lands classified as timberlands under the act of June 19, 1916 (39 Stat. 218) is not vested with title to the timber thereon but may use so much thereof as may be necessary in the development and operation of his mine until such time as such timber is sold by the United States.

§ 115.39 *Sale and appraisal.* (a) All timber to be sold under the provisions of the act of August 28, 1937 shall be appraised and in no case shall be sold at less than the appraised price. Such timber shall be sold to a responsible, qualified purchaser under the appropriate form of contract. All sales, other than those specified in paragraph (b) of this section, shall be made only after inviting competitive bidding through publication and posting and the submission of either sealed or oral bids.

(b) When the signing officer determines that it is unlikely that competitive interest exists, he may, in his discretion, without publishing, posting, or calling for bids, sell to or for the benefit of any one qualified purchaser, in any 12 consecutive month period, (1) timber on the Revested and Reconveyed lands not to exceed an estimated volume of 100 M bd. ft., or (2) forest products on such lands, the estimated appraised value of which is not more than the current average market value of 100 M bd. ft. of O. and C. timber. However, the above time limitation shall not be applicable to sales of salvage timber, thinnings or sanitation cuttings on small isolated tracts of mature or overmature timber when in the judgment of the signing officer such sale is in the public interest.

§ 115.40 *Qualifications of bidders.* A bidder at a sale of timber or from O. and C. lands may be (a) an individual who is a citizen of the United States, (b) a partnership composed wholly of such citizens, (c) an unincorporated association composed wholly of such citizens or (d) a corporation organized under the laws of the United States or of a State or Territory thereof and authorized to transact business in the State of Oregon. A bidder prior to being declared the successful bidder must supply evidence of ability to comply with the financial obligations and, as required by the signing officer, with the other terms of the contract.

§ 115.41 *Timber sale plan.* From time to time offerings of timber for competitive sale will be made from the Revested and Reconveyed lands to further the purposes of the act of August 28, 1937. Ordinarily, plans for the sale of timber during a calendar year will be developed by the Regional Administrator prior to such year. To assist in the development of a sound annual timber sale plan the Regional Administrator may from time to time consult with and elicit suggestions from prospective purchasers of such timber. At or before the commencement of such calendar year, or as soon thereafter as the timber sale program for such year has been formulated, the plan will be advertised in a newspaper of general circulation in the marketing area in which the timber is located to indicate generally the probable locations, anticipated volumes, and probable time when the various tracts of timber included in the plan will be offered for sale. Notwithstanding such advertising, the Regional Administrator may, subsequent thereto, change, alter or amend the timber sale plan.

§ 115.42 *Publication and posting.* (a) In addition to the advertisement described in § 115.41, notice of any proposed competitive sale must be published prior to the time of such sale at the expense of the Government. The notice of sale of timber on Revested and Reconveyed lands shall be published on the same day weekly for at least two consecutive weeks in a newspaper published within the marketing area in which the timber is located (as established by the Secretary of the Interior).

(b) The notice of sale shall set forth the legal description of the land upon which the timber is located, the nature and estimated quantity of timber to be sold, the appraised price thereof, the minimum bond which will be required, the scale or measurement unit upon which the sale will be based, the minimum deposit acceptable, the method of bidding, and the place where full information relating to the sale and contract stipulations may be obtained, including a copy of these regulations. The notice shall also specify the time for the close of receipt of sealed bids and the time and place for the opening thereof: *Provided, however,* That if the timber is to be disposed of by auction, the notice shall specify the time and place for the auction. The notice shall also state that bids of a sum less than the appraised value of the timber will not be considered and that the right to reject any or all bids is reserved. The notice shall also state that after determination of the high bidder, the deposits made by other bidders will be returned to them. In all sales of timber on O. and C. lands, the notice shall state that the timber shall be given primary manufacture within a designated marketing area which has been established by the Secretary of the Interior. The notice shall also state, where appropriate, the terms upon which the purchaser may obtain access to the timber. In all sales, the notice shall also state that if the successful bidder does not execute a contract, furnish satisfactory bond, and comply with the conditions of § 115.45 within 30 days of acceptance of the bid or does not within such 30-day period furnish evidence of his ability to conform with the local marketing area requirement, if any, then his bid may be rejected and that portion of the deposit representing the minimum deposit required by this part shall be retained as liquidated damages and the balance, if any, returned to him. All bidders are to be warned against violation of the provisions of 18 U. S. C. 1860, prohibiting unlawful combination or intimidation of bidders.

(c) Any of the requirements specified in paragraph (b) of this section may be omitted from the notice of sale to be published in a newspaper: *Provided,* That such notice states specifically where complete information can be obtained.

(d) In any proposed non-competitive sale the signing officer may, in his discretion, post a notice of sale in such place and for such period as he may determine. The signing officer may require additional notice, including publication in a newspaper at least once but not more than two times.

(e) A copy of any notice of sale under this section shall be posted throughout the entire period of publication in a conspicuous place in the office in which the bids are to be submitted or the oral auction sale held.

§ 115.43 *Oral auction sales.* The signing officer may conduct sales at oral auction bidding where the timber is tributary to a privately owned and maintained access road which the United States has the right to use and to permit others to use pursuant to an agreement under this part.

§ 115.44 *Deposits with bids.* Deposits shall be submitted with each bid. Such deposits shall be at least 20 percent of any estimated stumpage value which is less than $1,000; at least 10 percent of any estimated stumpage value between $1,000 and $10,000; at least 5 percent of any estimated stumpage value between $10,000 and $100,000; and at least 3 percent of any estimated stumpage value exceeding $100,000. In the discretion of the signing officer, greater deposits may be required by the notice of sale. Every deposit must be made in cash or by money order, cashier's check or certified check made payable to the Treasurer of the United States. Deposits with bids are required as a guarantee of good faith, and when a bond is not executed the deposit of the successful bidder will be retained until the contract is completed. In the final settlement the deposit will be credited as a portion of the whole amount due for the timber purchased and any balance returned, provided the Purchaser has faithfully performed the terms of the contract. If a bond is furnished and accepted, the deposit will be credited as a first installment in the payment for the timber. Checks of unsuccessful bidders will be returned upon the award of the bid.

§ 115.45 *Action on bids.* (a) In the event of tie high sealed bids, the high bidder shall be determined by lot. In oral bidding, except for the first bid, no

bid will be considered or recorded which is not higher than the preceding bid.

(b) Where no bid is received within the time specified in the notice of sale for the receipt of bids and if the signing officer determines that no significant rise has occurred in the market price of the timber over the appraised price, he may in his discretion keep open the period for the receipt of bids for not to exceed an additional 90-day period and may sell the timber without readvertising in the following manner:

(1) If during the extended period for the receipt of bids, a written, sealed offer is made for the timber at not less than the advertised minimum appraised price accompanied by the minimum deposit, notice of such offer shall be posted in the office of the district forester and in the office of the regional administrator for a period of not less than 5 days from receipt thereof. If no other such offers are received during the 5-day posting period, the contract may be awarded to the sole bidder, if qualified.

(2) If, however, during such posting period, other offers are received, then all offerors at the end of the original posting period of 5 days shall be permitted to participate in an oral auction sale at which no oral bid will be received which is less than the highest sealed bid received during the 5-day period. The time and place of the oral auction will be designated by the signing officer and the sealed bidders notified thereof.

Timber which has been determined by the signing officer to be salvage in nature, which has been advertised as such, and which is sold under the terms of this section because no bids were received within the time specified in the notice of sale, may be manufactured in any O. and C. marketing area which has been established by the Secretary of the Interior.

(c) In any sale of timber, if the contract amount is not paid in full in advance, the signing officer, in his discretion, and either before or as a condition of the award of the contract, may require a financial statement or other information concerning the ability of the bidder to perform the obligations of the contract, as well as data covering plant, equipment, etc.

(d) The right is hereby reserved to waive technical defects in the advertisement; to reject all bids, or to award the timber for the amount of the highest bid to the next highest qualified bidder when the officer authorized to approve the contract shall deem the high bidder unqualified to fulfill the contractual requirements of the advertisement, or to other than the highest bidder when necessary, pursuant to the act of August 28, 1937 (50 Stat. 874), in order to provide a continued supply of timber to local industry, so as to assure the permanence of the community which is dependent upon such industry. Any award to other than the highest bidder, irrespective of the amount involved, shall be submitted to the Secretary of the Interior for his approval.

(e) In addition to the foregoing, if the successful bidder is (1) an individual, he may be required to furnish a statement that he is a native born citizen or evidence that he is a naturalized citizen; (2) a partnership or an unincorporated association, it may be required to file with the signing officer a certified copy of its written articles of partnership or association and a statement or evidence of the citizenship of each of its members; (3) a corporation, it may be required to file with the signing officer a certified copy of its articles of incorporation. If not organized under the laws of the State of Oregon, such corporation may also be required to file a certificate showing the corporation's authority to do business in the State of Oregon.

§ 115.46 *Contracts.* (a) For sales of timber made under § 115.39 contracts shall be prepared on standard forms, the needs of the sale determining which form is to be used. No essential departure from the requirements of the standard contract forms may be authorized except with the approval of the Secretary. Three copies of the contract shall be transmitted to the successful bidder together with notice that he will be allowed 30 days in which to execute and return the contracts and to furnish any bond required by § 115.47 and any other information required by or under the authority of §§ 115.45 (d) and (f), together with the initial payment or payment in full as may be required under § 115.48.

(b) If the successful bidder fails within 30 days to comply with the requirements of paragraph (a) of this section, then his bid may be rejected and that part of his deposit representing the minimum deposit specified in this part shall be retained as liquidated damages.

§ 115.47 *Bonds.* In sales of timber in which the value of the stumpage does not exceed $5,000 the initial deposit may be retained as a cash bond until the contract is completed. In sales of timber in which the stumpage value exceeds $5,000 but is not over $10,000 a bond of approximately 20 per cent of the value of the timber will be required. In sales of timber in which the stumpage value exceeds $10,000 but is not over $100,000 a bond in an amount of approximately 10 per cent of the estimated value of the timber will be required and in sales in which the stumpage value exceeds $100,000 a bond will be required in an amount to be fixed by the Secretary of the Interior. Ordinarily corporate surety bonds will be required. However, if personal sureties are funished in lieu thereof, such sureties will be accepted and the bond approved only upon a clear showing by the principals and the bondsmen that they are fully capable of carrying out the terms of the agreement.

§ 115.48 *Payment.* (a) No part of the timber sold under the contract may be severed, extracted, or removed unless advance payment has been made therefor.

(b) Payments for timber shall be required in advance of cutting either as a single payment or in the form of installments. In sales having a stumpage value of not more than $1,000 payment will ordinarily be required in full before cutting is started. In sales of timber having a stumpage value of $1,000 to $5,000 payment shall be made in installments of not less than $1,000 each; in sales of from $5,000 to $25,000 in installments of not less than $2,500 each, and in sales of from $25,000 to $100,000 in installments of not less than $5,000 each: *Provided,* That the last installment on any sale may be in an amount equal to the balance due and payable thereon. In sales in which the stumpage value is in excess of $100,000 the amount of the installments shall be determined at the time such sales are authorized: *Provided,* That the amount so fixed shall not be less than $5,000 for each installment.

(c) In any sale of timber for which payment in installments is permitted, the purchaser shall make an initial payment equivalent to two installments as follows: One installment prior to the approval of the contract and the second installment prior to the commencement of cutting or extraction operations.

(d) On the basis of his initial payment of two installments, the purchaser may, under the contract, sever timber of a value not to exceed one-half of such initial payment. Remaining installments shall become due and payable without prior notice whenever the value of the timber severed or the materials extracted under the contract shall equal the sum of the payments made by the purchaser (exclusive of one-half of the initial payment as herein provided).

(e) All payments hereunder shall be made in cash, or by money order, or check made payable to the Treasurer of the United States.

