

FEDERAL REGISTER

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OF THE UNITED STATES

Washington, Thursday, September 4, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10390

AMENDING EXECUTIVE ORDER NO. 10161 OF SEPTEMBER 9, 1950, AS AMENDED, TO PROVIDE FOR CERTAIN ALTERNATE MEMBERS OF THE WAGE STABILIZATION BOARD

By virtue of the authority vested in me by the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061 *et seq.*), and as President of the United States, it is ordered that section 403 of Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), as amended, be, and it is hereby, further amended by redesignating paragraph (b) thereof as paragraph (c) and by inserting immediately after paragraph (a) thereof the following new paragraph:

"(b) In addition to the members of the Wage Stabilization Board provided for in section 403 (a) of this order, the Board shall have not more than two alternate members who shall be representative of labor and not more than two alternate members who shall be representative of business and industry. Alternate members shall be appointed by the President, by and with the advice and consent of the Senate, at such times as he may deem necessary. Any alternate member shall participate as a member of the Board only in lieu of a member appointed under section 403 (a) of this order who is not participating, and only when called upon by the Chairman of the Wage Stabilization Board to so participate, and when so participating each alternate member shall have the same status and functions as a member appointed under the said section 403 (a). The designation by the Chairman of the Board of alternate members to participate as members of the Board shall be so ordered as to preserve the equal representation required by the provisions of section 403 (a) hereof and of section 403 (b) of the Defense Production Act of 1950, as amended."

HARRY S. TRUMAN

THE WHITE HOUSE,
August 30, 1952.

[F. R. Doc. 52-9695; Filed, Sept. 2, 1952;
3:10 p. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supplement 1, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulation issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 17 F. R. 3573, 3783 and 4835, and containing the specific requirements for the 1952-crop grain sorghums price support program is hereby amended as follows:

1. Section 601.1758 (a) (5) is amended by changing certain states in the four areas so that the amended subparagraph reads as follows:

§ 601.1758 *Determination of support rates*

(a) *Basic support rates at designated terminal markets.*

(5) For grain sorghums received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal located in:	Amount of deduction (cents per 100 pounds)
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.	22
Area II: Minnesota, Montana, North Dakota, South Dakota, also Superior, Wisconsin	22
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin, except Superior	23
Area IV: All States not listed in Areas I, II, and III above	25

2. Section 601.1758 (b) (1) is amended to include a provision with respect to

(Continued on p. 7997)

CONTENTS

THE PRESIDENT

Executive Order	Page
Amending Executive Order No. 10161 of September 9, 1950, as amended, to provide for certain alternate members of the Wage Stabilization Board	7995

EXECUTIVE AGENCIES

Agriculture Department

See Animal Industry Bureau; Commodity Credit Corporation; Entomology and Plant Quarantine Bureau; Production and Marketing Administration.

Alien Property, Office of

Notices:

Vesting orders, etc.:

Brinckmann, Wirtz & Co., et al.	8031
Hammer, Minnie, and Lillie Helm Kersh	8031
Hollandsche Bank-Unie N. V.	8032
Seeber, Herbert, et al.	8032
von Hundelshausen, Wilhelm Karl Rolf Baron and Else von Hundelshausen	8030

Animal Industry Bureau

Rules and regulations:

Importation of certain animals and poultry and certain animal and poultry products	7999
Special regulations governing export and import of livestock, other animals, and poultry to and from Mexico	7999

Canal Zone

Rules and regulations:

Operation and navigation of Panama Canal and adjacent waters; papers required by boarding party, list of	8020
--	------

Civil Aeronautics Board

Notices:

Service to Pittsburg, Kans.; notice of hearing	8027
Proposed rule making:	
Emergency and evacuation equipment and procedures for scheduled and irregular passenger air carrier operations	8022

FEDERAL REGISTER

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CONTENTS—Continued

Civil Aeronautics Board—Con.	Page
Proposed rule making—Continued	
Filing of reports by irregular air carriers, irregular transport carriers, air taxi operators and noncertified cargo carriers	8024
Commerce Department	
See Federal Maritime Board; National Production Authority.	
Commodity Credit Corporation	
Rules and regulations:	
Grains and related commodities; 1952-crop grain sorghums loan and purchase agreement program; support rates	7995
Defense Mobilization, Office of	
Notices:	
Determination and certification of a critical defense housing area; Milwaukee, Wis., area	8029

CONTENTS—Continued

Defense Mobilization, Office of—Continued	Page
Notices—Continued	
Finding and determination of critical defense housing areas under the Defense Housing and Community Facilities and Services Act of 1951	8029
Defense Production Administration	
Notices:	
Withdrawal of request to participate in voluntary agreement entitled "Voluntary Plan Relating to the Saving of Newsprint by Boston Daily Newspapers"	8027
Economic Stabilization Agency	
See also Price Stabilization, Office of; Salary Stabilization Board.	
Notices:	
Critical defense housing area; approval of extent of relaxation of credit controls: Barstow, Calif.	8028
Hartford, Conn.	8028
Entomology and Plant Quarantine Bureau	
Rules and regulations:	
Foreign quarantine notices; miscellaneous amendments	7997
Federal Maritime Board	
Proposed rule making:	
Steamship conferences using contract/noncontract rates; extension of time in which to submit written statements and comments on proposed rule of procedure	8022
Federal Power Commission	
Notices:	
Hearings, etc.:	
Iowa Public Service Co.	8027
Willmut Gas & Oil Co. et al.	8027
Federal Reserve System	
Rules and regulations:	
Membership of State banking institutions in the Federal Reserve System	8006
Federal Security Agency	
See Food and Drug Administration.	
Federal Trade Commission	
Rules and regulations:	
Cease and desist orders:	
Alexander Auerbach, etc.	8010
Bork Mfg. Co., Inc. et al.	8011
Elmo Co., Inc.	8012
Fish and Wildlife Service	
Proposed rule making:	
Whaling provisions	8021
Food and Drug Administration	
Rules and regulations:	
Certification of batches of antibiotic and antibiotic-containing drugs	8013
Interior Department	
See Fish and Wildlife Service.	
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Mahogany and Philippine woods from Baton Rouge, Kenner, and New Orleans, La., to Moorefield, W. Va.	8028

CONTENTS—Continued

Interstate Commerce Commission—Continued	Page
Notices—Continued	
Applications for relief—Con.	
Phosphate of sodium (soda) and related articles from Lawrence, Kans., to Chicago, Ill.	8028
Sand from Saulsbury, Tenn., and Tishomingo, Miss., to Salem, Ill.	8028
Justice Department	
See Alien Property, Office of.	
National Production Authority	
Notices:	
Suspension orders:	
Art Metal Construction Co.	8026
Cherny-Watson Lumber Co.	8026
Perma-Side Co.	8025
Rules and regulations:	
Iron and steel—alloying materials and alloy products; nickel (M-80, Sched. 1)	8018
Post Office Department	
Rules and regulations:	
International postal service: Postage rates, service available, and instructions for mailing; Czechoslovakia; Malaya	8020
Price Stabilization, Office of	
Notices:	
Rose City Field, Orange County, Texas; crude petroleum ceiling prices adjusted on an in-line basis	8029
Rules and regulations:	
Area milk price adjustments; Chicago milk marketing area, Illinois (GCPR, SR 63, AMPR 5)	8014
Certain processed soups, ceiling prices for; revocation of recalculation provisions (CPR 75)	8014
Sales to the United States, its agents and suppliers; statement regarding ceiling prices (GOR 2, Rev. 1)	8015
Production and Marketing Administration	
Proposed rule making:	
Potatoes, Irish, grown in counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California; proposed budget of expenses and rate of assessment	8022
Rules and regulations:	
Almonds grown in California, handling of; salable and surplus percentages for almonds during crop year beginning July 1, 1952	7998
Potatoes, Irish, grown in Colorado; approval of budget of expenses and fixing rate of assessment (3 documents)	7998, 7999
Salary Stabilization Board	
Rules and regulations:	
Effects of changes in legal structure of business enterprises; miscellaneous amendments (Int. 8)	8018

CONTENTS—Continued

Salary Stabilization Board—	Page
Continued	
Rules and regulations—Con.	
Employees subject to GSSR 5, as amended (Int. 9)	8018
Stabilization and general adjustments of salaries and other compensation; ten percent increases in salaries and other compensation under section 22 of GSSR 1, amended (GSSR 1, Int. 4)	8015
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Lowell Electric Light Corp.	8029
North American Utility Securities Corp.	8030
State Department	
Rules and regulations:	
Passports; limitations on issuance of passports; notification and appeal	8013
Wage Stabilization Board	
Amending Executive Order No. 10161 of September 9, 1950, as amended, to provide for certain alternate members of the Board (see Executive Order).	

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.

Title 3	Page
Chapter II (Executive orders):	
10161 (amended by EO 10390)	7995
10390	7995
Title 6	
Chapter IV:	
Part 601	7995
Title 7	
Chapter III:	
Part 319	7997
Chapter IX:	
Part 909	7998
Part 958 (3 documents)	7998, 7999
Part 959 (proposed)	8022
Title 9	
Chapter I:	
Part 92	7999
Part 93	7999
Title 12	
Chapter II:	
Part 208	8006
Title 14	
Chapter I:	
Part 40 (proposed)	8022
Part 41 (proposed)	8022
Part 42 (proposed)	8022
Part 45 (proposed)	8022
Part 61 (proposed)	8022
Part 242 (proposed)	8024
Title 16	
Chapter I:	
Part 3 (3 documents)	8010-8012
Title 21	
Chapter I:	
Part 146	8013
Title 22	
Chapter I:	
Part 51	8013

CODIFICATION GUIDE—Con.

Title 32A	Page
Chapter III (OPS):	
CPR 75	8014
GCCR, SR 63, AMPR 5	8014
GOR 2	8015
Chapter IV:	
Subchapter A (SSB):	
GSSR 1, Int. 4	8015
Int. 8	8018
Int. 9	8018
Chapter VI (NPA):	
M-80, Sched. 1	8018
Title 35	
Chapter I:	
Part 4	8020
Title 39	
Chapter I:	
Part 127	8020
Title 46	
Chapter II (proposed)	8022
Title 50	
Chapter I:	
Part 151 (proposed)	8021

grain sorghums shipped at other than the domestic interstate freight rate so that the amended subparagraph reads as follows:

(b) *Support rates for grain sorghums in approved warehouse-storage at other than designated terminal markets.* (1) The support rates for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such grain sorghums to such terminal market: *Provided*, That on any grain sorghums shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such grain sorghums to the point of storage: *And provided further*, That in the case of grain sorghums stored at any railroad transit point taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421.)