§ 115.49. *Reappraisals.* No reappraisals of timber sold under the contract will be made during the contract term if it is for two years or less. If the term of the contract is for more than 2 years, the signing officer shall, prior to the commencement of the third and each subsequent year, reappraise the timber covered by the contract remaining to be severed or extracted, in accordance with standard appraisal techniques. If the value of the timber remaining uncut is found upon reappraisal to exceed the contract price, timber cut subsequent to such reappraisal shall be charged for at a price not to exceed the reappraisal value. No price less than the contract price shall be established. Notice of the adjusted prices to be fixed under the contract shall be sent, registered mail, by the signing officer to the purchaser at least 30 days before the beginning of the year. Not later than 30 days after receipt of notice, the purchaser may submit his objections, if any, in writing to the signing officer. In the absence of such objections, or if the signing officer does not find the objections sufficient and so advises the purchaser, or subject to final determination of an appeal, if taken, from the decision of reappraisal of the timber, the adjusted prices shall be in effect and govern the payments to be made for all timber severed or extracted during the new contract year.

§ 115.50 *Permits to mining claim owners, Revested and Reconveyed lands.* The owner of any unpatented mining claim located upon Revested and Reconveyed lands shall file an application with the district forecaster for permission to cut and use the timber thereon in accordance with § 185.37 (d) of this chapter.

§ 115.51 *Appeals.* A person aggrieved by any final official action regarding his contract, application for permit, or permit may appeal from the decision of any subordinate official to the Director of the Bureau of Land Management, and from the Director's decision to the Secretary of the Interior pursuant to the rules of practice (Part 221 of this chapter).

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 16, 1953.

[F. R. Doc. 53-743; Filed, Jan. 22, 1953; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 878]

MONTANA

EXTENDING THE BOUNDARIES OF THE BITTERROOT, CABINET, AND KOOTENAI NATIONAL FORESTS

Correction

In F. R. Doc. 53-290, appearing at page 361 of the issue for Friday, January 16, 1953, the following changes have been made in the land description for Bitterroot National Forest:

1. In section 32, under T. 2 N., R. 20 W., a comma should be inserted between "SW¼" and "W½ SE¼".

2. In section 27, under T. 2 S., R. 22 W., "W½W¼" should read "W½NW¼".

[Public Land Order 879]

ALASKA

WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

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

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

Beginning at a point on line 10-11, U. S. Survey No. 1726, from which Corner No. 11 bears S. 24° E., 86.45 feet thence

N. 71° 50' E., 275.33 feet parallel to and 100 feet from the center line of the Knik-Wasilla Road,
N. 15° 00' W., 700.78 feet to Corner No. 9, U. S. S. 1726,
S. 39° 30' W., 428.34 feet to Corner No. 10, U. S. S. 1726,
S. 24° 00' E., 473.23 feet to point of beginning.

The tract described contains 4.29 acres.

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

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

JANUARY 15, 1953.

[F. R. Doc. 53-742; Filed, Jan. 22, 1953; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10296]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

CERTAIN BANDS OF MARITIME MOBILE FREQUENCIES

In the matter of amendment of §§ 8.104 and 8.105 of the Commission's rules governing Stations on Shipboard in the Maritime Mobile Service; Docket No. 10296.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of January 1953;

The Commission having under consideration its notice of proposed rule making, adopted on July 30, 1952, and published in the FEDERAL REGISTER on August 6, 1952 (17 F. R. 7154), in the above-entitled matter, which proposed to amend §§ 8.104 and 8.105 of the Commission's rules to make the requirements of those sections effective on and after June 3, 1953, with respect to certain bands of maritime mobile frequencies. The requirements of § 8.104, paragraph (e) (1) concern the rapidity of changing from one operating channel to another during transmission or reception by ship stations using telegraphy in the frequency band 2065 kc to 2107 kc and on specific frequencies in the bands between 4000 kc and 23000 kc authorized by the Radio Regulations of the International Telecommunication Union (Atlantic City, 1947). In addition it was proposed to amend the section to indicate more precisely the band of frequencies affected by the rule. Section 8.104 (e) (1) would also be amended by restricting the present exception from the requirement of this section solely to radio telegraph equipment intended for use only in emergencies on frequencies below 515 kc. or intended for use on any frequency on board lifeboat, liferaft or survival craft exclusively. It was proposed to amend § 8.105, effective June 3, 1953, to reflect the requirements of paragraph 591 of the Atlantic City Radio Regulations regarding required radio channels for ship stations using telegraphy in the Atlantic City maritime mobile bands between 4000 and 23000 kc;

It appearing, that comments received from interested parties relative to the above-mentioned notice of proposed rule making indicated that they considered it impractical to require compliance with the proposed amendments by June 3, 1953, and

It further appearing, that an extension of one year, to June 3, 1954, beyond the original target date for compliance with the requirements of §§ 8.104 and 8.105 will satisfy the objections raised in the comments and will provide ample time in which to modify equipment in order to comply with the requirements of those sections; and

It further appearing, that comments received also suggested that the inclusion of the clause "when the authorized operator is present at the principal operating location" in § 8.104 (e) (1) implies that the skill of the operator will be considered in determining whether equipment meets the requirements of that section, and requests that the clause be deleted; and

It further appearing, that this clause, which is also included in the existing section, merely states the conditions under which it is assumed the frequency shifts in question will be made; and

It further appearing, that comments received requested information "as soon as possible to the equipment models which the Commission is not prepared to accept as being capable of meeting (the proposed) technical requirements"; and

It further appearing, that coincident with the adoption of this order, the Commission has released a Public Notice containing such information in this regard as the Commission is now in a position to furnish; and

It further appearing, that the proposed amendments as set forth below are issued under the authority of sections 303 (c), (e), (f) and (r) of the Commuications Act of 1934, as amended;

It is ordered, That effective February 16, 1953, §§ 8.104 and 8.105 of the Commission's rules are amended as set forth below.

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

Released: January 15, 1953.

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

1. Section 8.104 (e) (1) is amended to read as follows:

(e) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using a multi-channel installation for telegraphy (except equipment intended for use only in emergencies on frequencies below 515 kc, or intended for use on any frequency on board lifeboat, liferaft or survival craft exclusively) shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel to any other operating radio-channel for transmission or reception by means of telegraphy within:

(i) A period of five seconds if the particular radio-channels are within the same characteristic portion of the spectrum or

(ii) A period of fifteen seconds if the particular radio-channels are not within the same characteristic portion of the spectrum.

2. Section 8.104 (e) (2) (ii) is amended to read as follows:

(ii) With respect to the specific frequencies in the bands between 4000 kc and 23000 kc authorized by the International Radio Regulations (Atlantic City, 1947) exclusively for the maritime mobile service and radio channels within the frequency band 2065 kc to 2107 kc, on and after June 3, 1954.

3. Section 8.105 is amended by adding a new paragraph (c) to read as follows:

(c) Each ship station (except on lifeboats, liferafts and survival craft) using telegraphy on the specific frequencies in the bands between 4000 kc and 23000 kc authorized by the International Radio Regulations (Atlantic City, 1947) exclusively for the maritime mobile service shall, effective June 3, 1954, in each of the bands for which facilities are provided to carry on its service, be capable of transmitting and receiving Class A1 emission on at least one radio channel authorized for calling and at least two radio channels authorized for working.

[F. R. Doc. 53-773; Filed, Jan. 22, 1953; 8:50 a. m.]

[Docket No. 10332]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

FREQUENCIES ABOVE 156 MC FOR BUSINESS AND OPERATIONAL PURPOSES

In the matter of amendment of § 8.360 of the Commission's rules; Docket No. 10332.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of January 1953;

The Commission having under consideration the above-captioned matter;

It appearing, that in accordance with the requirements of the Administrative Procedure Act a notice of proposed rule making in this matter has heretofore been published in the FEDERAL REGISTER (17 F. R. 10388), which notice proposed amendment of Part 8 of the Commission's rules to provide for the use of the frequency 156.6 Mc for communication between ship stations and government stations concerning passage of vessels through locks under governmental control; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments has expired and that no comments have been received; and

It further appearing, that the public interest, convenience and necessity will be served by the amendment herein ordered, the authority for which is contained in sections 303 (b) (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective February 18, 1953, Part 8 of the Commission's rules is amended as set forth below.

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

Released: January 15, 1953.

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

1. Section 8.360 (a) is amended by changing the listing concerning 156.6 Mc to read as follows:

156.6 Mc: All areas; [9] except that on Great Lakes limited to intership and communication with government stations concerning passage of vessels through locks.

2. Section 8.360 (c) (3) is amended to read as follows:

(3) For assignment to ship stations on board any class of vessel for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, and for communication concerning the passage of vessels through locks under governmental control.

156.6 Mc

3. Section 8.360 (d) (4) is amended to read as follows:

(4) For assignment to ship stations on board any class of vessel for communication between tugboats and between tugboats and other vessels concerning the maneuvering of ships and docking operations primarily in harbor or port areas and for communication with government stations concerning the passage of vessels through locks under governmental control.

156.6 Mc

[F. R. Doc. 53-774; Filed, Jan. 22, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8]

[Docket No. 10377]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

ASSIGNMENT AND DELETION OF FREQUENCIES

In the matter of Amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations, and aircraft stations on currently assignable frequencies for telephony within the band 4,000 kc to 18,000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket No. 10377.

1. Notice is hereby given of proposed rule making in the above-entitled matter. In accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), the Commission proposes to amend certain sections of Parts 7 and 8 of its rules to delete certain carrier frequencies in the band 4,000–18,000 kc now assignable to coast, ship, and aircraft stations for public correspondence in the maritime mobile service of telephony and to make available for assignment to such stations certain other carrier frequencies in the band 4,000–18,000 kc within certain authorized power limitations and in specific geographic areas.

2. The amendments set forth below contain the details of proposed frequency changes. No dates for any of the frequency changes involved are specified in this proposal. The effective dates of deletions of existing frequencies and the effective dates of availability of new frequencies will be the subjects of later proceedings. The purpose of this notice is to secure the adoption of a plan of assignments which will be used as the basis of carrying out the maritime mobile telephone portion of the Geneva Agreement (1951) in the frequency bands between 4,000 and 18,000 kc. A general discussion of these changes is set forth below.

4 Mc: In the 4 Mc band, the service-allocations of Atlantic City represent a distinct improvement because they are exclusively for the maritime mobile (telephone) service and because they provide adequate separation between the exclusive ship telephone band (4063–4133 kc) and the exclusive coast telephone band (4368–4438 kc). The frequency allotment plan contained in the Geneva Agreement makes it possible for the maritime mobile (telephone) service to realize an improvement as regards the availability and exclusivity of frequencies, and the plan attached hereto endeavors to exploit such possibilities of improvement to the utmost. In brief, the proposed plan provides for "one-for-one" replacement for all existing assignments, and, in addition, provides a second pair of 4 Mc frequencies for use on the Great Lakes as a replacement for the 6 Mc frequencies now used on the Lakes. This proposal does not permit the maximum expansion of radiotelephone service for oceangoing vessels which could be obtained under the Geneva allotment were a third pair of 4 Mc frequencies to be assigned to the New York area. However, the assignment of a pair of 4 Mc frequencies to the Great Lakes area is believed to be the only way in which it is feasible to compensate that area for the loss of frequencies in the 6 Mc band, and, since the international interference pattern would not thereby be materially affected, such assignment is considered to be consistent with international obligations.

There does not seem to be any practical way in which a 4 Mc assignment may be made to licensees on the Mississippi River and its tributaries within the exclusive Atlantic City Maritime telephone bands unless such assignment is shared with users on the Great Lakes. Since a sharing arrangement does not seem practicable, it is proposed to make the frequency 4457.5 kc available on a simplex basis for use in the Mississippi River area. This frequency is assignable under present Commission rules to ship stations for telephone communication with public coast stations in the vicinity of New York, N. Y. and is in a band available under the Atlantic City Table of Allocations to the Fixed and Mobile Services (except aeronautical mobile (R)).

6 Mc: There is no service-allocation of spectrum space for the maritime mobile (telephone) service in the 6 Mc band under the Atlantic City Radio Regulations. It is, therefore, proposed to delete existing 6 Mc assignments and make no provision for such further assignments.

8 Mc: In the 8 Mc band, the Commission proposes a one-for-one replacement for existing assignments, except that the high seas service from New York will be limited to one pair of frequencies during day hours in order to permit the assignment of the second New York pair (8011.5–8262.3 kc) to the Mississippi River system on a duplex basis for daytime use. Such use of this pair in the Mississippi River area would not materially alter the international interference pattern contemplated by international allotment of the pair to the New York area and is therefore, considered to be consistent with international obligations. It should be noted, however, that assignment of a channel in the Geneva 8 Mc radio-telephone band for simplex operation by both coast and ship stations would be contrary to the frequency allocations in the Atlantic City Radio Regulations. The availability of this 8 Mc pair should enable the Mississippi River System to function without the existing 6 and 11 Mc frequencies until such time as a satisfactory VHF system of radio operations can be installed on a regular basis.