Issued this 28th day of August 1952.

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

Approved:

ROY W. LENNARTSON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-9625; Filed, Sept. 3, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

MISCELLANEOUS AMENDMENTS

On July 25, 1952, there was published in the FEDERAL REGISTER (17 F. R. 6625) a notice of proposed rule making concerning amendments of the subpart Citrus Canker and Other Citrus Diseases; the subpart Citrus Fruit; the subpart Sweetpotatoes and Yams; the subpart Nursery Stock, Plants, and Seeds; the subpart Fruits and Vegetables; and the subpart Cut Flowers; in Part 319, Title 7, Code of Federal Regulations (7 CFR 319.19, 319.23, 319.29, 319.37 et seq., 319.56 et seq., and 319.74 et seq.). After due consideration of relevant matters presented, and pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160, and 162), the Secretary of Agriculture hereby amends the said subparts in the following respects:

1. Sections 319.19 and 319.28 are amended by deleting therefrom the phrase "the continental United States, Puerto Rico and Hawaii" wherever it appears and substituting therefor the phrase "the United States"; and by adding a new paragraph designated as (e) to § 319.19 and as a new undesignated paragraph at the end of § 319.28 to read as follows:

As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

2. Section 319.29 is amended by inserting after the word "importation" the phrase "into the United States"; and by deleting the last sentence in the section and substituting therefor the following: "As used in this section unless the context otherwise requires, the term 'United States' means the continental United States only."

3. Section 319.37 is amended by deleting therefrom the phrase "(including the District of Columbia) and its Territories," and the phrase "(including the District of Columbia) or its Territories," and by adding to the section a new paragraph (c) to read as follows:

(c) As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

4. Section 319.37-24 is amended by deleting therefrom the phrase "a State or Territory of the United States" and substituting therefor the phrase "a State, Territory, or District of the United States covered by § 319.37"; by adding the phrase "or District" after the word "Territory" the second and third times the latter appears in the section; and by deleting the word "State" from the phrase "State official".

5. The subpart Nursery Stock, Plants, and Seeds is amended by adding thereto a new § 319.37-28 to read as follows:

§ 319.37-28 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

6. Section 319.56 is amended by adding thereto a new undesignated paragraph to read as follows:

As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

7. Section 319.56-2 is amended by inserting after the third undesignated paragraph thereof a new undesignated paragraph to read as follows:

Fruits and vegetables grown in the British Virgin Islands may be imported into the Virgin Islands of the United States without further permit other than the authorization contained in this paragraph but subject to the requirements of the first paragraph of this section, and of §§ 319.56-5, 319.56-6 and 319.56-7, except that such fruits and vegetables are exempted from the notice of arrival requirements of § 319.56-5 when an inspector shall find that equivalent information is obtainable from the United States Collector of Customs.

8. The subpart Fruits and Vegetables is amended by adding thereto a new § 319.56-8 to read as follows:

§ 319.56-8 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

9. Section 319.74 is amended by deleting therefrom the phrase "the continental United States, Hawaii, and Puerto Rico" and substituting therefor the phrase "the United States"; and by adding a new undesignated paragraph to the section to read as follows:

As used in this section, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

10. Section 319.74-2 (c) is amended by deleting therefrom the phrase "a State or Territory of the United States" and substituting therefor the phrase "a State, Territory or District of the United States covered by § 319.74"; by adding the phrase "or District" after the word "Territory" the second and third times the latter appears in the section; and by deleting the word "State" from the phrase "State official".

11. The subpart Cut Flowers is amended by adding thereto a new § 319.74-7 to read as follows:

§ 319.74-7 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands of the United States.

12. Section 319.74-2a is amended by deleting therefrom the phrase "the continental United States, Hawaii, and Puerto Rico" and substituting therefor the phrase "the United States."

These amendments shall be effective September 5, 1952.

The foregoing amendments correlate the quarantines, regulations, and administrative instructions set forth in the above subparts with a current extension of plant quarantine operations to the Virgin Islands of the United States as authorized by the Plant Quarantine Act.

Inspectors are now in the Virgin Islands ready to start enforcement of certain quarantines, regulations and administrative instructions which do not require amendment to apply in the Virgin Islands. It would be highly desirable from the standpoint of most economical use of funds and most efficient plant quarantine administration to begin enforcement activities at the same time with respect to the quarantines, regulations, and administrative instructions made applicable to the Virgin Islands by the foregoing amendments. Moreover present traffic in plants and plant products between the Virgin Islands and other parts of the United States and foreign countries is sufficiently great to require restriction of imports of certain plants and plant products into the Virgin Islands to prevent the spread of insect pests and plant diseases into these Islands and then to other parts of the United States. Necessary restrictions will be imposed by the foregoing amendments which should be made effective promptly in the public interest. The amendments also clarify the fact that a certain quarantine will not apply in the Virgin Islands or elsewhere except the continental United States and to this extent the amendments should be made effective promptly to avoid confusion. Therefore, good cause is found, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) for making the foregoing amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

The amendment hereby of the administrative instructions in § 319.74-2a shall not affect the authority of the Chief of the Bureau of Entomology and Plant Quarantine to amend or revoke said instructions.

(Secs. 5, 7, 9, 37 Stat. 316, 317, 318, as amended; 7 U. S. C. 159, 160, 162)

Done at Washington, D. C., this 29th day of August 1952.

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

[F. R. Doc. 52-9626; Filed, Sept. 3, 1952; 8:48 a. m.]

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

PART 909—HANDLING OF ALMONDS GROWN IN CALIFORNIA

SALABLE AND SURPLUS PERCENTAGES FOR ALMONDS DURING CROP YEAR BEGINNING JULY 1, 1952

Notice of proposed rule making with respect to the fixing of salable and surplus percentages of almonds for the crop year beginning July 1, 1952, was published in the FEDERAL REGISTER of August 14, 1952 (17 F. R. 7398), pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR 1951 Sup., Part 909). In said notice, in which it was proposed to fix the salable and surplus percentages of almonds at 85 percent and 15 percent, respectively, for the crop year beginning July 1, 1952, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule fixing the percentages. One objection to the proposed salable and surplus percentages was received, but it did not recommend the adoption of different percentages. The accuracy of estimates used in arriving at the percentages was questioned. However, no data were presented which would justify changing the estimates and percentages set forth in the proposed rule.

It is hereby found and determined that good cause exists for making this administrative rule effective upon its publication in the FEDERAL REGISTER, instead of waiting thirty days after publication, for the reasons that (1) it is desirable that the percentages be fixed prior to or as soon as practicable after growers begin to deliver 1952 crop almonds to handlers, (2) such deliveries of 1952 crop almonds have begun, and (3) compliance with this administrative rule will not require handlers to make any advance preparation of a special nature. Therefore, after consideration of all relevant matters, the administrative rule is as follows:

§ 909.202 *Salable and surplus percentages for almonds during the crop year beginning July 1, 1952.* The salable and surplus percentages during the crop year beginning July 1, 1952, applicable to almonds, edible kernel weight basis, received by handlers for their own accounts, shall be 85 percent and 15 percent, respectively.

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

Issued at Washington, D. C., this 29th day of August 1952, to become effective upon publication of this document in the FEDERAL REGISTER.

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

[F. R. Doc. 52-9669; Filed, Sept. 3, 1952; 8:54 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (17 F. R. 7095). This regulatory program is effective under the

Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the administrative committee for Area No. 1, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved.

§ 958.210 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to \$900.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one cent (\$0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

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

Done at Washington, D. C., this 29th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

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

[F. R. Doc. 52-9671; Filed, Sept. 3, 1952; 8:55 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR, Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (17 F. R. 7254). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the administrative committee for Area No. 2, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved.

§ 958.211 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 2, established pursuant to Marketing Agree-

ment No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to \$3,024.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-tenth of one cent (\$0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

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

Done at Washington, D. C., this 29th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

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

[F. R. Doc. 52-9670; Filed, Sept. 3, 1952; 8:54 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR, Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (17 F. R. 7254). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the administrative committee for Area No. 3, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved.

§ 958.212 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to \$2,100.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be \$0.0015 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

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

Done at Washington, D. C., this 29th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

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

[F. R. Doc. 52-9672; Filed, Sept. 3, 1952; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[BAI Orders 368 and 378]

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

PART 93—SPECIAL REGULATIONS GOVERNING EXPORT AND IMPORT OF LIVESTOCK, OTHER ANIMALS, AND POULTRY TO AND FROM MEXICO

On August 12, 1952, there was published in the FEDERAL REGISTER (17 F. R. 7342) a notice of proposed intention to amend the regulations governing the importation of certain animals and poultry and certain animal and poultry products. After due consideration of all relevant material submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by sections 6, 7, 8, and 10 of the act of Congress approved August 30, 1890, as amended (26 Stat. 416, as amended; 21 U. S. C. 102-105) and section 2 of the act of Congress approved February 2, 1903, as amended (32 Stat. 792, as amended; 21 U. S. C. 111), revokes the special regulations governing the importation of livestock, other animals, and poultry from Mexico now contained in §§ 93.2 through 93.12, as amended, Part 93, Subchapter D, Chapter I, Title 9, Code of Federal Regulations, and amends the regulations now governing the importation of certain animals and poultry and certain animal and poultry products (except from Mexico) contained in Title 9, Chapter 1, Subchapter D, Part 92, as amended, to read as follows:

GENERAL PROVISIONS

Sec.	
92.1	Definitions.
92.2	General prohibition.
92.3	Ports designated for the importation of animals.
92.4	Import permits for ruminants, swine, and poultry and for animal semen.
92.5	Certificate for ruminants, swine, and poultry.
92.6	Diagnostic tests.
92.7	Presentation of papers to collector of customs.
92.8	Inspection at port of entry.
92.9	Articles accompanying animals.
92.10	Movement from conveyances to quarantine station.
92.11	Periods of quarantine.
92.12	Feed and attendants for animals in quarantine.
92.13	Quarantine stations; visiting restricted; sales prohibited.