12 and 16 Mc: No specific frequency problems are known to exist in converting from Cairo to Atlantic City allocations in the 12 and 16 Mc bands. The Commission invites attention to the fact that an apparent improvement to the high seas service in these bands will be possible when the frequencies have been cleared and introduced.

Territory of Alaska: This proposal does not affect assignments in the Territory of Alaska. These will be the subject of other proceedings.

3. The proposed amendments are issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

4. Any interested party who is of the opinion that the proposed amendment should not be adopted may file with the Commission, on or before March 2, 1953, a written statement or brief setting forth his comments. Persons desiring to support the proposals may also file comments by the same date. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments that are received before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: January 14, 1953.

Released: January 15, 1953.

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

1. The following designated frequencies, currently available as assignable carrier frequencies for telephony, would be deleted as a result of the proposed rule amendments:

Coast station frequencies in kc	*Ship station frequencies in kc*
4162.5	4162.5
4177.5	4402.5
4272.5	4412.5
4280	4422.5
4282.5	4457.5
4287.5	6240
4752.5	6455
6240	6650
6455	6660
6460	6670
6470	8810
6480	8820
8540	8830
8550	8840
8585	8850
8630	13200
8660	13210
8840	13220
12810	13230
12840	13245
17080	13260
17090	13275
17100	17600
17120	17610
	17620
	17640
	17660
	17680

2. The following frequencies would become available for assignment to public coast stations for telephony and to public ship stations for telephone communication with these coast stations:

Frequency in kilocyle		Approximate location of coast stations	Maximum coast station authorized transmitter power (kilowatt)[3]
Coast	Ship		
4420.7	4115.3	Great Lakes and Hawaii	1.5 and 4.5.
4434.5	4129.1	Great Lakes	1.5.
4457.5	4457.5	Mississippi River and connecting inland waters, other than the Great Lakes.	1.5.
4393.1	4087.7	New York, N. Y.	30.
4406.9	4101.5	do	30.
4372.4	4067.0	San Francisco, Calif.	30.
4427.6	4122.2	Miami, Fla.	0.6.
8797.3	8248.1	Great Lakes	1.5.
[4] 8811.5	[4] 8262.3	Mississippi River and connecting inland waters, other than the Great Lakes.	1.5.
[5] 8811.5	[5] 8262.3	New York, N. Y.	30.
8768.9	8219.7	do	30.
8747.6	8198.4	San Francisco, Calif.	30.
8761.8	8212.6	Hawaii	4.5.
13196.0	12395.8	New York, N. Y.	30.
13157.5	12357.3	do	30.
13180.6	12380.4	San Francisco, Calif.	30.
13172.9	12372.7	Hawaii	4.5.
17317.5	16487.3	New York, N. Y.	30.
17356.0	16525.8	do	30.
17340.6	16510.4	San Francisco, Calif.	30.
17302.1	16471.9	Hawaii	4.5.

[3] See existing § 7.7 (kk) of the Commission's rules. The figure here designated is for the condition of amplitude modulation where the radio-frequency amplifier used in the last radio stage of the transmitter is of the Class C type, either plate or plate and screen grid modulated. The power to be permitted for other types of radio-frequency amplifiers is related to this power figure according to the proportionate figures set forth in existing § 7.134 (c) of the Commission's rules.

[4] During periods of "day" only. See §§ 7.2 (m) and 8.2 (l) (i) of existing rules of the Commission. The frequency 8262.3 kc is also a subject among other matters of Docket No. 10308.

[5] Except during periods of "day." See §§ 7.2 (m) and 8.2 (l) (i) of existing rules of the Commission. The frequency 8262.3 kc is also a subject among other matters of Docket No. 10308.

[F. R. Doc. 53–775; Filed, Jan. 22, 1953; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 801]

1953 SUGAR QUOTAS FOR PUERTO RICO

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq), and on the basis of information before me, I do hereby find that the allotment of (1) the 1953 sugar quota for Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1953 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, PMA, Segarra Building on February 11, 1953, at 10:00 a. m. The quotas and portions thereof to be allotted are referred to herein as "mainland quota", "direct-consumption portion" and "local quota," respectively.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the above-mentioned quotas among persons (1) who produce and market Puerto Rican sugar to be brought into the continental United States for consumption therein, (2) who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein and (3) who produce and market sugar for local consumption

in Puerto Rico. The hearing will relate first to the allotment of the 1953 mainland and local quotas. Immediately upon completion of this part of the hearing, evidence will be received in regard to the allotment of the direct-consumption portion of the 1953 mainland quota.

The findings made above are in the nature of preliminary findings based on the best information now available. It will be appropriate to present evidence at the hearings on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of any such quota or portion thereof in accordance therewith.

In addition, the subjects and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "ability to market," as provided in section 205 (a) of the said act, should be measured; (2) the relative weightings which should be given to these factors; (3) participation in the allotments by producers of sugarcane who receive sugar in settlement therefor; (4) the transfer or exchange of allotments; and (5) the manner in which sugar is to be charged to allotments.

Issued this 19th day of January 1953.

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

[F. R. Doc. 53-804; Filed, Jan. 22, 1953; 8.53 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of the Census

STATEMENT OF FUNCTIONS BY MAJOR ORGANIZATION UNIT

The material appearing at 11 F. R. 177A-304 is hereby amended in the following respects:

1. The paragraph headed "Office of the Director" is deleted and the following substituted therefor:

Office of the Director—(a) *Principal officers.* The Office of the Director consists of: (i) The Director of the Census, (ii) the Deputy Director, (iii) the Assistant Director for Economic Fields, (iv) the Assistant Director for Demographic Fields, (v) the Assistant Director for Statistical Standards, (vi) the Assistant Director for Operations, (vii) the Assistant Director for Administration.

(b) *Duties and responsibilities of principal officers.* The Director, in conformity with legislative requirements and the policies and directives of the Secretary of Commerce, determines the policies of the bureau and directs the development and execution of its programs.

The Deputy Director acts for the Director in planning, coordinating and evaluating the programs, policies and operations of the bureau.

The Assistant Director for Economic Fields acts as the principal assistant to the Director in the planning, coordination, direction and evaluation of substantive statistical programs in the economic subject-matter fields. In addition, he exercises immediate direction over the Business Division, Industry Division, Foreign Trade Division, Governments Division and Transportation Division.

The Assistant Director for Demographic Fields acts as the principal assistant to the Director in the planning, coordination, direction and evaluation of substantive statistical programs in the demographic subject-matter fields. In addition, he exercises immediate direction over the Agriculture Division and the Population and Housing Division.

The Assistant Director for Statistical Standards acts as the principal assistant to the Director in the planning, formulation and coordination of statistical policies and practices of the bureau. In addition, he initiates and coordinates scientific research into response variation, quality control and the development of statistical systems and designs.

The Assistant Director for Operations acts as the principal assistant to the Director in the planning, coordination, direction and evaluation of centralized statistical operations and their integration with the substantive statistical programs of the Bureau. In addition, he exercises immediate direction over the Field Division, Geography Division, Machine Tabulation Division and other statistical operational units.

The Assistant Director for Administration acts for the Director in the planning, coordination, direction and evaluation of budget and management activities, personnel management, organization planning and general administrative services and their integration with the substantive statistical and operational programs of the bureau.

2. *Organizational adjustments.* a. The Population Division described in 11 F. R. 177A-306 is now the Population and Housing Division.

b. The Transportation Division mentioned in the third paragraph of item (b) of paragraph 1 above has been created pursuant to the provision of the act of June 19, 1948 (62 Stat. 478), which provides for the collection and publication of statistical information by the Bureau of the Census, to carry out the bureau's responsibilities with respect to transportation statistics.

This notice is effective December 11, 1952.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 53-738; Filed, Jan. 22, 1953; 8:48 a. m.]

National Bureau of Standards

[Amdt. 2]

ESTABLISHMENT, PURPOSE, FUNCTION, ORGANIZATION AND PROCEDURES

CHANGES IN ORGANIZATION

JANUARY 5, 1953.

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Establishment, Purpose, Function, Organization and Procedures of the National Bureau of Standards (15 F. R. 5812-3) is hereby amended and (16 F. R. 10135-6) Amendment 1 is hereby deleted. The purpose of this amendment is to announce changes in organization.

1. Sections I, II, and III are deleted and the following substituted therefor:

SECTION I. *Establishment.* The National Bureau of Standards was established by act of Congress dated March 3, 1901 (31 Stat. 1449; as amended 15 U. S. C. 271-286).

SEC. II. *Purpose and functions*—1. *Basic functions.* a. The National Bureau of Standards is engaged in research and related technical activities in physics, mathematics, chemistry, and engineering. It is responsible for the custody and maintenance of the national standards of physical measurement in terms of which all working standards in research laboratories and industry are calibrated, and carries on necessary research leading to improvement in such standards and methods of measurement. It also has a general responsibility for basic research in physics, mathematics, chemistry, and engineering, and for development of improved methods for testing materials, mechanisms, and structures. It determines physical constants and properties of materials, tests and calibrates standard measuring apparatus and reference standards, and studies technical processes.

b. A large part of the work of the Bureau is concerned with the development of specifications for, and the testing of, materials, supplies (other than foods and drugs) and equipment for the Federal Government; the invention and development of devices to serve special needs of the Government; the rendering of advisory service and performance of specialized functions for other Government agencies on scientific and technical problems. Cooperation is extended to States, industries, and national organizations in the development of standard specifications and standard engineering and safety codes.

c. The services to the public include furnishing information regarding Bureau research and testing activities, issuing technical publications, supplying standard samples of chemicals, metals, and other materials, and testing materials and equipment and calibrating instru-

ments when such services are in the public interest and are not available of sufficient accuracy elsewhere.

2. *Research Associate Plan.* Many research projects at the Bureau originate in requests from industrial groups and are carried on in cooperation with the organizations primarily interested. The Research Associate Plan, inaugurated soon after World War I, was devised to further this cooperation. It provides a satisfactory method for assisting an industrial group in the solution of a problem of interest directly to that industry and directly or indirectly to the general public, but in which the Government is not sufficiently concerned to bear the entire cost. Under this plan an industrial or technical group may send to the Bureau one or more research men or women to work on the group's problem under the technical direction of Bureau staff members, with the supporting group paying the salaries of these "Research Associates." The results of their work become public property and are published in the Bureau's "Journal of Research" or in the technical press. As many as 100 Research Associates, sponsored by 20 or more groups, have been stationed at the Bureau at one time.

3. *Federal specifications.* Acting in cooperation with the staff of the Federal Supply Service of the General Services Administration, the National Bureau of Standards is charged with the responsibility for assisting in the preparation, revision, and amendment of purchase specifications promulgated by the Federal Supply Service for supplies used by the Executive departments and agencies. This function is discharged through the conduct of investigations and the operation of technical committees.

4. *Weights and measures.* The United States was a signatory to the treaty under which the International Bureau of Weights and Measures was created in 1875. The National Bureau of Standards has participated in the affairs of the International Bureau, the International Conference on Weights and Measures, and the International Committee, which is an executive agency for the International Conference. Through its Office of Weights and Measures the National Bureau of Standards promotes uniformity in laws, rules, regulations, and general administrative procedures of State and local weights and measures jurisdictions, and in the specifications, tolerances, and testing methods for commercial weighing and measuring devices. As a part of this activity, the Bureau conducts an annual National Conference on Weights and Measures. This office also performs calibrations of weighing scales, force-measuring devices, railway master scales and test weight cars, and conducts research and evaluation of multiple weighing devices and techniques.