- Sec.
 92.14 Milk from quarantined animals.
 92.15 Manure from quarantined animals.
 92.16 Appearance of disease among animals in quarantine.
 92.17 Horses; accompanying forage and equipment.
 92.18 Dogs for handling livestock.

CANADA

- 92.19 Declaration of purpose.
 92.20 Cattle.
 92.21 Sheep and goats.
 92.22 Swine.
 92.23 Animals for immediate slaughter.
 92.24 Horses.
 92.25 In-bond shipments.
 92.26 Poultry.

COUNTRIES OF CENTRAL AMERICA AND WEST INDIES

- 92.27 Permits required.
 92.28 Ruminants.
 92.29 Swine.
 92.30 Horses.

MEXICO

- 92.31 Permits for ruminants, swine, and poultry.
 92.32 Declaration of purpose.
 92.33 Inspection at port of entry.
 92.34 Detention at port of entry and periods of quarantine.
 92.35 Cattle.
 92.36 Sheep and goats and wild ruminants.
 92.37 Swine.
 92.38 Poultry.
 92.39 Horses.
 92.40 Animals for immediate slaughter.

AUTHORITY: §§ 92.1 to 92.40 issued under secs. 6, 7, 8, 10, 26 Stat. 416, as amended, sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 102-105, 111.

GENERAL PROVISIONS

§ 92.1 *Definitions.* Whenever in this part the following terms are used unless the context otherwise requires, they shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Bureau.* The Bureau of Animal Industry of the Department.

(c) *Chief of Bureau.* Chief of the Bureau.

(d) *Inspector.* An inspector of the Bureau.

(e) *Animals.* Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

(f) *Cattle.* Animals of the bovine species.

(g) *Ruminants.* All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas and giraffes.

(h) *Swine.* The domestic hog and all varieties of wild hogs.

(i) *Horses.* Horses, asses, mules, and zebras.

(j) *Poultry.* Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, of all ages, including eggs for hatching.

(k) *Accredited areas.* Areas in Canada in which the percentage of cattle infected with tuberculosis is officially declared by the Canadian Government to be less than one-half of 1 percent.

(l) *Restricted areas.* Areas in Canada that are in process of becoming accredited as defined in paragraph (k) of this section.

(m) *Recognized slaughtering center.* Any point where slaughtering operations

are regularly carried on and where Federal, State, or local inspection approved by the Bureau, is maintained.

(n) *Immediate slaughter.* Consignment from the port of entry to some recognized slaughtering center and slaughter thereat within 2 weeks from the date of entry.

(o) *Communicable disease.* Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

(p) *Fever tick.* *Boophilus annulatus*, including, but not limited to, the varieties *Americana* and *Australis*.

(q) *Permitted dip.* A dip permitted by the Bureau to be used in the official dipping of cattle and horses for fever ticks and for dipping cattle and sheep for scabies.

§ 92.2 *General prohibition.* No animal or product subject to the provisions of this part shall be imported or brought into the United States except in accordance with the provisions of this part and Part 94; nor shall any such animal or product be handled or moved after physical entry into the United States and before final release from quarantine or any other form of governmental detention except in compliance with such regulations.

§ 92.3 *Ports designated for the importation of animals.*—(a) *Ocean ports.* The following ports are hereby designated as quarantine stations and all animals except those from Canada and Mexico shall be entered through said stations, viz: Boston, Massachusetts; New York, New York; Baltimore, Maryland; Jacksonville, Miami, and Tampa, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Galveston, Texas; San Diego, Los Angeles, and San Francisco, California; Portland, Oregon; Tacoma and Seattle, Washington; and Honolulu, Hawaii.

(b) *Canadian border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Canada: Eastport, Calais, Vanceboro, Houlton, Monticello, Bridgewater, Fort Fairfield, Limestone, Van Buren, Madawaska, Fort Kent, Jackman and Holey, Maine; Beecher Falls (Canada), Island Pond, Derby Line, North Troy, Newport, Richford, St. Albans, Highgate Springs, and Alburg, Vermont; Rouses Point, Moores Junction, Chateaugay, Malone, Fort Covington, Hogansburg, Roosevelttown, Waddington, Ogdensburg, Morristown, Alexandria Bay, Charlotte, Niagara Falls, and Buffalo, New York; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Noyes, Minnesota; Pembina and Portal, North Dakota; Sweetgrass, Montana; Eastport and Porthill, Idaho; Spokane, Laurier, Oroville, Nighthawk, Sumas, Blaine, and Lynden, Washington; and Juneau and Skagway, Alaska.

(c) *Mexican border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Mexico: Brownsville, Hidalgo, Rio Grande City, Roma, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco,

and Nogales, Arizona; and Calexico and San Ysidro, California.

(d) The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Chief of Bureau with the concurrence of the Secretary of the Treasury.

§ 92.4 *Import permits for ruminants, swine, and poultry and for animal semen.*—(a) *Ruminants, swine, and poultry.* For ruminants, swine, and poultry intended for importation from any part of the world except Canada and except as provided in §§ 92.27 and 92.31, the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed for their arrival or at any time during 3 weeks immediately following, after which time the permit shall be void. Animals will not be eligible for entry if shipped from any foreign port other than designated in the permit.

(b) *Animal semen.* (1) No animal semen may be imported from any part of the world unless the importer first obtains a permit from the Bureau. However, the Chief of Bureau, when he finds that such action may be taken without endangering the livestock industry of the United States, may authorize the importation of animal semen from Canada without such permit. No permit will be issued for the importation of semen derived from domestic ruminants or swine in any country where foot-and-mouth disease or rinderpest has been determined to exist.

(2) The permit will be in two sections, one for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The semen will be received at the specified port on the date prescribed for its arrival or at any time during three weeks immediately following, after which time the permit shall be void.

§ 92.5 *Certificate for ruminants, swine, and poultry.*—(a) *Ruminants and swine.* All ruminants and swine offered for importation from any part of the world except as provided in §§ 92.20, 92.21, 92.22, 92.23, 92.29, 92.35, 92.36, 92.37, and 92.40 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such animals have been kept in said country at least 60 days immediately preceding the date of movement therefrom and that said country during such period has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra: *Provided, however,* That certificates for wild ruminants or wild swine for exhibition purposes need specify freedom from the said diseases of the district of origin only: *And*

provided further, That in the case of sheep, goats, and swine the certificate, as far as it relates to contagious pleuropneumonia, may specify freedom from such disease of the district of origin only. For domestic swine the certificate shall also show that for 60 days immediately preceding the date of movement from the premises of origin no hog cholera, swine plague, or erysipelas has existed on such premises or on adjoining premises.

(b) *Poultry.* All poultry, except eggs for hatching, offered for importation from any country of the world except as provided in §§ 92.26, 92.38, and 92.40, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country and that they were then found to be free of evidence of pul-lorum disease (bacillary white diarrhea) and other communicable diseases; and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 60 days immediately preceding the date of such movement. Certificates for such poultry 60 days of age or older shall also state that the poultry have been kept in the country from which they are offered for importation for at least 60 days immediately preceding the date of movement therefrom and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis) occurred in the locality or localities where the poultry were kept during such period. All eggs for hatching offered for importation from any part of the world except as provided in §§ 92.26 and 92.38 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pul-lorum disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

§ 92.6 *Diagnostic tests—(a) Tuberculosis and brucellosis tests of cattle.* Except as provided in §§ 92.20 and 92.35 (b) and (c) all cattle offered for importation from any part of the world, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation; *Provided*, That the brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old. The said certificate shall give the dates and places of testing, names of the consignor and consignee, and a description of the cattle, with breed, ages, and markings.

(b) *Tuberculosis and brucellosis tests of goats.* Except as provided in §§ 92.21

and 92.36 (b), all goats offered for importation, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. The said certificate shall give the dates and places of testing, method of testing, names of consignor and consignee, and a description of the animals, including breed, ages, markings, and tattoo and ear-tag numbers.

(c) *Further tests during quarantine.* Animals that have been tested as prescribed in the paragraphs (a) and (b) of this section and that are subject to quarantine at the port of entry as provided in § 92.11, shall be retested during the last 10 days of the quarantine period under the supervision of a veterinary inspector, by one or more of the methods approved by the Chief of Bureau.

§ 92.7 *Presentation of papers to collector of customs.* The certificates and affidavits required by the regulations in this part shall be presented by the importer to the collector of customs at the port of entry upon arrival of the animals at such port.

§ 92.8 *Inspection at port of entry.* Inspection shall be made at the port of entry of all horses, ruminants, swine, and poultry offered for importation from any part of the world except as provided in §§ 92.24, 92.25, 92.30, and 92.33. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may waive inspection at the port of entry or provide for inspection at some other point with respect to importations from Canada of eggs for hatching, newly hatched poultry and poultry consigned for immediate slaughter. All animals found to be free from communicable disease and not to have been exposed thereto within 60 days prior to the offer for importation shall be admitted subject to the other provisions in this part. Animals found to be affected with a communicable disease or to have been exposed thereto within 60 days prior to the offer for importation shall be refused entry. Ruminants and swine refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined or otherwise disposed of as the Chief of Bureau may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct. Such portions of the transporting vessel, and of its cargo, as have been exposed to any such animals or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, before the cargo is allowed to land.

§ 92.9 *Articles accompanying animals.* No litter or manure, fodder or other allment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about animals gov-

erned by the regulations in this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§ 92.10 *Movement from conveyances to quarantine station.* Platforms and chutes used for handling imported ruminants or swine shall be cleaned and disinfected under Bureau supervision after being so used. The said animals shall not be unnecessarily moved over any highways nor allowed to come in contact with other animals, but shall be transferred from the conveyance to the quarantine grounds in boats, cars, or vehicles approved by the inspector in charge at the port of entry. Such cars, boats, or vehicles shall be cleaned and disinfected under Bureau supervision immediately after such use, by the carrier moving the same. The railway cars so used shall be either cars reserved for this exclusive use or box cars not otherwise employed in the transportation of animals or their fresh products. When movement of the aforesaid animals upon or across a public highway is unavoidable, it shall be under such careful supervision and restrictions as the inspector in charge at the port of entry and the local authorities may direct.

§ 92.11 *Periods of quarantine—(a) Cattle.* (1) Cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry.