SEC. III. *Organization*—1. *Office of the Director*—a. *Purpose and functions.* The Director is appointed by the President and is responsible for administering the affairs of the Bureau under the direction of the Secretary of Commerce, in accordance with the statutes, executive orders, rules and regulations of the Department of Commerce, and rules and regulations of the regulatory agencies of the Federal Government.

b. The Office of the Director includes: (1) Associate Directors who assist and advise the Director in the performance of his duties; exercise direct supervision over segments of the technical program as assigned by the Director; and actively aid the Director in management of the Bureau by assisting him in program planning and in coordinating the work among the technical divisions, and in assuring that the scientific work of the Bureau is properly related to the requirements of industry, science, commerce, and Government. There are three Associate Directors: (i) The Associate Director for Research gives special attention to scientific research programs and their coordination and evaluation throughout the Bureau; provides staff work on international activities and editorial, technical training, and education projects; and supervises the Office of Basic Instrumentation, (ii) Associate Director for Testing who has the responsibility for leadership and coordination of calibration, commodity testing, standardization and specifications throughout the Bureau as well as certain developmental activities; and supervises the Office of Weights and Measures, (iii) Associate Director for Ordnance Development who coordinates ordnance development activities throughout the Bureau, including general supervision of the three divisions specializing in this area. In the absence of the Director, the Associate Directors serve as Acting Director in the sequence listed above.

(2) An Assistant Director for Administration serves as staff assistant to the Director on program management matters; serves as Acting Director in the absence of the Director and Associate Directors; and, with the assistance of the Deputy Assistant Director for Administration, carries full responsibility for the planning and administrative functions in support of technical programs, including the Accounting, Personnel, Administrative Services, Shops, Supply, and Plant Divisions, and the Management Planning and Budget Staffs.

(3) An Assistant to the Director serves as staff assistant to the Director on program and policy matters, particularly those involving external relations; is responsible for the Bureau's publication and information policies; and acts as Chief of the Office of Scientific Publications.

(4) The Office of Scientific Publications compiles, edits, and publishes reports on the Bureau's technical programs; handles general technical correspondence and information; prepares administrative reports dealing with the technical work; deals with scientific and technical organizations and groups; and provides for the operation of the Bureau Library.

Under the direct supervision of Associate Directors are (5) Office of Weights and Measures, whose functions are outlined in Section II, 4, and (6) the Office of Basic Instrumentation, which analyzes methods and devices for measurements of physical magnitude in order to increase precision and reliability through subsequent laboratory solutions of specific problems, and coordinates Bureau projects in basic instrumentation.

(7) The Security Officer acts for the Director in establishing and effectuating personal and physical security regulations.

2. *Scientific and Technical Divisions*—a. *Purpose and functions.* Generally speaking, each scientific and technical division of the Bureau is engaged in activities categorized as follows: (1) Research, fundamental and applied, on fundamental physical phenomena and on the application of basic knowledge to development of new scientific and technological processes and materials; the determination of the physical characteristics of industrial materials, structure and equipment; and the investigation of physical phenomena in connection with the development of technical devices; (2) development, involving measurement standards, of instrument techniques and methods; commodity testing techniques and design of testing devices; materials and technological processes; and design, construction or technical evaluation of special devices important to national welfare and defense; (3) testing, calibration and specifications, involving calibration of instruments, analysis and preparation of sample standards for physical measurement; formulation of purchase specifications and standards; acceptance testing of commodities used by the Federal Government; and technical and advisory services to governmental agencies; and (4) scientific services, involving compilation and dissemination of the scientific and technical data of the Bureau; production of special materials for the specific needs of the Federal Government; and operation of special technical installations and services. These activities are conducted by each division with relation to the particular field or branch of science with which the division is concerned.

b. *Organization.* There are 17 scientific and technical divisions subdivided into more than 125 sections in which research is conducted relating to one or more phases of the branch of science or field of activity assigned to the division. There are listed below the several divisions and the fields of activity covered by each:

(1) *Electricity Division.* Establishment, maintenance, and dissemination of units and standards for measurement in electricity and magnetism; determination of fundamental constants of nature; testing electrical apparatus and supplies purchased by the Government; furnishing consulting service in these fields to Government agencies; devising new types of electrical apparatus; making available to the public technical information in these fields.

(2) *Optics and Metrology Division.* Establishment, maintenance, and dissemination of units and standards for light, color, and length; conducting research, divising test methods, and making calibrations to make these standards more available for Government and pub-

lic use; determination of fundamental properties of materials such as refractive index and thermal expansion; calibration and testing of optical apparatus and materials, photographic materials, length standards, and gages purchased by the Government; development of new types of optical and photometric apparatus for military and civilian purposes; furnishing consulting service to other Government agencies; and making technical information available to the public.

(3) *Heat and Power Division.* Maintenance and improvement of the International Temperature Scale; calibration of temperature measuring instruments; determination of thermal data on engineering, structural and scientific materials; preparation and evaluation of new fuels for internal combustion engines; testing automotive and aircraft fuels, lubricants, engines and accessories.

(4) *Atomic and Radiation Physics Division.* Fundamental and applied research in atomic and molecular physics, classification of spectra, standards and constants of radiation and absorption, and development of instruments therefor; physics of the electron in the free state and its interactions with solids; atomic and molecular structure; determination of isotope concentration; precise determination of atomic masses and other important atomic and nuclear constants; study of radioactive materials and processes, standard sources, radiation measurements; research in nuclear physics; high-energy particle physics, particle accelerators, X-ray generation, dosage measurement, and development of measurement techniques; radiation protection development and standardization; coordination of Atomic Energy Commission projects at the Bureau.

(5) *Chemistry Division.* Investigation of the chemical composition and purity of materials; development of methods of chemical analysis; establishment of standards for gas service; determination of the energies of chemical reactions; development of processes of electrodeposition; preparation, maintenance, and standardization of standard samples of composition; development of methods of test, drawing up Federal specifications for material purchased by the Government and testing deliveries for conformance to specifications.

(6) *Mechanics Division.* Establishment and maintenance of standards of measurement, development of instruments, and advancement of knowledge in mechanics, including the fields of sound, mechanical instruments, aerodynamic engineering mechanics, hydraulics, mass determination, capacity, density and viscosity research; acceptance testing of engineering and structural materials, mechanical appliances, instruments, and structures and calibration of instruments.

(7) *Organic and Fibrous Materials Division.* Conducting fundamental research on the constants, properties, constitution, and structure of organic high polymers, including particularly rubber, textiles, paper, leather, and plastics; evaluation of the performance of products made from such materials conducting research on the properties of dental materials, and structure of tooth enamel; participation in the development of specifications by the Government and national standardizing organizations; solving specific technological problems of importance to Government agencies and the public.

(8) *Metallurgy Division.* Development of effective utilization of metals and alloys; development of improved methods of measurement in the field of physical metallurgy; investigation of failures of metal parts of transportation equipment, etc; testing metals and metal products for conformance to specifications.

(9) *Mineral Products Division.* Research and testing on glass, concrete, masonry construction, building stone, lime and plaster, porcelain, enameled metals, and other non-metallic products.

(10) *Building Technology Division.* Determination of physical constants and properties of building materials and structural elements; development of methods for testing materials, mechanisms and structures; conducting research in chemistry, engineering and physics to obtain basic data on properties and performance of building materials and equipment; investigation of the fire resistance and fire-hazard properties of materials and constructions and the effectiveness of appliances and methods for fire prevention; participation in improvement, standardization, and safe and effective use of building materials, structural elements and equipment; provision of information on technical problems relating to building.

(11) *Applied Mathematics Division.* Research in various fields of mathmetics important in the physical and engineering sciences with special emphasis on research in statistical and numerical analysis; provision of consulting services in applied mathematics, including applied mathematical statistics; development and construction of tools (such as mathematical tables and automatic computers) for mathematical work; provision of extensive, expert computing services; conducting training in disciplines related to these functions.

(12) *Electronics Division.* Research on the application of electronic methods and devices for establishment of or comparison to standards of weight and measure, determination of physical constants and properties of materials, testing of materials, supplies and equipments, including those for Government purchase; research and development to provide special purpose electronic devices as required by other laboratories of NBS and other Government agencies; advisory and consulting services to other Government agencies on scientific and technical problems in the field of applied electronics; research and development on systems, designs, components and fabrication processes necessary to the achievement and maintenance of functional adequacy in electronic equipment.

(13) *Ordnance Development Division.* Research, development and evaluation of electronic equipment for projectiles and related ordnance for the Department of Defense.

(14) *Central Radio Propagation Laboratory.* Serves as the central laboratory of the Government for collection, correlation and analysis of data on radio propagation and preparation of radio propagation predictions; research on radio propagation, measurement methods and standards; maintenance and improvement of radio standards; broadcasting of standard frequency and time signals; maintenance of liaison with other agencies concerned in these fields; dissemination of information on radio propagation, measurement methods and standards.

(15) *Missile Development Division.* Research, development and evaluation of guided missiles and related utilization control systems for the Department of Defense; development of instrumentation, including telemetering, for evaluation of missile performance.

(16) *Electromechanical Ordnance Division.* Research, development and evaluation of electromechanical ordnance devices for the Department of Defense.

(17) *Ordnance Electronics Division.* Research, development and evaluation of electronic equipment for missiles and related ordnance for the Department of Defense.

3. *Field operations*—a. *Corona Laboratories.* The Corona Laboratories, located at Corona, California, is the major field activity of the Bureau. Its head has the title of Director, Corona Laboratories, and has authority to act for the Bureau's Director in the management of its activities. Its principal component is the Missile Development Division (see section III, 2, b, (15) for an outline of the division activities). The Corona Ordnance Branch performs research and related work in coordination with the Ordnance Divisions at Washington. Its activities include systems design, systems evaluation, electronic development and electromechanical development. In addition, the Corona Laboratories provide a location for segments of other divisions doing related work, such as infra-red spectroscopy for the Atomic and Radiation Physics Division.

b. *Other field stations.* The other field establishments of the Bureau which fall in the category of field stations are:

Cheyenne Mount Field Station, Colorado Springs, Colo.

Institute for Numerical Analysis, Los Angeles, Calif.

Master Railway Track Scale Depot, Clearing, Ill.

Materials Testing Laboratory, Allentown, Pa.

Materials Testing Laboratory, Denver, Colo.

Materials Testing Laboratory, San Francisco, Calif.

Materials Testing Laboratory, Seattle, Wash.

National Bureau of Standards, Boulder, Colo.

National Bureau of Standards, Corona, Calif.

Radio Propagation Field Station, Anchorage, Alaska.

Radio Propagation Field Station, Sterling, Va.

In addition, other field units of less direct concern to the public are established from time to time.

[SEAL] A. V. ASTIN,
Director.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 53-737; Filed, Jan. 22, 1953; 8:45 a. m.]

Office of the Secretary

OFFICE OF DISTRIBUTION

ORGANIZATION AND FUNCTIONS

1. *Purpose.* The purpose of this notice is to establish the Office of Distribution and to describe its organization and functions.

2. *Establishment and organization.* The Office of Distribution is hereby established within the Office of the Secretary.

The Office of Distribution shall be headed by a director who shall report to the Secretary through the Assistant Secretary of Commerce for Domestic Affairs.

3. *Objectives.* The objectives of the Office of Distribution shall be to:

(a) Foster a more efficient and effective distribution of goods and services in order to assure a continuing high level of production and employment and thus contribute to the economic stability of the Nation;

(b) Provide the focal organization in the Department of Commerce for relations with the distribution industries with respect to national policies and operations which affect these industries;

(c) Furnish information to and advise the Secretary on policy issues affecting the distribution industries, and recommend courses of governmental action to promote the welfare of these industries;

(d) Assist, encourage and take leadership in promoting constructive endeavors by business firms, business groups, educational institutions and others to provide a knowledge of the functions of distribution and the vital importance of these functions to our continued economic progress; and

(e) Promote competition in the distributive industries by providing the greatest feasible amount of essential information for the largest possible number of business establishments and with special reference to services to small business.

4. *Functions and general responsibilities.* The Office of Distribution shall, as an initial program, perform the following functions:

(a) Develop a systematic procedure and program for the assembly and dissemination of marketing information and market research data now available from the Department and other sources;

(b) Cooperate with other organizations of the Department, particularly the Bureau of the Census, and with other Government agencies in a review of statistical collection programs with the objective of adjusting or revising such programs, where feasible, in the interest of providing additional market and distribution data;

(c) Analyze trends in distribution and changes in the distribution problem, and make periodic reports thereon;

(d) Consult with appropriate industry advisory groups regarding the value to business generally and the scope and character of studies on the costs of distribution and recommend courses of future action in this field; and

(e) Consult with organized business groups in the distributive industries on the desirability and feasibility of undertaking specialized market and distribution studies which individual industries desire and are willing to finance with private funds.

5. *Transfer of functions.* Those responsibilities having to do with marketing services and assistance to distributive trades, which were transferred to the National Production Authority (15 F. R. 6182) and assigned therein to the Office of Civilian Requirements (17 F. R. 4305), are hereby transferred to the Office of Distribution together with related personnel, funds, records, and equipment.

6. *Effective date.* This notice is effective October 1, 1952.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 53-739; Filed, Jan. 22, 1953; 8:45 a. m.]

[Amdt. 1]

OFFICE OF DISTRIBUTION

ORGANIZATION AND FUNCTIONS

Paragraph 3 (a) is hereby amended to read as follows:

(a) Foster a more efficient and effective distribution of goods and services in order to avoid undue strains and dislocations due to the fluctuating demands of defense production programs and in order to assure a continuing high level of production and employment thereby contributing to the economic stability of the Nation.

This amendment is effective December 9, 1952.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 53-740; Filed, Jan. 22, 1953; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Commissioner's Reorganization Order No. 2, Amdt.]

ASSISTANT DISTRICT COMMISSIONER, APPELLATE, AND TO APPELLATE COUNSEL

DELEGATION OF CERTAIN FUNCTIONS

Pursuant to the authority vested in me by Treasury Department Order No. 150-2, it is directed that:

1. Paragraph 3 of Commissioner's Reorganization Order No. 2, dated May 15, 1952, is hereby amended by adding at the end thereof the following sentence: "Subject to the general supervision of the Chief Counsel, the District Counsel will be responsible for the supervision, performance, and review as occasion may require, of all legal duties of the Appellate Counsel."

2. Paragraph 8 (a) of Commissioner's Reorganization Order No. 2, is hereby amended by deleting from the first sentence thereof the words "Chief Counsel" and inserting in lieu thereof, the words "District Counsel" so that the said first sentence will read as follows: "The Appellate Counsel will perform his duties under the general supervision of the District Counsel."

[SEAL] JOHN S. GRAHAM,
Acting Commissioner.

Approved: January 14, 1953.

THOMAS J. LYNCH,
General Counsel for the Treasury Department.

Approved: January 14, 1953.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 53-769; Filed, Jan. 22, 1953; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

FLORIDA

ORDER ESTABLISHING NATIONAL MEMORIAL AT FORT CAROLINE

Whereas, the act of September 21, 1950 (64 Stat. 897), authorizes the Secretary of the Interior to acquire on behalf of the United States certain lands (together with any improvements thereon) in Duval County, Florida, to commemorate the historic settlement of Fort Caroline; and

Whereas, title to the said lands is now vested in the United States; and

Whereas, it has been determined to be in the national interest to administer the lands as a national memorial to the founders of the sixteenth century colony of Fort Caroline:

Now, therefore, under and by virtue of the authority contained in section 2 of the act of September 21, 1950, the following described lands are hereby reserved and set apart as a national memorial to the sixteenth century colony of Fort Caroline:

Lots 21 and 22 and Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, and 11A, of Saint Johns Bluff Estates, a subdivision of land described in plat book 18, page 50, of the current public records of Duval County, Florida.

All Z. Kingsley Grant, section 44, township 1 south, range 28 east, and Shipyard Island, also known as Island Numbered 12 (excepting therefrom that part of Z. Kingsley Grant, section 44, township 1 south, range 28 east, as described in deed recorded in deed book 4, page 3, of the current public records of Duval County, Florida).

The administration, protection, and development of this national memorial shall be exercised by the National Park Service in accordance with the act of August 25, 1916 (39 Stat. 535), and the act of August 21, 1935 (49 Stat. 666).

Warning is expressly given to all unauthorized persons not to appropriate,

injure, destroy, deface, or remove any feature of this national memorial.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 16th day of January 1953.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 53-744; Filed, Jan. 22, 1953; 8:46 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO FOLLOWING ENTITLED ORDER [1] WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

JANUARY 15, 1953.

[F. R. Doc. 53-801; Filed, Jan. 22, 1953; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 426]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 13

ACCEPTANCE OF RESIGNATIONS AND APPOINTMENTS OF MEMBERS

By Administrative Orders Nos. 424 and 425, dated December 22 and December 30, 1952, respectively, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, appointed Special Industry Committee No. 13 for Puerto Rico and named certain members to serve thereon.

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U. S. C. 201), the following changes in the membership of such Committee are hereby made:

1. The resignation of Ellsworth Green is hereby accepted and Charles E. Boyd of Detroit, Michigan, is appointed in his stead as a representative for the employers on said Committee.

2. The resignation of Armando Rivero is hereby accepted and Hipolito Marcano of San Juan, Puerto Rico, is appointed in his stead as a representative for the employees on said Committee.

3. Harry R. Poole of Philadelphia, Pennsylvania, is appointed to serve as a representative for the employees on said Committee. Frank Fernbach and Harry R. Poole shall serve as members of the Committee in such order as the Administrator shall direct, but they shall not serve concurrently.

The full membership of the Committee, including the foregoing changes, is now therefore as follows:

For the public: Paul F. Brissenden, Dobbs Ferry, N. Y., chairman; Pedro Munoz-Amato, Rio Piedras, Puerto Rico; Willard Wissler, San German, Puerto Rico.

For the employers: Charles E. Boyd, Detroit, Mich.; Enrique Campos del Toro, San Juan, Puerto Rico; Horacio Subira, San Juan, Puerto Rico.

For the employees: Hipolito Marcano, San Juan, Puerto Rico; Carlos J. Cintron, Ponce, Puerto Rico; Frank Fernbach, Washington, D. C.; Harry R. Poole, Philadelphia, Pa.

Signed at Washington, D. C., this 19th day of January 1953.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 53-800; Filed, Jan. 22, 1953; 8:53 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 22]

DIRECTOR, FOREIGN EXPANSION DIVISION

DELEGATION OF AUTHORITY TO MAKE OR MODIFY CERTAIN CONTRACTS, COMMITMENTS, AND OTHER CONTRACT DOCUMENTS

1. Pursuant to the authority vested in me as Administrator of the Defense Materials Procurement Agency by the Defense Production Act of 1950, as amended (Public Law 774, 81st Congress, and Public Laws 69 and 96, 82d Congress), and Executive Order No. 10161, dated September 9, 1950 (15 F. R. 6105), as amended and supplemented, there is hereby delegated to the Director, Foreign Expansion Division, Defense Materials Procurement Agency, the authority vested in me to negotiate, make or modify all contracts, commitments, and other contract documents which are in whole in implementation of any function performed by the Defense Materials Procurement Agency on behalf of the Economic Cooperation Administration and/or the Mutual Security Agency, or their successor agencies, as such functions are described in Paragraph 5 of the Memorandum of Understanding Between the Economic Cooperation Administration, the Mutual Security Agency and the Defense Materials Procurement Agency, effective November 30, 1951.

2. The authority herein delegated may be redelegated.

3. This delegation is effective as of November 30, 1951.

Dated: January 16, 1953.

JESS LARSON,
Defense Materials
Procurement Administrator.

[F. R. Doc. 53-862; Filed, Jan. 22, 1953; 9:28 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10376]

BUCCANEER LINE, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Buccaneer Line, Inc., application for construction permit for a new fixed public point-to-point radiotelephone station at Jacksonville, Florida; Docket No. 10376, File No. 1286-C3-P-52.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of January 1953;

The Commission having under consideration:

(a) An application (File No. 1286-C3-P-52) filed on June 9, 1952, by Buccaneer Line, Inc. (Buccaneer), for a construction permit for a new fixed public point-to-point radiotelephone station to be located at Jacksonville, Florida, and to be operated for the purpose of providing public radiotelephone service between Jacksonville, Florida, on the one hand, and Colonia, Yucatan; Zoh Laguna, Campeche; and Sac Xaan, Quintana Roo; all located in the Yucatan peninsula of Mexico, on the other hand;

(b) The Commission's letter of August 27, 1952, prepared in accordance with the provisions of section 309 (b) of the Communications Act of 1934, as amended, copies of which were sent to the applicant herein and other companies who appear to be parties in interest, in which were set forth the reasons why the Commission was unable to find that public interest, convenience and necessity would be served by granting the application;

(c) The response to the foregoing letter filed by Buccaneer under date of November 6, 1952;

(d) The comments filed by Tropical Radio Telegraph Company (Tropical) under date of September 9, 1952, and by the American Telephone and Telegraph Company (AT&T) under date of September 25, 1952;

It appearing, that public telephone service between the United States and Mexico City, Mexico is provided by AT&T; that public telegraph service is provided between the United States and Mexico City, Mexico, by the radio circuits of Tropical and RCA Communications, Inc., and the land line facilities of The Western Union Telegraph Company; that public telegraph service is provided by the radio circuit of Tropical between the United States and Merida, Mexico, the latter point being located on

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[1] See Title 43, Chapter I, Appendix, PLO 879, *supra*.

the Yucatan Peninsula of Mexico; and that Maderera del Tropico, the Mexican company with which Buccaneer proposes to communicate at Colonia, Zoh Laguna and Sac Xaan, operates radio stations and circuits between these points and Mexico City, Mexico and Merida, Yucatan;

It further appearing, that the Commission, upon an examination of the above-described application and the responses to its letter of August 27, 1952, is unable to find that public interest, convenience and necessity would be served by granting said application;

It is ordered, That pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above application of Buccaneer for construction permit is designated for hearing on the following issues:

(1) The legal, technical and financial qualifications of the applicant to construct the proposed station and operate it in the fixed public point-to-point radiotelephone service;

(2) The present and expected volume of public communications traffic and the revenues therefrom between the United States and Mexico, including the present and expected volume of traffic and the revenues therefrom between the United States and each of the points in Mexico with which the applicant proposes to communicate;

(3) The nature, capacity and adequacy of existing communication facilities between the United States and Mexico, including the adequacy of these facilities, in conjunction with other facilities, in Mexico, to provide service between the United States and each of the points in Mexico with which the applicant proposes to communicate;

(4) The frequencies and facilities which will be required by the applicant in order to give adequate service to the public, the extent to which these frequencies will be used for operating the proposed circuits, the extent to which use of these frequencies by the applicant would or might interfere with existing services, and whether, in view of the scarcity of frequencies suitable for long distance communications, the assignment of such frequencies would be justified by the type and nature of the operation proposed by the applicant;

(5) The capacity, transmission qualities, scheduled hours of operation and availability to the United States public of the circuits and facilities proposed in the application.

(6) The extent of public need, if any, for additional communication facilities between the United States and Mexico, including the extent of public need, if any, for facilities between the United States and the three points in Mexico with which the applicant proposes to communicate;

(7) The nature of any contracts, agreements, understandings and routing practices between the applicant and any other carrier or company in connection with the operation of the circuits proposed in the above application;

(8) The nature of the service to be rendered by the applicant over the circuits proposed by it, including the classes of service to be offered, the charges to be made for each such class, and the division of such charges;

(9) The financial effects upon the applicant and upon the United States carriers presently serving Mexico of a grant of the above application;

(10) In the light of the facts adduced upon the foregoing issues, to determine whether the public interest, convenience and necessity will be served by a grant of the foregoing application;

It is further ordered, That copies of this Order be served upon Buccaneer, the applicant herein, and upon AT&T, Tropical, RCA Communications, Inc., and The Western Union Telegraph Company, who appear to be parties in interest; and

It is further ordered, That the hearings herein shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m., on the 14th day of April 1953.

Released: January 16, 1953.

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

[F. R. Doc. 53-777; Filed, Jan. 22, 1953; 8:50 a. m.]

[Docket No. 9964]

AZALEA BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Charles W. Holt, Clarence H. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company, Mobile, Alabama, for construction permit; Docket No. 9964, File No. BP-7830.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of January 1953;

The Commission having under consideration the above-entitled application which was redesignated for hearing on July 10, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., February 18, 1953, in Washington, D. C.

Released: January 15, 1953.

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

[F. R. Doc. 53-778; Filed, Jan. 22, 1953; 8:51 a. m.]