(2) Cattle imported from Canada, countries of Central America and the West Indies, and Mexico shall be subject to the provisions of §§ 92.20, 92.28, 92.34, and 92.35, respectively.

(b) *Other ruminants and swine.* (1) Swine and ruminants other than cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, wild ruminants and wild swine shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Chief of Bureau to determine their freedom from disease and the infection of disease.

(2) Sheep and goats, and swine imported from Canada shall be subject to the provisions of §§ 92.21 and 92.22, respectively. Ruminants and swine imported from countries of Central America and the West Indies shall be subject to the provisions of §§ 92.28 and 92.29, respectively. Swine and ruminants other than cattle imported from Mexico shall be subject to the provisions of §§ 92.34, 92.36, and 92.37.

(c) *Poultry.* Poultry 60 days of age or older imported from any part of the world except Canada and except as provided in § 92.34 (b) shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to such inspections, disinfections, blood tests or other tests as may be required by the Chief of Bureau

to determine their freedom from disease or the infection of disease. Any other poultry may be quarantined at the port of entry for such period as the Chief of Bureau may require.

§ 92.12 *Feed and attendants for animals in quarantine.* (a) Importers of animals subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the port of entry to the time of release from quarantine. At ports where facilities are not maintained by the Bureau, importers shall provide suitable facilities for the quarantine of such animals, subject in all cases to the approval of the inspector in charge at the port of entry. Each owner, or his agent, shall give satisfactory assurance to the inspector prior to the time of quarantine that such provision will be made. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their animals. If for any cause owners of animals refuse or neglect to arrange for their care, feed, and handling, the service may be furnished by the Bureau in the same manner as though the owner, or his agent, had made arrangements for such service as provided by paragraph (b) of this section, or the animals may be disposed of as the Chief of Bureau may direct.

(b) At a port where quarantine facilities are maintained by the Bureau, the importer, or his agent, may arrange with the inspector in charge for care, feed, and handling of animals from the time they arrive at the quarantine station for the port until the time of release from quarantine. The importer, or his agent, must request such service in writing and agree to reimburse the Bureau or pay in advance for the cost thereof, as may be required, and waive all claim against the Bureau or any employee of the Bureau for damages which may arise from such service. The Chief of Bureau may prescribe reasonable rates for the service provided under this paragraph.

(c) The charge for any service furnished under paragraphs (a) or (b) of this section shall be a lien on the animals. After the expiration of one-third of the quarantine period, if payment has not been made, the owners of the animals will be notified by the inspector that if said charges are not immediately paid, or satisfactory arrangements made for payment, the animals will be sold at public auction at the expiration of the period of quarantine to pay the expense of feed and care during that period. Notice of the sale will be published in a newspaper in the county where the quarantine station is located. The sale will be held after the expiration of the quarantine period, at such place as may be designated by the said inspector. The proceeds of the sale, after deducting the charges for care, feed, and handling of the animals and the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the owner within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(d) Amounts collected from importers for service rendered and amounts realized for such purposes under paragraph (c) of this section shall be deposited so as to be available for defraying the expenses involved in this service.

§ 92.13 *Quarantine stations, visiting restricted; sales prohibited.* Visitors shall not be admitted to the quarantine enclosure during any time that animals are in quarantine except that an importer (or his accredited agent or veterinarian) may be admitted to the yards and buildings containing his quarantined animals at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of the animals may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§ 92.14 *Milk from quarantined animals.* Milk or cream from animals quarantined under the provisions of this part shall not be used by any person other than those in charge of such animals, nor be fed to any animals other than those within the same enclosure, without permission of the inspector in charge of the quarantine station and subject to such restrictions as he may consider necessary in each instance. No milk or cream shall be removed from the quarantine premises except in compliance with all State and local regulations.

§ 92.15 *Manure from quarantined animals.* No manure shall be removed from the quarantine premises until the release of the animals producing same.

§ 92.16 *Appearance of disease among animals in quarantine.* If any contagious disease appears among animals during the quarantine period special precautions shall be taken to prevent spread of the infection to other animals in the quarantine station or to those outside the grounds. The affected animals shall be disposed of as the Chief of Bureau may direct, depending upon the nature of the disease.

§ 92.17 *Horses; accompanying forage and equipment.* Horses offered for importation from any part of the world except Mexico, and countries of Central America and the West Indies and except as provided in § 92.24 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals described in the certificate have been in the said country during the preceding 60 days, and that as far as it has been possible to ascertain no case of dourine, glanders, surra, or epizootic or ulcerative lymphangitis has occurred in the locality or localities where the horse or horses have been kept during such period. Horses arriving at a port of entry unaccompanied by the aforesaid certificate, if otherwise eligible for importation, may upon permission first secured from the Chief of Bureau be

landed subject to such quarantine and blood tests or other tests as he may direct. Even though accompanied by said certificate they may be so quarantined and tested when deemed necessary by the Chief of Bureau. Upon inspecting horses at the port of entry and before permitting them to land, the inspector may require their disinfection and the disinfection of their accompanying equipment as a precautionary measure against the introduction of foot-and-mouth disease or any other disease dangerous to the livestock of the United States. When no disease is discoverable in an importation of horses, the hay, straw, or other forage accompanying them may remain on board the ship to be returned: *Provided*, That in the case of a vessel carrying cattle, sheep, other ruminants, or swine from the United States on the return voyage, such material shall be stored in the vessel in a place and manner approved by the said inspector and shall not be used in the feeding or bedding of animals exported.

§ 92.18 *Dogs for handling livestock.* Collie, Shepherd, and other dogs imported from any part of the world except Canada, Mexico, and countries of Central America and the West Indies which are to be used in the handling of sheep or other livestock, shall be inspected and quarantined at the port of entry for a sufficient time to determine their freedom from the tapeworm, *Taenia coenurus*. If found to be infested with such tapeworm they shall be properly treated under the supervision of a veterinary inspector at the port of entry until they are free from the infestation.

CANADA¹

§ 92.19 *Animals from Canada; declaration of purpose.* For all cattle, sheep, goats, swine and poultry offered for importation from Canada there shall be presented to the collector of customs at the time of entry a statement signed by the owner or importer showing clearly the purpose for which said animals are to be imported.

§ 92.20 *Cattle from Canada—(a) Health certificates; detention at port of entry.* Cattle offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said cattle have been inspected and found to be free from any evidence of communicable disease and that, as far as can be determined, they have not been exposed to any such disease during the preceding 60 days. Any such cattle may be detained at the port of entry and there subjected to such tests as may be required by the Chief of Bureau and the importer shall be responsible for the care, feeding, and handling of such cattle during the period of detention.

(b) *Tuberculin-test certificates.* Importations of cattle from Canada, for purposes other than immediate slaughter as provided in § 92.23, shall be in com-

¹ Importations from Canada shall be subject to §§ 92.19 to 92.26, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

pliance with the following conditions and requirements:

(1) Cattle from Canadian-listed tuberculosis-free accredited herds shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that said herds have been tuberculin tested within 1 year of the date of importation. The date of such tuberculin test shall be shown on the certificate.

(2) Cattle from herds in accredited areas in Canada, other than accredited herds, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from herds in such areas and that the animals offered for entry have been tuberculin tested with negative results within 30 days preceding their offer for entry. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(3) Cattle from herds in restricted areas in Canada—other than range cattle and cattle from accredited herds—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (i) that they have been tuberculin tested with negative results within 30 days preceding their offer for entry, (ii) that all cattle in the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 90 days before the date of the offer for entry, and (iii) that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd tests. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(4) Range cattle* shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be range cattle and that they have been tuberculin tested with negative results within 30 days preceding their offer for entry.

(5) No cattle other than range cattle or those from accredited herds shall be imported from areas in Canada that are neither restricted nor accredited under Canadian regulations, except for immediate slaughter as provided in § 92.23.

(c) *Brucellosis test certificates.* Cattle 6 months or older, offered for importation from Canada—except steers, spayed heifers, and all cattle for immediate slaughter—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to have been

tested for brucellosis, with negative results within 30 days preceding their being offered for entry. However, such cattle need not have been so tested if they are accompanied by a certificate, similarly issued or endorsed, showing that they were officially vaccinated as calves 6 to 8 months of age, in accordance with Canadian regulations, within 22 months prior to their being offered for entry. The certificate accompanying such vaccinated cattle shall also show the date of vaccination of each animal.

(d) *Certificates; information required.* The certificates prescribed in paragraphs (b) and (c) of this section shall give the dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tattoo and ear tag numbers.

(e) *United States cattle returning from expositions in Canada.* Cattle from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other recognized expositions in Canada and have not been in that country more than 30 days may be returned to the United States within 10 days from the close of such fair or exposition without the certificates specified in paragraphs (b) and (c) of this section, if they are accompanied by copies of the tuberculin and brucellosis-test certificates accepted by the Canadian authorities for their entry into Canada and if it is shown to the satisfaction of the inspector at the United States port of reentry that they are the identical cattle covered by the said certificates.

§ 92.21 *Sheep and goats from Canada.*—(a) *For purposes other than immediate slaughter.* Sheep or goats offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they have been inspected on the premises of origin and found free from evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days. If unaccompanied by such certificate, the said sheep or goats shall be held in quarantine at the port of entry for not less than 10 days during which they shall be dipped and subjected to such tests or other treatment as may be ordered by the Chief of Bureau.

(b) *For immediate slaughter.* Sheep or goats for immediate slaughter may be imported from Canada without the certificate specified in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.22 *Swine from Canada.*—(a) *For purposes other than immediate slaughter.* Swine offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (1) that no hog cholera or swine plague has existed within a radius of 5 miles of the premises

on which the swine were kept during the 60 days preceding the date of movement therefrom, or (2) that no hog cholera or swine plague has existed on the premises of origin during such period and that the swine have been immunized against hog cholera by the simultaneous method and thereafter disinfected with a 2-percent solution of an approved cresylic disinfectant. If unaccompanied by such certificate, the swine shall be held in quarantine at the port of entry for not less than 2 weeks.

(b) *For immediate slaughter.* Swine for immediate slaughter may be imported from Canada without certification as prescribed in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.23 *Animals from Canada for immediate slaughter.* Cattle, sheep, goats, and swine imported from Canada for immediate slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry, or upon special permission obtained from the Chief of Bureau they may be reconsigned to other points and there slaughtered within the aforesaid period.

§ 92.24 *Horses from Canada.* Horses from Canada shall be inspected as provided in § 92.8 and when so ordered by the Chief of Bureau shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing said horses to have been mallein-tested with negative results, or shall be so tested by a veterinary inspector at the port of entry. Those used in connection with local activities along the border may be admitted without inspection for a temporary period not exceeding 10 days, and the same provision shall apply to horses returning to the United States after a stay in Canada of not to exceed 10 days.

§ 92.25 *In-bond shipments from Canada.* Cattle, sheep, swine and poultry from Canada, transported in-bond for export, if accompanied by certificates showing freedom from disease as required by §§ 92.20 (a), 92.21 (a), 92.22 (a) or 92.26, respectively, and also horses from Canada transported in-bond for export, may proceed without inspection at the border port of entry, subject to inspection at the United States port of export: *Provided, however,* That such animals shall be inspected at the port of entry or at points en route at which the Bureau has inspectors stationed, if so directed by the Chief of Bureau.

§ 92.26 *Poultry from Canada.* All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from

* Cattle of the beef breeds raised under range conditions in the western provinces of Canada.

Canada, without such certification, of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

COUNTRIES OF CENTRAL AMERICA AND WEST INDIES¹

§ 92.27 *Animals from Central America and the West Indies; permits required.* A permit as provided in § 92.4 shall be secured for the importation of ruminants and swine from countries of Central America into any port of the United States and for the importation of ruminants and swine from countries of the West Indies into the continental United States. The importation of cattle from any area infested with fever ticks, *Boophilus annulatus*, is prohibited.

§ 92.28 *Ruminants from Central America and the West Indies.* Ruminants offered for importation from countries of Central America and the West Indies shall be accompanied by a certificate of a veterinary officer of the national government of the country of origin showing that they have been in the said country for a period of at least 60 days immediately preceding the date of shipment therefrom, that he has inspected them and found them to be free from evidence of communicable disease, and that as far as he has been able to determine they have not been exposed to any such disease during that period. If no such veterinary officer is available in the country of origin, the animals may be accompanied by an affidavit of the owner or importer stating that they have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of their kind with which they have come in contact. Animals for which such affidavit is presented, unless imported for immediate slaughter, shall be quarantined at the port of entry at least 7 days and during that time shall be subjected to such dipping, blood tests, or other tests as may be ordered by the Chief of Bureau to determine their freedom from communicable disease. If imported for immediate slaughter they shall be handled as provided in § 92.23.

§ 92.29 *Swine from Central America and the West Indies.* Swine offered for importation from countries of Central America and the West Indies shall be accompanied by an affidavit of the owner or importer stating that the said animals have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of their kind with which they have come in contact. Unless imported for immediate slaughter, said swine shall be quar-

antined at the port of entry for not less than 1 week, and in the absence of said affidavit shall be quarantined for not less than 2 weeks. While under quarantine the said swine, with the exception of wild swine, shall be immunized against hog cholera under the supervision of a veterinary inspector, at the owner's expense, by one of the methods recognized by the Department. Wild swine shall be subjected to such blood tests or other tests as may be ordered by the Chief of Bureau in each instance to determine their freedom from communicable disease. Swine imported for immediate slaughter shall be handled as provided in § 92.23.

§ 92.30 *Horses from Central America and the West Indies.* When so ordered by the Chief of Bureau, horses from countries of Central America and the West Indies shall be subjected to such quarantine and blood tests or other tests as he may deem necessary to determine their freedom from communicable disease. Any such horses that are found to be infested with fever ticks, *Boophilus annulatus*, shall not be permitted entry until they have been freed therefrom by dipping in a permitted arsenical solution or by other treatment approved by the Chief of Bureau. In lieu of inspection at the port of entry as prescribed in § 92.8, race horses returning from the West Indies may be inspected at such points as the Chief of Bureau may direct.

MEXICO¹

§ 92.31 *Permits for ruminants, swine, and poultry.* (a) For ruminants and swine, intended for importation from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, the importer or his agent shall deliver to the inspector in charge at the port of entry in writing an application for inspection so that the inspector in charge and representatives of the Bureau of Customs may make mutually satisfactory arrangements for the orderly inspection of the animals. The inspector in charge will provide the importer or his agent with a written statement assigning inspection dates when the animals may be presented for entry.

(b) For ruminants and swine, intended for importation from States of Mexico other than those listed in paragraph (a) of this section and poultry from all of Mexico the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American Consul in the district which includes the point of origin and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed in the permit for their arrival or at any time during one week immediately following, after which time the permit shall be void.

§ 92.32 *Declaration of purpose.* For all cattle, sheep, goats, swine, and poultry

offered for importation from Mexico, there shall be presented to the collector of customs, at the time of entry, a statement signed by the importer or his agent showing clearly the purpose for which said animals are to be imported.

§ 92.33 *Inspection at port of entry.* (a) All horses, ruminants, swine, and poultry offered for entry from Mexico, including such animals intended for movement through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such animals found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this part. Animals found to be affected with or to have been exposed to a communicable disease, or infested with fever ticks, shall be refused entry except as provided in § 92.35 (a) (2). Ruminants and swine refused entry shall be handled thereafter in accordance with provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103) or quarantined or otherwise disposed of as the Chief of Bureau may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct.

(b) Animals covered by paragraph (a) of this section shall be imported through ports, designated in § 92.3, which are equipped with facilities necessary for proper chute inspection, dipping, and testing, as provided in this part.

§ 92.34 *Detention at port of entry and periods of quarantine.* (a) Cattle, other ruminants, and swine imported from Mexico and originating in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, except animals being transported in bond for immediate return to Mexico and except animals imported for immediate slaughter, may be detained at the port of entry and there subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Chief of Bureau to determine their freedom from any communicable disease or infection with such disease and the importer shall be responsible for the care, feed, and handling of the animals during the period of detention.

(b) Cattle, other ruminants, and swine originating in States of Mexico, other than those listed in paragraph (a) of this section, and all poultry, imported from Mexico, except animals being transported in bond for immediate return to Mexico and eggs for hatching, shall be quarantined at the port of entry for not less than 15 days, counting from the date of arrival at such port. During their quarantine cattle, other ruminants, swine, and poultry shall be subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Chief of Bureau to determine their freedom from any communicable disease or infection with such disease. Any offering for entry from Mexico of cattle, other ruminants, and swine which includes any such animals

¹Importations from countries of Central America and the West Indies shall be subject to §§ 92.27 to 92.30, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

¹Importations from Mexico shall be subject to §§ 92.31 to 92.40, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

from Mexican States other than those listed in paragraph (a) of this section, shall be subject to the provisions of this paragraph rather than to the provisions of paragraph (a) of this section.

§ 92.35 *Cattle from Mexico*—(a) *Fever ticks.* (1) Except as provided in subparagraph (2) of this paragraph, all cattle offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he inspected the said cattle at the time of movement to the port of entry and found them free from any evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease, including splenic, southern, or tick fever, during the preceding 60 days and if shipped by rail or truck the certificate shall further specify that the cattle were loaded into clean and disinfected cars or trucks for transportation direct to the port of entry. They shall also be accompanied by a certificate of the importer, or his agent supervising the shipment, stating that while en route to the port of entry they have not been trailed or driven through any district or area infested with fever ticks. Notwithstanding such certificates, such cattle shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once, under supervision of an inspector, in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution, or in a permitted scabies dip, depending on the origin of the animals and subject to the discretion of the inspector. The owner or his agent shall first execute an application for inspection and dipping as provided in paragraph (a) (2) (iii) of this section.

(2) Cattle which have been infested with or exposed to fever ticks may be imported from Mexico into the State of Texas, provided the following conditions are strictly observed and complied with:

(i) The cattle shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he has inspected the cattle and found them free from fever ticks and any evidence of communicable disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease except splenic, southern, or tick fever, during the 60 days immediately preceding their movement to the port of entry.

(ii) The cattle shall be shown by a certificate of a salaried veterinarian of the Mexican Government to have been dipped in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution within 7 to 12 days before being offered for entry.

(iii) The importer, or his duly authorized agent, shall first execute and deliver to an inspector at the port of entry an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from dipping, or resulting from the fact that they are later found to be still tick infested; and also for all subsequent loss

or damage to any other cattle in the possession or control of such importer which may come into contact with the cattle so dipped.

(iv) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in a permitted dip under the supervision of an inspector 7 to 14 days after the dipping required by subdivision (ii) of this subparagraph. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until 10 to 14 days after they have again been dipped in the manner provided by subdivision (ii) of this subparagraph.

(v) The conditions at the port of entry shall be such that the subsequent movement of the cattle can be made without exposure to fever ticks.

(b) *Tuberculosis.* All cattle offered for importation from Mexico, except strictly range cattle^{*} and those offered for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for tuberculosis with negative results within 30 days preceding their being offered for entry. The said certificate shall give the date and place of such testing, names of the consignor and consignee, and a description of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

(c) *Brucellosis.* All dairy or breeding cattle 6 months of age or older, except steers and spayed heifers, and cattle for immediate slaughter, offered for importation from Mexico shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for brucellosis with negative results, within 30 days preceding their being offered for entry. The said certificate shall give the date and method of testing, names of the consignor and consignee, and a description of the cattle, including the breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such cattle shall be detained or quarantined as provided in § 92.34 and a blood sample shall be obtained under the supervision of the inspector and the animals retested for brucellosis. Animals failing to pass said retest with a negative reaction shall be refused entry, and, unless returned to the country of origin, shall be disposed of as provided by section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103).

§ 92.36 *Sheep and goats and wild ruminants from Mexico.* (a) Except as provided in paragraph (c) of this section, all sheep and goats offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a

^{*} It has been determined that the incidence of tuberculosis is much less than one-half of 1 percent among range cattle in the northern states of Mexico, where importations of this class of cattle originate. Such cattle, however, will be subject to the tuberculin-test requirements of the state of destination.

careful physical examination by him of such sheep and goats on the premises of origin, no evidence of communicable disease was found, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days; and, if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation direct to the port of entry. Notwithstanding such certificate, such sheep and goats shall be detained or quarantined as provided in § 92.34, and shall be dipped at least once in a permitted scabies dip under supervision of an inspector.