[Docket No. 10089]

JAMES M. TISDALE (WVCH)

ORDER SCHEDULING HEARING

In re application of James M. Tisdale (WVCH), Chester, Pennsylvania, for construction permit; Docket No. 10089, File No. BP-8100.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of January 1953;

The Commission having under consideration the above-entitled application which was designated for hearing on November 21, 1951; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., February 18, 1953, in Washington, D. C.

Released: January 15, 1953.

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

[F. R. Doc. 53-779; Filed, Jan. 22, 1953; 8:51 a. m.]

[Docket No. 10338]

CECIL ELROD, JR.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed against Cecil Elrod, Jr.; Docket No. 10338.

The Commission having under consideration a petition filed by the Chief of the Broadcast Bureau for indefinite continuance of the hearing in the above-entitled matter;

It appearing that the hearing in this proceeding has been scheduled to commence on January 12, 1953; and

It further appearing that the Commission's Order of November 5, 1952, directed the respondent Cecil Elrod, Jr., to inform the Commission in writing on or before December 15, 1952, as to whether he would appear at such hearing or whether he waived his right to a hearing, but that the Commission's records do not reveal any such communication from Cecil Elrod, Jr.; and

It further appearing that, while the petition has been on file for a period of less than four days, the requirements of § 1.745 of the Commission's rules would be met and the public interest would be served by a continuance of the hearing as requested;

It is ordered, That the aforesaid petition is granted this 12th day of January 1953, and the hearing in this proceeding is continued indefinitely.

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

[F. R. Doc. 53-776; Filed, Jan. 22, 1953; 8:50 a. m.]

[Docket Nos. 10122, 10123]

JOHN BLAKE ET AL.

ORDER SCHEDULING HEARING

In re applications of John Blake & Charles R. Wolfe, Killeen, Texas, Docket No. 10122, File No. BP-8173; W. A. Lee,

A. W. Stewart and Franklin T. Wilson, d/b as Highlite Broadcasting Company, Killeen, Texas, Docket No. 10123, File No. BP-8288; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of January 1953;

The Commission having under consideration the above-entitled applications which were designated for hearing on February 13, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., February 18, 1953, in Washington, D. C.

Released: January 15, 1953.

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

[F. R. Doc. 53-780; Filed, Jan. 22, 1953; 8:51 a. m.]

[Docket Nos. 595, 596, 7179, 7180, 9755, 9756, 9893, 9902, 9903, 9918, 9919, 10056, 10202]

EASTON PUBLISHING CO. ET AL.

REVISED NOTICE OF ORAL ARGUMENT

Beginning at 9:00 a. m. on Tuesday, February 24, 1953, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT NO. 1.

Docket No.: 7179 B2-P-4212	New	Easton Publishing Co., Easton, Pa.	C. P.	1230 kc 250 w night, 250 w day unlimited.
7180 B2-P-4374	New	Allentown Broadcasting Corp., Allentown, Pa.	C. P.	1230 kc 250 w night, 250 w day unlimited.

ARGUMENT NO. 2

Docket No.: 9918 BR-2332	KTXC	Big State Broadcasting Co., Big Spring, Tex.	Renewal of License	
9919	KFST	Revocation of Construction Permit of Station KFST, Fort Stockton, Tex.		

ARGUMENT NO. 3

Docket No.: 9893 BP-7709	KWBR	S. W. Warner and E. N. Warner, d/b as Warner Bros., Oakland, Calif.	C. P. to increase daytime power and install a new transmitter.	1310 kc 1 kw night, 5 kw day unlimited.

ARGUMENT NO. 4

Docket No.: 10056 C4-ML-51 595 & 596		Mackay Radio & Telegraph Co., Inc. and All American Cables & Radio, Inc.	Mod. of licenses to delete certain conditional provisions relating to communication between New York, N. Y., and San Juan, Puerto Rico.	

ARGUMENT NO. 5.

Docket No.: 10202 BR-2524	WELS	Farmers Broadcasting Service, Inc., Kinston, N. C.	Renewal of license	1010 kc 1 kw day, daytime.

ARGUMENT NO. 6.

Docket No.: 9902 BP-7742	New	Greater New Castle Broadcasting Corp., New Castle, Pa.	C. P.	1460 kc 1 kw day, daytime.
9903 BP-7942	New	Sanford A. Schafitz, Farrell, Pa.	C. P.	1470 kc 500 w day, daytime.

ARGUMENT NO. 7.

Docket No.: 9755 BP-7665	New	Byrne Ross, Lila G. Ross, Robert R. Harrison and Dorothy V. Harrison, d/b as Lawton-Fort Sill Broadcasting Co., Lawton, Okla.	C. P.	1250 kc 500 w night, 1 kw day DA unlimited.
9756 BP-7737	New	J. D. Allen tr/as Caddo Broadcasting Co., Anadarko, Okla.	C. P.	1250 kc 500 w day, daytime.

Dated: January 12, 1953.

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

[F. R. Doc. 53-781; Filed, Jan. 22, 1953; 8:51 a. m.]

UNITED STATES SHIPOWNERS, SHIP RADIO STATION LICENSES AND OTHERS CONCERNED

HIGH FREQUENCY TRANSMITTERS

JANUARY 15, 1953.

Bringing into force of the International Telecommunication Union Radio Regulations (Atlantic City, 1947) and the provisions of Article 14 of the Final Acts of the Extraordinary Administrative Radio Conference (Geneva, 1951).

The International Telecommunication Convention (Madrid, 1932) and the General Radio Regulations (Cairo Revision, 1938), which previously governed International Telecommunication, including radiocommunication, were revised by the International Telecommunication Conference held at Atlantic City, New Jersey, in 1947. The United States is a signatory to the provisions of the Atlantic City Convention. Article 28 of the Radio Regulations annexed to the Convention provides in part as follows:

590. In ship stations, all apparatus installed for the use of class A1 emission on frequencies in the authorized bands between 4000 and 23000 kc/s must satisfy the following conditions:

591. a. In each of the bands necessary to carry on their service, they must be equipped with at least two working frequencies in addition to one frequency in the calling band;

592. b. Changes of frequency in transmitting apparatus must be effected within 5 (five) seconds if the frequencies are in the same band and within 15 (fifteen) seconds if the frequencies are in different bands.

In addition, paragraph 127 of the Geneva Agreement (1951) provides that:

In order to ensure satisfactory operation within the Atlantic City maritime mobile bands, 85% of the ship stations should be fitted with equipment capable of complying with the Radio Regulations.

Further, the Geneva Agreement provides that paragraphs 590, 591 and 592 of the Atlantic City Radio Regulations will come into force as from the date when each station commences operations in the appropriate Atlantic City band.

By finalization today of rule amendments to Part 8 of the Commission's rules heretofore proposed, all shipboard radiotelegraph equipment will be required to comply with the requirements of paragraphs 591 and 592 commencing June 3, 1954.

The Commission has undertaken a study to determine whether the approximately 1,700 radiotelegraph stations licensed for operation aboard United States vessels have transmitting equipment capable of meeting the foregoing requirements of the Radio Regulations. Such a study has entailed a special analysis of the Commission's license records to determine the manufacturer, the model and the number of transmitters of each model installed aboard United States vessels.

Information as to whether a transmitter could be expected to comply with the foregoing requirements, when used by a proficient operator, has been sought from each manufacturer. Attached hereto is a list, by manufacturer and model, of the ship radiotelegraph transmitting equipment presently licensed to

use frequencies between 4000 and 23,000 kilocycles. The list shows each model of equipment involved to be in one of four categories based upon information supplied by manufacturers. It is emphasized that these categories and the list attached are intended merely as a guide to licensees, and they do not constitute a ruling by the Commission that any equipment is or is not capable of operating in accordance with the Atlantic City requirements. The four categories are:

Category A indicates equipment which the manufacturer states is capable of meeting the foregoing requirements of the Radio Regulations appended to the Atlantic City Convention.

Category B indicates equipment which the manufacturer states requires the installation of quartz crystal oscillators and circuit modification but otherwise meet the Atlantic City requirements.

Category C indicates equipment which the manufacturer states will require extensive modification to meet Atlantic City requirements or will require total replacement.

Category D indicates equipment concerning which adequate information has not been supplied to the Commission by the manufacturer.

Licensees having equipment which falls into category A are reminded that even though the equipment is capable of meeting the Atlantic City Radio Regulations according to information supplied by the manufacturer, it will be incumbent upon such licensees to procure the necessary crystals which will allow operation within the prescribed frequency bands. Licensees having equipment falling into the other categories should take whatever steps are deemed necessary, depending upon the category into which their equipment falls, to make the equipment comply with the subject Radio Regulations, including the provision for operation within the prescribed frequency bands.

The Commission urges all interested persons to investigate immediately the high frequency ship telegraph transmitters of concern to them in order that the owners may initiate whatever plans are necessary regarding equipment modification or replacement. In this connection, interested persons are urged not to correspond with the Commission regarding equipment modification problems. Such matters should be taken up with competent service agencies and manufacturers.

Adopted: January 14, 1953.

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

HIGH FREQUENCY TRANSMITTERS

Manufacturer	Model	Category
Bendix	3801	D
Collins	ART 13	A [1]
	ART 13A	A [1]
	TCS-4	A
	TCS-10	A
	TCS-12	A
	16 F 14	A [1]
	56Q	A [1]
Crosley	BC-654 A	A

[1] Except does not meet 592b.

HIGH FREQUENCY TRANSMITTERS—Continued

Manufacturer	Model	Category
Electronics Engineering	7A	D
	7C	D
	7HB	D
	8A	D
	8B	D
	9A	D
	10 AC	D
	10 PT	D
	BC-375	D
	BC-375 E	D
Ets-Hokin & Galvin	MT750	D
Farnsworth T & R Corp.	TDE-3	D
Federal Conversion	F-102	D
FTC	156A	A
Federal Telephone & Radio Corp.	151A	C
	151AX	C
	156A	A
	156B	A
	167A	A
	167AY	A
	167B	A
	167BX	A
	167BY	A
	2003A	A
	2003AA	A
Fisher Research Lab. Inc.	MATE	A
General Electric Co	TBK-17	C
	BC-375E	D
Hallicrafters Co	HT-4	A
	HT-4E	A
	HT-8	A
	HT-9	A
	HT-11	A
	HT-12	A
	HT-14	A
	BC-441	A
	BC-610-D	A
	BC-610-E	A
	BC-610-D (Mod)	A
Hamilton Radio	TCS-13	A
Heintz & Kaufman	A4904	D
	A4905	D
	A4912	D
Intervox	350	A
	350W	A
LA Broadcasting Co	Composite	A
Mackay Radio & Telegraph Co., Inc.	136A	C
	156	A
	156A	A
	156B	A
	167A	A
	167BX	A
	167BY	A
	207A	C
	276DY	C
	2003A	A
Marconi	719	A
Miami Ships	100T	D
Navy	TBK-13	C
	TBK-14	C
	TBK-17	C
	TBK-20	C
	TBL	C
	TBL-7	C
	TBL-8	C
	TBL-12	C
Pacific Electronics	C-550A	D
	P-550A	D
	O-500A	D
	P-500A	D
	P-200AX	D
	P-250A	D
	C-250A	D
	P-100A	D
Radiomarine Corp. of America	TBK-14	C
	TBK-17	C
	TBL-8	C
	TDF	C
	CRM-52261	C
	CRM-52341	D
	ET-3674	C
	ET-8062-C	C
	ET-8004	C
	ET-8018	A
	ET-8019	B
	ET-8019A	B
	ET-8019B	B
	ET-8019C	B
	ET-8019D	B
	ET-8019E	A
	ET-8023	B
	ET-8023A	A
	ET-8023D1	B
	ET-8039	A
	ET-8041	B
	ET-8052	A
	TBK-17	C
RCA Victor	T-350XM	A
San Francisco Radio and Technical Radio		D
United Electronics		A
Western Electric	BC-459A	A
	GF-11 (Mod)	A
Westinghouse	CAV 522-1A	D
	CAY 52248	D
	TBK-13	C
	TBK-20	C
	TBL-13	C
	TCE-2	D
	TDE-1	D
	GO-9	D
Williams, R	NX41	D
Williams Ship Radio Co.	500A	A
Zenith Radio Corp	ATC-1	A

A—Meets Atlantic City regulations.
B—Requires installation of crystal oscillator; meets Atlantic City regulations otherwise.
C—Requires replacement or extensive modification to meet Atlantic City regulations.
D—Capabilities unknown.