(b) Except as provided in paragraph (c) of this section, all goats offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing them to have been tested for tuberculosis and brucellosis with negative results, within 30 days preceding their being offered for entry. The said certificate shall give the date and method of testing, names of consignor and consignee, and a description of the animals including breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such goats shall be detained or quarantined as provided in § 92.34 and retested for brucellosis. Animals failing to pass said retest with a negative reaction shall be refused entry and unless returned to the country of origin shall be disposed of as provided by section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103).

(c) Certificates will not be required for wild sheep, deer, and other wild ruminants originating in and shipped direct from Mexico, but said animals are subject to inspection at the port of entry as provided in § 92.33.

§ 92.37 *Swine from Mexico.* (a) Except as provided for in paragraph (b) of this section, all swine offered for importation from Mexico for purposes other than immediate slaughter, shall be accompanied by a certificate signed by a salaried veterinarian of the Mexican Government showing that for a period of 60 days prior to their movement from the premises on which they were kept no swine plague or hog cholera has existed within a radius of 5 miles therefrom. In addition, all such swine shall be immunized against hog cholera under the supervision of an inspector at the port of entry at the owner's expense in accordance with one of the methods recognized by the Department for preventing the spread of this disease. In the absence of the certificate as herein specified, such swine shall be detained or quarantined as provided in § 92.34 and, in addition to immunization against hog cholera, shall be subjected to such inspections and tests as may be deemed necessary by the Chief of Bureau to determine their freedom from communicable disease.

(b) A certificate as specified in this section will not be required for wild swine

for exhibition purposes, and such animals will not be required to undergo immunization against hog cholera but are subject to inspection at the port of entry as provided in § 92.23.

§ 92.38 *Poultry from Mexico.* Poultry, except eggs for hatching, offered for entry from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement therefrom; that they were then found to be free of evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, they were not exposed to any such diseases during the 60 days immediately preceding the date of such movement. The certificate shall also state that the poultry have been kept in Mexico for at least 60 days immediately preceding the date of movement therefrom or since they were hatched; that, in so far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis), occurred in the localities where the poultry were kept during such period. Eggs for hatching offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that the flock or flocks or origin of such eggs were inspected on the premises of origin immediately before the date of movement of the eggs therefrom, and found to be free from evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, such flock or flocks were not exposed to any such diseases during the preceding 60 days.

§ 92.39 *Horses from Mexico—(a) Horses from tick-infested areas.* Horses offered for importation from tick-infested areas of Mexico shall be chute inspected unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Chief of Bureau. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation following treatment as prescribed in § 92.35 (a) (2) for cattle from tick-infested areas.

(b) *Horses from dourine-infested areas.* All horses offered for importation from dourine-infested areas in Mexico, other than those moving in bond for immediate reentry into Mexico, those imported for immediate slaughter, and geldings unless judged by the inspector to be capable of serving mares, shall be detained at the border port of entry where a blood sample shall be obtained from each animal under the supervision of the inspector, said samples to be forwarded to the Bureau laboratory where

they will be tested by the complement-fixation method for dourine. Any such animal that is found by said test to be affected with dourine shall be refused entry.

§ 92.40 *Animals for immediate slaughter.* Cattle, other ruminants, and swine from the Mexican states of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, and horses and poultry from any part of Mexico, may be imported, subject to the applicable provisions of §§ 92.31, 92.32, 92.33, 92.35 (a) (2) and 92.39 (a), for immediate slaughter if accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a careful physical examination by him of such animals on the premises of origin no evidence of communicable disease was found, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days, and if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation directly to the port of entry. Such animals shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry. Such animals shall be moved from the port of entry in conveyances sealed with seals of the United States Government. Cattle, other ruminants, and swine from Mexican States other than those designated above may be imported only in compliance with other applicable sections in this part.

The foregoing amendments revoke the special regulations governing the importation of certain animals and poultry from Mexico (9 CFR 93.2-93.12, as amended), and revise the general regulations governing the importation of certain animals and poultry and certain animal and poultry products (9 CFR Part 92, as amended), to make such regulations applicable to importations from Mexico, to require a more thorough inspection at the port of entry, to prescribe additional quarantine requirements, and to impose other safeguards in order to more effectively prevent the introduction into the United States of communicable diseases of animals and poultry.

For the protection of the livestock industry the foregoing amendments should be made effective as soon as possible. Therefore, good cause is found for making them effective less than 30 days after their publication in the *FEDERAL REGISTER*.

The foregoing amendments shall become effective upon publication in the *FEDERAL REGISTER*.

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

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

[F. R. Doc. 52-9685; Filed, Sept. 2, 1952; 12:05 p. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Effective September 1, 1952, Part 208 is amended to read as follows:

Sec.	Definitions.
208.1	Eligibility requirements.
208.2	Insurance of deposits.
208.3	Application for membership.
208.4	Approval of application.
208.5	Privileges and requirements of membership.
208.6	Conditions of membership.
208.7	Establishment or maintenance of branches.
208.8	Publication of reports of member banks and their affiliates.
208.9	Voluntary withdrawal from Federal Reserve System.
208.10	Board forms.
208.11	

AUTHORITY: §§ 208.1 to 208.11 issued under sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 9, 38 Stat. 259, as amended, 49 Stat. 715, 64 Stat. 873; 12 U. S. C. 321-338, 486, 1814, 1816.

§ 208.1 *Definitions.* For the purposes of this part:

(a) The term "State bank" means any bank or trust company incorporated under a special or general law of a State or under a general law for the District of Columbia, any mutual savings bank (unless otherwise indicated), and any Morris Plan bank or other incorporated banking institution engaged in similar business.¹

(b) The term "mutual savings bank" means a bank without capital stock transacting a savings bank business, the net earnings of which inure wholly to the benefit of its depositors after payment of obligations for any advances by its organizers, and in addition thereto includes any other banking institution the capital of which consists of weekly or other time deposits which are segregated from all other deposits and are regarded as capital stock for the purposes of taxation and the declaration of dividends.

(c) The term "Board" means the Board of Governors of the Federal Reserve System.

¹ Under the provisions of section 19 of the Federal Reserve Act, national banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States are not required to become members of the Federal Reserve System but may, with the consent of the Board, become members of the System. However, this Part 208 is applicable only to the admission of banks eligible for admission to membership under section 9 of the Federal Reserve Act and does not cover the admission of banks eligible under section 19 of the act. Any bank desiring to be admitted to the System under the provisions of section 19 should communicate with the Federal Reserve Bank with which it desires to do business.

(d) The term "board of directors" means the governing board of any institution performing the usual functions of a board of directors.

(e) The term "Federal Reserve Bank stock" includes the deposit which may be made with a Federal Reserve Bank in lieu of a subscription for stock by a mutual savings bank which is not permitted to purchase stock in a Federal Reserve Bank, unless otherwise indicated.

(f) The terms "capital" and "capital stock" mean common stock, preferred stock, and legally issued capital notes and debentures purchased by the Reconstruction Finance Corporation which may be considered capital and capital stock for purposes of membership in the Federal Reserve System under the provisions of section 9 of the Federal Reserve Act.

§ 208.2 Eligibility requirements. (a) Under the terms of section 9 of the Federal Reserve Act, as amended, to be eligible for admission to membership in the Federal Reserve System:

(1) A State bank, other than a mutual savings bank, must possess capital stock and surplus which, in the judgment of the Board, are adequate in relation to the character and condition of its assets and to its existing and prospective deposit liabilities and other corporate responsibilities: *Provided*, That no bank engaged in the business of receiving deposits other than trust funds, which does not possess capital stock and surplus in an amount equal to that which would be required for the establishment of a national banking association in the place in which it is located, shall be admitted to membership unless it is, or has been, approved for deposit insurance under the Federal Deposit Insurance Act.

(2) A mutual savings bank must possess surplus and undivided profits not less than the amount of capital required for the organization of a national bank in the place where it is situated.

(b) The minimum capital required for the organization of a national bank, referred to hereinbefore in connection with the capital required for admission to membership in the Federal Reserve System, is as follows:

	Minimum capital
If located in a city or town with a population:	
Not exceeding 6,000 inhabitants...	\$50,000
Exceeding 6,000 but not exceeding 50,000 inhabitants.....	100,000
Exceeding 50,000 inhabitants (except as stated below).....	200,000
In an outlying district of a city with a population exceeding 50,000 inhabitants; provided State law permits organization of State banks in such location with a capital of \$100,000 or less.....	100,000

With certain exceptions not here applicable, a national bank must have surplus equal to 20 percent of its capital in order to commence business.

§ 208.3 Insurance of deposits. Any State bank becoming a member of the Federal Reserve System which is engaged in the business of receiving de-

posits other than trust funds and which is not at the time an insured bank under the provisions of the Federal Deposit Insurance Act, will become an insured bank under the provisions of that Act on the date upon which it becomes a member of the Federal Reserve System.¹ In the case of an insured bank which is admitted to membership in the Federal Reserve System, the bank will continue to be an insured bank.

§ 208.4 Application for membership—
(a) *State bank, other than a mutual savings bank.* A State bank, other than a mutual savings bank, applying for membership, shall make application on Form F. R. 83A to the Board for an amount of capital stock in the Federal Reserve Bank of its district equal to six percent of the paid-up capital stock and surplus of the applying institution.

(b) *Mutual savings bank.* A mutual savings bank applying for membership shall make application on Form F. R. 83B to the Board for an amount of capital stock in the Federal Reserve Bank of its district equal to six-tenths of one percent of its total deposit liabilities as shown by the most recent report of examination of such institution preceding its admission to membership, or, if such institution be not permitted by the laws under which it was organized to purchase stock in a Federal Reserve Bank, on Form F. R. 83C, for permission to deposit with the Federal Reserve Bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock.

(c) *Mutual savings bank which is not authorized to purchase stock of Federal Reserve Bank at time of admission.* If a mutual savings bank be admitted to membership on the basis of a deposit of the required amount with the Federal Reserve Bank in lieu of payment upon capital stock because the laws under which such bank was organized do not at that time authorize it to purchase stock in the Federal Reserve Bank, it shall subscribe on Form F. R. 83D for the appropriate amount of stock in the Federal Reserve Bank whenever such laws are amended so as to authorize it to purchase stock in a Federal Reserve Bank.²

¹In the case of a State bank which is engaged in the business of receiving deposits other than trust funds and which at the time of its admission to membership in the Federal Reserve System is not an insured bank, the Board is required under the provisions of sections 4 and 6 of the Federal Deposit Insurance Act to issue a certificate to the Federal Deposit Insurance Corporation to the effect that the bank is a member of the Federal Reserve System and that consideration has been given to the financial history and condition of the bank, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served by the bank, and whether or not its corporate powers are consistent with the purposes of the Federal Deposit Insurance Act.

²The Federal Reserve Act provides that, if the laws under which any such savings bank was organized be not amended at the first session of the legislature following the admission of the savings bank to membership so as to authorize mutual savings bank to purchase Federal Reserve Bank stock,

(d) *Execution and filing of application.* Each application made under the provisions of this section and the exhibits referred to in the application blank shall be executed and filed, in duplicate, with the Federal Reserve Bank of the district in which the applying bank is located.

§ 208.5 Approval of application—(a) *Matters given special consideration by Board.* In passing upon an application, the following matters will be given special consideration:

(1) The financial history and condition of the applying bank and the general character of its management;

(2) The adequacy of its capital structure in relation to the character and condition of its assets and to its existing and prospective deposit liabilities and other corporate responsibilities; and its future earnings prospects;

(3) The convenience and needs of the community to be served by the bank; and

(4) Whether its corporate powers are consistent with the purposes of the Federal Reserve Act.

(b) *Procedure for admission to membership after approval of application.* If an applying bank conforms to all the requirements of the Federal Reserve Act and this part and is otherwise qualified for membership, its application will be approved subject to such conditions as may be prescribed pursuant to the provisions of the Federal Reserve Act. When the conditions prescribed have been accepted by the applying bank, it should pay to the Federal Reserve Bank of its district one-half of the amount of its subscription and, upon receipt of advice from the Federal Reserve Bank as to the required amount, one-half of one percent of its paid-up subscription for each month from the period of the last dividend.³ The remaining half of the bank's subscription shall be subject to call when deemed necessary by the Board. The bank's membership in the Federal Reserve System shall become effective on the date as of which a certificate of stock of the Federal Reserve Bank is issued to it pursuant to its application for membership or, in the case of a mutual savings bank which is not authorized to subscribe for stock, on the date as of which a certificate representing the acceptance of a deposit with the Federal Reserve Bank in place of a payment on account of a subscription to stock is issued to it pursuant to its application for membership.

§ 208.6 Privileges and requirements of membership. Every State bank while

or if such laws be so amended and the bank fall within six months thereafter to purchase such stock, all of its rights and privileges as a member bank shall be forfeited and its membership in the Federal Reserve System shall be terminated in the manner prescribed in section 9 of the Federal Reserve Act.

³In the case of a mutual savings bank which is not permitted by the laws under which it was organized to purchase stock in a Federal Reserve Bank, it shall deposit with the Federal Reserve Bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock.

a member of the Federal Reserve System—

(a) Shall retain its full charter and statutory rights subject to the provisions of the Federal Reserve Act and other acts of Congress applicable to member State banks, to the regulations of the Board made pursuant to law, and to the conditions prescribed by the Board and agreed to by such bank prior to its admission;

(b) Shall enjoy all the privileges and observe all the requirements of the Federal Reserve Act and other acts of Congress applicable to member State banks and of the regulations of the Board made pursuant to law which are applicable to member State banks;

(c) Shall comply at all times with any and all conditions of membership prescribed by the Board in connection with the admission of such bank to membership in the Federal Reserve System; and

(d) Shall not reduce its capital stock except with the prior consent of the Board.*

§ 208.7 Conditions of membership.

(a) Pursuant to the authority contained in the first paragraph of section 9 of the Federal Reserve Act, which authorizes the Board to permit applying State banks to become members of the Federal Reserve System "subject to the provisions of this act and to such conditions as it may prescribe pursuant thereto," the Board, except as hereinafter stated, will prescribe the following conditions of membership for each State bank hereafter applying for admission to the Federal Reserve System, and, in addition, such other conditions as may be considered necessary or advisable in the particular case:

(1) Such bank at all times shall conduct its business and exercise its powers with due regard to the safety of its depositors, and, except with the permission of the Board of Governors of the Federal Reserve System, such bank shall not cause or permit any change to be made in the general character of its business or in the scope of the corporate powers exercised by it at the time of admission to membership.

* This applies to capital stock of all classes and to capital notes and debentures legally issued and purchased by the Reconstruction Finance Corporation which, under the Federal Reserve Act, are considered as capital stock for purposes of membership.

* For many years, the Board prescribed, as standard conditions of membership, a condition which, in general, prohibited banks from engaging as a business in the sale of real estate loans to the public and certain conditions relating to the exercise of trust powers, including one which prohibited self-dealing in the investment of trust funds. The elimination of these conditions as standard conditions of membership does not reflect any change in the Board's position as to the undesirability of the practices formerly prohibited by such conditions; and attention is called to the fact that engaging as a business in the sale of real estate loans to the public or failing to conduct trust business in accordance with the applicable State laws and sound principles of trust administration may constitute unsafe or unsound practices and violate the condition set forth in this subparagraph.

(2) The net capital and surplus funds of such bank shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities.

(b) The acquisition by a member State bank of the assets of another institution through merger, consolidation, or purchase may result in a change in the general character of its business or in the scope of its corporate powers within the meaning of the condition set forth in subparagraph (1) of this paragraph, and if at any time a bank subject to such condition anticipates making any such acquisition a detailed report setting forth all the facts in connection with the transaction shall be made promptly to the Federal Reserve Bank of the district in which such bank is located.

(c) If at any time, in the light of all the circumstances, the aggregate amount of a member State bank's net capital and surplus funds appears to be inadequate, the bank within such period as shall be deemed by the Board to be reasonable for this purpose, shall increase the amount thereof to an amount which in the judgment of the Board shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities.

§ 208.8 Establishment or maintenance of branches—(a) In general. Every State bank which is or hereafter becomes a member of the Federal Reserve System is subject to the provisions of section 9 of the Federal Reserve Act relating to the establishment and maintenance of branches¹ in the United States or in a dependency or insular possession thereof or in a foreign country. Under the provisions of section 9, member State banks establishing and operating branches in the United States beyond the corporate limits of the city, town, or village in which the parent bank is situated must conform to the same terms, conditions, limitations, and restrictions as are applicable to the establishment of branches by national banks under the provisions of section 5155 of the Revised Statutes of the United States relating to the establishment of branches in the United States, except that the approval of any such branches must be obtained from the Board rather than from the Comptroller of the Currency. The approval of the Board must likewise be obtained before any member State bank establishes any branch after July 15, 1952, within the corporate limits of the city, town, or village in which the parent bank is situated (except within the District of Columbia). Under the provisions of section 9, member State banks establishing and operating branches in a dependency or insular possession of the United States or in a foreign country

¹ Section 5155 of the Revised Statutes of the United States provides that: "(f) The term 'branch' as used in this section shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State or territory of the United States or in the District of Columbia at which deposits are received, or checks paid, or money lent."

must conform to the terms, conditions, limitations, and restrictions contained in section 25 of the Federal Reserve Act relating to the establishment by national banks of branches in such places.

(b) Branches in the United States. (1) Before a member State bank establishes a branch (except within the District of Columbia), it must obtain the approval of the Board.

(2) Before any nonmember State bank having a branch or branches established after February 25, 1927, beyond the corporate limits of the city, town, or village in which the bank is situated is admitted to membership in the Federal Reserve System, it must obtain the approval of the Board for the retention of such branches.

(3) A member State bank located in a State which by statute law permits the maintenance of branches within county or greater limits may, with the approval of the Board, establish and operate, without regard to the capital requirements of section 5155 of the Revised Statutes, a seasonal agency in any resort community within the limits of the county in which the main office of such bank is located for the purpose of receiving and paying out deposits, issuing and cashing checks and drafts, and doing business incident thereto, if no bank is located and doing business in the place where the proposed agency is to be located; and any permit issued for the establishment of such an agency shall be revoked upon the opening of a State or national bank in the community where the agency is located.

(4) Except as stated in paragraph (b) (3) of this section, in order for a member State bank to establish a branch beyond the corporate limits of the city, town, or village in which it is situated, the aggregate capital stock of the member State bank and its branches shall at no time be less than the aggregate minimum capital stock required by law for the establishment of an equal number of national banking associations situated in the various places where such member State bank and its branches are situated.

(5) A member State bank may not establish a branch beyond the corporate limits of the city, town, or village in which it is situated unless such establishment and operation are at the time authorized to State banks by the statute law of the State in question by language specifically granting such authority affirmatively and not merely by implication or recognition.

(6) Any member State bank which, on February 25, 1927, had established and was actually operating a branch or branches in conformity with the State

* The requirement of this paragraph is met if the aggregate capital stock of a member State bank having branches is not less than the total amount of capital stock which would be required for the establishment of one national bank in each of the places in which the head office and branches of the member State bank are located, irrespective of the number of offices which the bank may have in any such place. There are no additional capital requirements for additional branches within the city, town, or village in which the head office is located.

law is permitted to retain and operate the same while remaining a member of the Federal Reserve System, regardless of the location of such branch or branches.

(7) The removal of a branch of a member State bank from one town to another town constitutes the establishment of a branch in such other town and, accordingly, requires the approval of the Board. The removal of a branch of a member State bank from one location in a town to another location in the same town will require the approval of the Board if the circumstances of the removal are such that the effect thereof is to constitute the establishment of a new branch as distinguished from the mere relocation of an existing branch in the immediate neighborhood without affecting the nature of its business or customers served.

(c) *Application for approval of branches in United States.* Any member State bank desiring to establish a branch should submit a request for the approval by the Board of any such branch to the Federal Reserve Bank of the district in which the bank is located. Any nonmember State bank applying for membership and desiring to retain any branch established after February 25, 1927, beyond the corporate limits of the city, town, or village in which the bank is situated should submit a similar request. Any such request should be accompanied by advice as to the scope of the functions and the character of the business which are or will be performed by the branch and detailed information regarding the policy followed or proposed to be followed with reference to supervision of the branch by the head office; and the bank may be required in any case to furnish additional information which will be helpful to the Board in determining whether to approve such request.

(d) *Foreign branches.* Before a member State bank establishes a branch in a foreign country, or dependency or insular possession of the United States, it must have a capital and surplus of \$1,000,000 or more and obtain the approval of the Board.