[F. R. Doc. 53-782; Filed, Jan. 22, 1953; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6441]

CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE AND PENNSYLVANIA WATER & POWER CO.

ORDER SEPARATING ISSUES AND POSTPONING HEARING

JANUARY 13, 1953.

Consolidated Gas Electric Light and Power Company of Baltimore v. Pennsylvania Water & Power Company; Docket No. E-6441.

By order issued December 5, 1952, the Commission set for hearing to commence on January 5, 1953, the matters and issues involved in the complaint of Consolidated Gas Electric Light and Power Company of Baltimore (Consolidated), filed July 2, 1952, alleging, among other things, that (a) Pennsylvania Water & Power Company (Penn Water) had overcharged it for electric service in violation of the provisions of Penn Water's Rate Schedule FPC No. 1 on file with the Commission, and under the rate schedule prescribed by the Commission's order of October 25, 1949 (FPC Prescribed Rate Schedule No. A) which was stayed by the orders of the Commission and the Court of Appeals until June 25, 1952, and (b) Penn Water had not impounded the amounts required by the Commission's order of January 31, 1949, and the order of the United States Court of Appeals for the District of Columbia Circuit of April 29, 1949, staying the Commission's rate reduction orders of January 4, 1949 and October 25, 1949, effective February 1, 1949.

On December 24, 1952, Penn Water filed a motion to dismiss the complaint of Consolidated, alleging that the Federal Power Commission lacked jurisdiction to hear and determine the matters and issues raised by the complaint filed by Consolidated, and on the same day Penn Water filed a further motion requesting that the Commission limit the issues to be considered at the hearing set for January 5, 1953, to a determination of the issues raised by Penn Water's motion to dismiss or in the alternative for a stay of the hearing.

The Commission having taken no action on the motion to dismiss or the motion to limit the issues, the hearing pursuant to the Commission's order be-

gan on January 5, 1953. However, the Presiding Examiner limited the presentation of testimony and evidence to the sole question as to whether the Commission had jurisdiction to hear and determine the matters and issues presented by Consolidated's complaint. Presentation of such testimony and evidence was concluded on January 8, 1953, and at that time the Presiding Examiner announced that he was certifying the question of jurisdiction to the Commission for its determination before hearing the complaint on its merits. Thereafter on January 9, 1953, the Presiding Examiner certified the record in the proceedings, including all testimony and evidence respecting the question of the Commission's jurisdiction.

The Commission finds: It is desirable in the public interest that the question of the Commission's jurisdiction to hear and determine the matters and issues raised by Consolidated's complaint as filed July 2, 1952, be separated from and determined by the Commission prior to the resumption of hearings upon other matters and issues involved in Consolidated's complaint.

The Commission orders:

(A) The issue respecting the Commission's jurisdiction to hear and determine the matters set forth in the complaint filed by Consolidated on July 2, 1952, be and the same is hereby separated from those questions which only involve a consideration of the merits of the complaint.

(B) Further hearing in this docket be and the same is hereby postponed to a date to be fixed by notice of the Presiding Examiner in conformity with the determination hereafter made by the Commission respecting the question of jurisdiction.

(C) All matters and issues raised by the motion to limit the issues in this proceeding, filed by Penn Water on December 24, 1952, to the extent not granted herein be and the same are hereby denied.

Date of issuance: January 16, 1953.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-751; Filed, Jan. 22, 1953; 8:47 a. m.]

[Project No. 1922]

CITY OF KETCHIKAN, ALASKA

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JANUARY 19, 1953.

Public notice is hereby given that the city of Ketchikan, Alaska, has made application for amendment of its license for Project No. 1922 to include additional project facilities as part of the ultimate development consisting of a 30-foot-high rock-fill dam to be located at the outlet of Lower Silvis Lake which would raise the natural water surface elevation of Lower Silvis Lake from 806.5 to 827 feet and creating 1,600 acre-feet of storage; 3,700-foot steel penstock; a powerhouse extension containing 2 additional units each consisting of a 3,600-horsepower impulse wheel connected to a 2,000-kilowatt generator; a substation adjacent to powerhouse; and appurtenant facilities.

Any protest or petition to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 25th day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-770; Filed, Jan. 22, 1953; 8:49 a. m.]

[Project No. 2096]

BIG HORN CANYON IRRIGATION AND POWER CO.

ORDER FIXING DATE OF HEARING

JANUARY 15, 1953.

On November 8, 1951, the Big Horn Canyon Irrigation and Power Company (Applicant), of Hardin, Montana, filed an application for preliminary permit under the Federal Power Act for a proposed hydroelectric development (Project No. 2096) located on Big Horn River, a tributary of the Yellowstone River which is in turn a tributary of the Missouri River in the Counties of Big Horn and Carbon, Montana, and Big Horn County, Wyoming, and affecting public lands and unsurveyed lands of the United States.

Numerous protests have been filed which indicate disputes as to facts. The proposed project would be at approximately the same site as a development authorized to be undertaken by the Bureau of Reclamation pursuant to the Flood Control Acts of 1944, 1946, and 1950, which raises a question as to the authority of the Commission to issue a preliminary permit in view of such authorization for Federal construction.

The Commission finds: A public hearing may be desirable in order to afford the Applicant full opportunity to support its application.

The Commission orders: A public hearing be held commencing on February 24, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding on the application for a preliminary permit for proposed Project No. 2096 on the Big Horn River in the Counties and States above-named.

Date of issuance: January 16, 1953.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-750; Filed, Jan. 22, 1953; 8:47 a. m.]

[1] Chairman Buchanan and Commissioner Doty dissenting.

[1] Commissioner Draper dissenting.

GENERAL SERVICES ADMINISTRATION

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY TO ESTABLISH A SPECIAL POLICE FORCE FOR PROTECTION OF MARITIME ADMINISTRATION INSTALLATIONS

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, as amended, authority is hereby delegated to the Secretary of Commerce to appoint uniformed guards as special policemen with the powers conferred in the act of June 1, 1948, 62 Stat. 281 (40 U. S. C. A. 318), for duty in connection with the protection of Maritime Administration properties not protected by guards of the Public Building Service, GSA.

2. This authority may be redelegated to such officials of the Maritime Administration as the Secretary of Commerce and the Maritime Administrator may deem necessary.

3. This delegation shall be effective as of the date hereof.

Dated: January 19, 1953.

JESS LARSON,
Administrator.

[F. R. Doc. 53-861; Filed, Jan. 22, 1953; 9:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

SUPPLEMENTAL ORDER APPROVING AND DIRECTING PAYMENT OF FEES AND EXPENSES

JANUARY 14, 1953.

The Commission having on August 25, 1949, approved amended plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Niagara Hudson Power Corporation; and

The amended plans having provided that the payment of fees and expenses in connection therewith be subject to approval of the Commission, and the Commission in its order of August 25, 1949, having reserved jurisdiction over the payment of such fees and expenses; and, pursuant to said plans, Niagara Hudson Power Corporation having been dissolved and Niagara Mohawk Power Corporation having assumed the liabilities of Niagara Hudson Power Corporation; and

Applications for allowances of fees and reimbursement of expenses having been filed, a public hearing having been held, a recommended findings and opinion having been filed by the Division of Public Utilities, to which exceptions and supporting briefs were filed by various applicants, and the Comission having heard oral argument; and

The Commission having considered the record and having this day issued its memorandum opinion; on the basis of said memorandum opinion:

It is ordered, That the payment by Niagara Mohawk Power Corporation of the following fees and expenses be, and

it hereby is, approved and said company be, and it hereby is authorized and directed to make payment of such amounts thereof as have not already been paid:

	Fees	Expenses
LeBoeuf & Lamb	$175,000.00	$8,912.20
Drexel & Co	60,000.00	
Ebasco Services, Inc	153,895.81	10,097.78
Scribner & Miller	27,500.00	2,962.00
J. P. Morgan & Co., Inc		94,110.97
Filing and recording fees		259,273.55
Printing and advertising		57,096.11
Travel and miscellaneous expenses		11,000.00

It is further ordered, That the payment by Niagara Mohawk Power Corporation of reasonable expenses incurred by LeBoeuf & Lamb subsequent to January 31, 1951, in connection with the plans, and which are agreed to be reasonable by the company, and the payment of such expenses as may be incurred in connection with services rendered by J. P. Morgan & Co., Inc. subsequent to December 15, 1950, be, and they hereby are, approved and the said company be, and it hereby is, authorized to make such payments.

It is further ordered, That the applications of Sullivan & Worcester and Judah Adelson be, and they hereby are, denied.

It is further ordered, That the application of the United Corporation be, and it hereby is, denied as a claim against Niagara Mohawk Power Corporation, but that the payment by the United Corporation of the following amounts be, and it hereby is, approved and authorized:

Whitman, Ransom, Coulson & Goetz	$19,189.43
The First Boston Corp	25,000.00
Reis & Chandler, Inc	1,750.14
Miscellaneous	3,502.56

By the Commission.

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

[F. R. Doc. 53-752; Filed, Jan. 22, 1953; 8:47 a. m.]

[File Nos. 54-205, 59-95]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO ISSUANCE AND SALE OF BANK NOTES

JANUARY 15, 1953.

In the matter of the North American Company, Union Electric Company of Missouri; File No. 54-205; the North American Company, respondent; File No. 59-95.

On October 31, 1952, the Commission issued its findings and opinion and order approving a plan, filed pursuant to section 11 (e) of the act, for the liquidation and dissolution of the North American Company ("North American"), a registered holding company. The plan was joined in to the extent necessary for its consummation by North American's subsidiary, Union Electric Company of Missouri ("Union"), a public utility company and also a registered holding company. On December 11, 1952, the plan was ordered enforced by the United States District Court for the District of New Jersey and on said date the plan was declared effective, as of January 20, 1953.

Under the terms of the plan, on or about the effective date Union intends to borrow $20,000,000 from banks to be repaid over a two year period out of retained earnings. In the Commission's order of October 31, 1952, jurisdiction was reserved with respect to said borrowings until the definitive terms and conditions thereof had been made a part of the record. A post effective amendment to the plan has been filed in which it is stated that Union proposes to borrow the $20,000,000 from a group of eight banks, through the sale of its serial promissary notes. Union proposes to issue four notes payable to the order of each participating bank, each note to be in the principal amount of one quarter of the bank's total participation. Said notes are to mature serially every six months from the date of borrowing and will bear interest at the rate of 3 percent per annum until maturity and 4 percent per annum from maturity until paid.

The Commission having been requested to release the jurisdiction heretofore reserved with respect to the borrowing and the Commission finding that the terms and conditions of said notes meet the applicable statutory standards and that no adverse findings are required in connection therewith, and the Commission deeming it appropriate and in the public interest to enter the requested order:

It is ordered, That the jurisdiction heretofore reserved in connection with the issuance and sale by Union of $20,000,000 principal amount of its promissory notes be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 53-753; Filed, Jan. 22, 1953; 8:48 a. m.]

[File No. 70-2983]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING REGARDING CERTAIN AMENDMENTS TO DECLARATION OF TRUST AND CERTAIN ACCOUNTING ADJUSTMENTS

JANUARY 19,1953.

Notice is hereby given that a declaration has been filed with this Commission by New England Electric System ("NEES"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935 (the "act"). NEES has designated sections 6 (a), 7, and 12 (e) of the act and Rules U-23, U-62 and U-65 of the rules and regulations promulgated thereunder as applicable to the following proposed transaction:

NEES proposes (1) to increase its authorized common shares from 8,500,000 shares to 11,500,000 shares; (2) to reduce its Paid-in Surplus by $57,999,470 and its Earned Surplus by the net amount of $541,173 in connection with the creation of a general reserve relating to investments in the amount of $58,540,643 and NEES requests that the Commission approve the elimination of a requirement that its net income be appropriated annually in the amount of $1,250,000 for such a reserve (See New England Power Association, Holding Company Act Release No. 6470, March 14, 1946); and (3) to amend its Agreement and Declaration of Trust in connection with preemptive offerings to shareholders to provide that cash or full share rights may be issued in lieu of rights to fractional shares. The proposed increase in authorized shares requires the affirmative vote of a majority of the common shares present or represented at a shareholders' meeting held for such purpose. The other two proposals require the affirmative vote of a majority of the outstanding common shares. The declaration indicates that a special meeting of such shareholders will be held on February 24, 1953 that NEES intends to solicit proxies therefor, and that in connection therewith NEES proposes to retain the services of professional proxy solicitors.

According to the declaration, the expenses to be incurred by NEES in connection with the proposed transactions are estimated at $34,000. This estimate includes $15,000 for the services of professional proxy solicitors; $1,500 for the expenses of officers and employees of NEES for services rendered in connection with the solicitation of proxies; $10,000 for expenses in connection with the mailing of the proxies; and $5,000 for services performed, at cost, by New England Power Service Company, an affiliated service company. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than January 29, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he 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 said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

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

[F. R. Doc. 53-818; Filed, Jan. 22, 1953; 8:54 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 100]

LAWRENCE-OLATHE, KANSAS, AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

JANUARY 19, 1953.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Lawrence-Olathe, Kansas, Area: (The area consists of Douglas County, including the cities of Baldwin, Eudora, and Lawrence; and in Johnson County the townships of Olathe, Monticello, Spring Hill, Gardner, McCamish, and Lexington, including the cities of DeSoto, Edgerton, Gardner, Olathe, and Spring Hill; all in the State of Kansas.)

This supersedes certification under Docket No. 385 dated March 7, 1952.

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 53-831; Filed, Jan. 21, 1953; 2:52 p. m.]

[CDHA 101]

KANSAS CITY, MISSOURI-KANSAS, AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

JANUARY 19, 1953.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Kansas City, Missouri-Kansas, Area: (The area consists of the following in the State of Missouri: all of Jackson, Clay, and Platte Counties, and Mount Pleasant Township in Cass County; and the following in the State of Kansas: all of Wyandotte County, and in Johnson County the townships of Aubry, Mission, Oxford, Shawnee, and the cities of Fairway, Leawood, Mission Hills, Mission Woods, Westwood, Westwood Hills, Lenexa, and Shawnee.)

This supersedes certification under date of November 26, 1952.

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 53-832; Filed, Jan. 21, 1953; 2:52 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27717]

BERRIES BETWEEN THE SOUTH AND THE EAST

APPLICATION FOR RELIEF

JANUARY 19, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Berries, in water or in their juice or sugared, carloads.

Between: Points in southern territory, on the one hand, and points in trunkline and New England territories (including Buffalo-Pittsburgh Zone), on the other.

Grounds for relief: Rail competition, circuity, grouping, and to maintain rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-726, Supp. 269.

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.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-768; Filed, Jan. 22, 1953; 8:48 a. m.]

[4th Sec. Application 27718]

CEMENT FROM NORTHAMPTON (NAVARRO) AND YORK, PA., TO RUSTON, LA.

APPLICATION FOR RELIEF

JANUARY 19, 1953.

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 schedule listed below.

Commodities involved: Cement, in carloads.

From: Northampton (Navarro) and York, Pa.

To: Ruston, La.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3856, Supp. 31.

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.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-763; Filed, Jan. 22, 1953; 8:48 a. m.]

[4th Sec. Application 27719]

STONE, BROKEN OR CRUSHED FROM CAMAK TO DOCTORTOWN, GA.

APPLICATION FOR RELIEF

JANUARY 19, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Stone, limestone, granite, or marble, broken or crushed, carloads.

From: Camak, Ga.

To: Doctortown, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, Supp. 13.

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.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-764; Filed, Jan. 22, 1953; 8:48 a. m.]

[4th Sec. Application 27720]

RUBBER TIRES AND PARTS FROM BAYWAY, N. J., TO BATON ROUGE, LA.

APPLICATION FOR RELIEF

JANUARY 19, 1953.

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 Agent C. W. Boin's tariff I. C. C. No. A-968, pursuant to fourth-section order No. 16101.

Commodities involved: Tires, rubber, and parts, carloads.

From: Bayway, N. J.

To: Baton Rouge, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-765; Filed, Jan. 22, 1953; 8:48 a. m.]

[4th Sec. Application 27721]

IRON ORE FROM BALTIMORE, MD., AND POINTS TAKING SAME RATES TO DONORA (BAIRD) AND MONESSEN, PA.

APPLICATION FOR RELIEF

JANUARY 19, 1953.

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

Filed by: C. W. Boin, Agent, for The Baltimore and Ohio Railroad Company and The Pittsburgh & West Virginia Railway Company.

Commodities involved: Iron ore, carloads.

From: Baltimore, Md., and points taking the same rates.

To: Donora (Baird) and Monessen, Pa.

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

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-941, Supp. 41

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.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-766; Filed, Jan. 22, 1953; 8:48 a. m.]

[4th Sec. Application 27722]

CEMENT AND RELATED ARTICLES FROM CHATTANOOGA, TENN., AND POINTS GROUPED THEREWITH, TO AUGUSTA, GA.

APPLICATION FOR RELIEF

JANUARY 19, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for the Central of Georgia Railway Company and other carriers.

Commodities involved: Cement and related articles, carloads.

Territory: From North Chattanooga, Tenn., and points grouped therewith, and from Chattanooga and North Chattanooga, Tenn., to Augusta, Ga.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1244, Supp. 33.

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.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-767; Filed, Jan. 22, 1953; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19122]

LOUIS AND SARAH HOLT VERSEL

In re: Real property owned by the personal representatives, heirs, next of kin, legatees and distributees of Louis Versel, also known as Louis Vershel, deceased, and of Sarah Holt Versel, deceased. D-28-13143.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Louis Versel, also known as Louis Vershel, deceased, and of Sarah Holt Versel, deceased, who there is reasonable cause to believe, or or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the County of Aransas, State of Texas, and particularly described as Lot No. 7 in Block No. 229, being the same property conveyed to Louis Vershel, Sherman, Texas, by O. J. Dutton, W. Amos Moore and W. H. Wilcox, Trustees, by deed dated March 3, 1910, numbered 156 and recorded April 18, 1910, in the office of the County Clerk of Aransas County, Texas, together with all hereditaments, fixtures, improvements and appurte-

nances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Louis Versel, also known as Louis Vershel, deceased, and of Sarah Holt Versel, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1953.

For the Attorney General.

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

[F. R. Doc. 53-788; Filed, Jan. 22, 1953; 8:52 a. m.]

[Vesting Order 19124]

WILLIAM KRANKENHAGEN ET AL.

In re: Rights of William Krankenhagen and others under insurance contracts. Files Nos. F-28-6929-H-5/6.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That William Krankenhagen and Hellen Krankenhagen, whose last known address is 33 Leoni-Berg, near Starnberg, Bavaria, Germany, and Hagen Krankenhagen, whose last known address is 19 Landshuterstrasse, Regensburg, Bavaria, Germany, and Helga Krankenhagen Schwaab, whose last known address is 12 Marktplatz, Naila, near Hof, Bavaria, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. P377 658 and P377 661 issued by the Great-West Life Assurance Company, Winnipeg, Manitoba, Canada, to William Krankenhagen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Great-West Life Assurance Company, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1953.

For the Attorney General.

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

[F. R. Doc. 53-790; Filed, Jan. 22, 1953; 8:52 a. m.]

[Vesting Order 19125]

CARL J. MURBE

In re: Estate of Carl J. Murbe, deceased. File No. D-28-13138.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Martha Weber Thiele, Fritz Weber, Hermann Bishof and Mrs. Lina Wunderlicht Weiser, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emil Bischoff, deceased, who there is reasonable cause to believe are, and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Carl J. Murbe, deceased, which is presently being administered by Lulu B. Watson, as administratrix, acting under the judicial supervision of the Probate Court, Multnomah County, Oregon, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1953.

For the Attorney General.

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

[F. R. Doc. 53-791; Filed, Jan. 22, 1953; 8:52 a. m.]

[Vesting Order 19123]

ANNA MARIE IDA LUISE BUSCH AND HERMINE BUSCH

In re: Property of Anna Marie Ida Luise Busch (estate of Hermine Busch, deceased). File No. D 28-13121.

Under the authority of the Trading With the Enemy Act, as amended (50

U. S. C. App. and Sup. 1–40), Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Marie Ida Luise Busch, also known as Anna Ida Marie Louise Busch, also known as Anna Busch, also known as Anni Busch, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. 80 shares of 6 percent First Preferred Stock of Pacific Gas and Electric Company of par value of $25.00, being a part of those 160 shares of stock evidenced by certificates numbered F 82558 and C 29785 for 60 shares and 100 shares respectively which are registered in the name of Hermine Busch, together with all accumulations and accretions thereto, including unpaid cash and stock dividends, allocable to the said 80 shares of stock, and

b. All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Hermine Busch, deceased, which was administered by Phil C. Katz, Public Administrator of the City and County of San Francisco, California, acting under the judicial supervision of the Superior Court for the City and County of San Francisco, California, Probate No. 66932, and in and to all distributions received from the estate of Hermine Busch, deceased, by Herman Ludwig Ide, Charles Alfred Ide, Albert Frederick Ide and William Gottfried Ide, pursuant to decrees of the Superior Court for the City and County of San Francisco, California, other than the property described in subparagraph 2–a hereof,

is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1953.

For the Attorney General.

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

[F. R. Doc. 53–789; Filed, Jan. 22, 1953; 8:52 a. m.]

[Supplemental Vesting Order 19126]

HINRICH MUSKEN

In re: Estate of Hinrich Musken or Murken, a/k/a Henry Morken or Henry or Hinrich Murken, deceased. File No. D–28–13082; E. T. sec. 17200.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Johann Heinrich Blanken and Johann Blanken, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them in and to the Estate of Hinrich Musken or Murken, also known as Henry Morken or Henry or Hinrich Murken, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by the persons named in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in process of administration by Hyman Wank, Public Administrator of Kings County, as administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof, and each of them, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on January 19, 1953.

For the Attorney General.

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

[F. R. Doc. 53–792; Filed, Jan. 22, 1953; 8:52 a. m.]

[Vesting Order 19127]

PETER OTZEN

In re: Estate of Peter Otzen, deceased. File No. F–28–9895.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Margareta Gosch, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: The sum of $500 with all accretions thereto and interest thereon in the possession, custody or under the control of John E. Ray, County Judge, County Court of Adams County, Hastings, Nebraska, being the sum bequeathed to Margareta Gosch by the will of Peter Otzen, deceased.

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the person named in subparagraph 1 hereof, a national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1953.

For the Attorney General.

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

[F. R. Doc. 53-793; Filed, Jan. 22, 1953; 8:52 a. m.]

[Vesting Order 19128]

EMIL PELTZER

In re: Estate of Emil Peltzer, deceased. File No. D-28-13144.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Michael Peltzer whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Emil Peltzer, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Reverend Willi K. Weiss, as administrator, acting under the judicial supervision of the County Court, Milwaukee County, Milwaukee, Wisconsin;

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193.

Executed at Washington, D. C., on January 19, 1953.

For the Attorney General.

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

[F. R. Doc. 53-794; Filed, Jan. 22, 1953; 8:52 a. m.]

[Vesting Order 19131]

EMMY CRISTOFORETTI

In re: Debt owing to Emmy Cristoforetti, also known as Emmy Christoforetti. F-28-32038.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Emmy Cristoforetti, also known as Emmy Christoforetti, whose last known address is 22a Muenchen Gladbach Rhld. Ostmark Strasse 25, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Express Exchange Inc., 201 East 86th Street, New York 28, New York, in the amount of $131.55 as of June 15, 1939, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emmy Cristoforetti, also known as Emmy Christoforetti, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country," as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1953.

For the Attorney General.

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

[F. R. Doc. 53-797; Filed, Jan. 22, 1953; 8:52 a. m.]

[Vesting Order 19132]

GERMANY

In re: Funds owned by Germany. D-28-6974.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Cash in the sum of 8,060 Portuguese Escudos presently on deposit in the Treasury Department of the United States in a Safekeeping Account entitled Herbert K. F. Bahr, subject to the order of the Secretary of the Treasury, and any and all rights to demand and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1953.

For the Attorney General.

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

[F. R. Doc. 53-798; Filed, Jan. 22, 1953; 8:53 a. m.]