(e) *Application for approval of foreign branches.* Any member State bank desiring to establish such a branch and any nonmember State bank applying for membership and desiring to retain any such branch established after February 25, 1927, should submit a request for the approval by the Board of any such branch to the Federal Reserve Bank of the district in which the bank is located. Any such request should be accompanied by advice as to the scope of the functions and the character of the business which are or will be performed by the branch and detailed information regarding the policy followed or proposed to be followed with reference to supervision of the branch by the head office; and the bank may be required in any case to furnish additional information which will be helpful to the Board in determining whether to approve such request.

§ 208.9 *Publication of reports of member banks and their affiliates*—(a) *Reports of member banks.* (1) Each report of condition made by a member State bank, which is required to be made to the Federal Reserve Bank of its district as of call dates fixed by the Board of Governors of the Federal Reserve System, shall be published by such member bank within twenty days from the date the call therefor is issued.

(2) The report shall be printed in a newspaper published in the place where the bank is located or, if there be no newspaper published in the place where the bank is located, then in a newspaper published in the same or in an adjoining county and in general circulation in the place where the bank is located. The term "newspaper", for the purpose of this part, means a publication with a general circulation published not less frequently than once a week, one of the primary functions of which is the dissemination of news of general interest.

(3) The copy of the report for the use of the printer for publication should be prepared on the form supplied or authorized for the purpose by the Federal Reserve Bank. The published information shall agree in every respect with that shown on the face of the condition report rendered to the Federal Reserve Bank, except that any item for which no amount is reported may be omitted in the published statement. All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve Bank, but the signatures may be typewritten or otherwise copied on the report for publication.

(4) A copy of the printed report shall be submitted to the Federal Reserve Bank attached to the certificate on the form supplied or authorized for the purpose by the Federal Reserve Bank.

(b) *Reports of affiliates.*¹⁰ (1) Each report of an affiliate of a member State

¹⁰Under the provisions of section 9 of the Federal Reserve Act, reports of condition of member State banks which, under that section, must be made to the respective Federal Reserve Banks on call dates fixed by the Board of Governors of the Federal Reserve System "shall be published by the reporting banks in such manner and in accordance with such regulations as the said Board may prescribe".

Section 9 also provides that the reports of affiliates of a member State bank which are required by that section to be furnished to the respective Federal Reserve Banks "shall be published by the bank under the same conditions as govern its own condition reports". The term "affiliates", as used in this provision of section 9, under the express terms of that section, includes "holding company affiliates as well as other affiliates", but a member State bank is not required to furnish to a Federal Reserve Bank the report of an affiliated member bank.

¹¹Section 21 of the Federal Reserve Act, among other things, provides as follows: "whenever member banks are required to obtain reports from affiliates, or whenever affiliates of member banks are required to submit to examination, the Board of Governors of the Federal Reserve System or the Comptroller of the Currency, as the case may be, may waive such requirements with respect to any such report or examination of any affiliate if in the judgment of the said

bank, including a holding company affiliate, shall be published at the same time and in the same newspaper as the affiliated bank's own condition report submitted to the Federal Reserve Bank, unless an extension of time for submission of the report of the affiliate has been granted under authority of the Board of Governors of the Federal Reserve System. When such extension of time has been granted, the report of the affiliate must be submitted and published before the expiration of such extended period in the same newspaper as the condition report of the bank was published.

(2) The copy of the report for the use of the printer for publication should be prepared on Form F. R. 220a. The published information shall agree in every respect with that shown on the face of the report of the affiliate furnished to the Federal Reserve Bank by the affiliated member bank, except that any item appearing under the caption "Financial relations with bank" against which the word "none" appears on the report furnished to the Federal Reserve Bank may be omitted in the published statement of the affiliate: *Provided*, That if the word "none" is shown against all of the items appearing under such caption in the report furnished to the Federal Reserve Bank the caption "Financial relations with bank" shall appear in the published statement followed by the word "none". All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve Bank, but the signatures may be typewritten or otherwise copied on the report for publication.

(3) A copy of the printed report shall be submitted to the Federal Reserve Bank attached to the certificate on Form F. R. 220a.

§ 208.10 *Voluntary withdrawal from Federal Reserve System*—(a) *General.* Any State bank desiring to withdraw from membership in a Federal Reserve Bank may do so after six months' written notice has been filed with the Board; and the Board, in its discretion, may waive such six months' notice in any individual case and may permit such bank to withdraw from membership in a Federal Reserve Bank, subject to such conditions as the Board may prescribe, prior to the expiration of six months from the date of the written notice of its intention to withdraw.

Board or Comptroller, respectively, such report or examination is not necessary to disclose fully the relations between such affiliate and such bank and the effect thereof upon the affairs of such bank." Therefore, of course, in any case where the Board of Governors waives the filing of a report of an affiliate of a member State bank, no publication of a report of such affiliate is required.

¹²Under specific provisions of section 9 of the Federal Reserve Act, however, no Federal Reserve Bank shall, except upon express authority of the Board, cancel within the same calendar year more than twenty-five per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All applications for voluntary withdrawals are required by the law to be dealt with in the order in which they are filed with the Board.

(b) Notice of intention of withdrawal.

(1) Any State bank desiring to withdraw from membership in a Federal Reserve Bank should signify its intention to do so, with the reasons therefor, in a letter addressed to the Board and mailed to the Federal Reserve Bank of which such bank is a member. Any such bank desiring to withdraw from membership prior to the expiration of six months from the date of written notice of its intention to withdraw should so state in the letter signifying its intention to withdraw and should state the reason for its desire to withdraw prior to the expiration of six months.

(2) Every notice of intention of a bank to withdraw from membership in the Federal Reserve System and every application for the waiver of such notice should be accompanied by a certified copy of a resolution duly adopted by the board of directors of such bank authorizing the withdrawal of such bank from membership in the Federal Reserve System and authorizing a certain officer or certain officers of such bank to file such notice or application, to surrender for cancellation the Federal Reserve Bank stock held by such bank, to receive and receipt for any moneys or other property due to such bank from the Federal Reserve Bank and to do such other things as may be necessary to effect the withdrawal of such bank from membership in the Federal Reserve System.

(3) Notice of intention to withdraw or application for waiver of six months' notice of intention to withdraw by any bank which is in the hands of a conservator or other State official acting in a capacity similar to that of a conservator should be accompanied by advice from the conservator or other such State official that he joins in such notice or application.

(c) **Time and method of effecting actual withdrawal.** Upon the expiration of six months after notice of intention to withdraw or upon the waiving of such six months' notice by the Board, such bank may surrender its stock and its certificate of membership to the Federal Reserve Bank and request that same be canceled and that all amounts due to it from the Federal Reserve Bank be refunded.¹² Unless withdrawal is thus

effected within eight months after notice of intention to withdraw is first given, or unless the bank requests and the Board grants an extension of time, such bank will be presumed to have abandoned its intention of withdrawing from membership and will not be permitted to withdraw without again giving six months' written notice or obtaining the waiver of such notice.

(d) **Withdrawal of notice.** Any bank which has given notice of its intention to withdraw from membership in a Federal Reserve Bank may withdraw such notice at any time before its stock has been canceled and upon doing so may remain a member of the Federal Reserve System. The notice rescinding the former notice should be accompanied by a certified copy of an appropriate resolution duly adopted by the board of directors of the bank.

§ 208.11 **Board forms.** All forms referred to in this part and all such forms as they may be amended from time to time shall be a part of the regulations in this part.

The purpose of these amendments is to make this part conform to recent changes in the law relating to capital requirements for admission of State banks to membership in the Federal Reserve System and to the capital requirements for the establishment of branches by State member banks.

The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with these amendments for the reasons and good cause found, as stated in § 262.2 (e) of the Board's Rules of Procedure (Part 262), and especially because such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 52-9621; Filed, Sept. 3, 1952;
8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5025]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALEXANDER AUERBACH, ETC.

Subpart—**Misbranding or mislabeling:** § 3.1190 *Composition: Wool Products Labeling Act*; § 3.1325 *Source or origin: Wool Products Labeling Act*. Subpart—**Misrepresenting oneself and goods:** § 3.1590 *Composition*; § 3.1685 *Nature*. Subpart—**Neglecting, unfairly or deceptively, to make material disclosure:** § 3.1845 *Composition: Wool Products Labeling Act*; § 3.1900 *Source or origin: Wool Products Labeling Act*. Subpart—**Offering, unfair, improper and deceptive inducements to purchase or deal:** § 3.2063 *Scientific or relevant facts*. Subpart—**Using misleading name—Vendor:** § 3.2365 *Concealed subsidiary or "alter*

ego". I. In connection with the offering for sale, sale or distribution in commerce, as defined in the Federal Trade Commission Act, of fibrous stock composed in whole or in part of fibers reclaimed from wool rags, clippings or other wool waste which have been reclaimed or reworked, (1) using the term "wool" to designate, describe or otherwise refer to such reclaimed or reworked fibers unless such fibers are "wool," as the term is defined in the Wool Products Labeling Act of 1939; (2) using the term "reprocessed wool" to designate, describe or otherwise refer to such reclaimed and reworked fibers unless such fibers are "reprocessed wool," as the term is defined in the Wool Products Labeling Act of 1939; (3) representing, directly or by implication, that fibrous stock composed in whole or in part of fibers reclaimed from wool rags, clippings, or other waste which have been reclaimed and reworked, is or may be described or identified as "wool" under the provisions of the Wool Products Labeling Act of 1939, except to the extent which it contains constituent fibers of "wool" as defined in said act, or is or may be described as "reprocessed wool" except to the extent which it contains constituent fibers of "wool" or "reprocessed wool" as defined therein; or, (4) misrepresenting or concealing, through the use of fictitious names or otherwise, the identity of respondent or his business; and, II, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as defined in the Federal Trade Commission and Wool Products Labeling Acts, misbranding "shoddy" or other "wool products", as defined in and subject to said Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, by failing to securely affix to or place on each of such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner; (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter; and, (c) the name of the manufacturer of such wool product, or the manufacturer's registered identification number and the name of a seller of such wool product, or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that nothing contained in prohibitions (1) and (2) of Part I shall be construed as in any way restricting, enlarging or altering the applicability of the provisions of the Wool Products Labeling Act of 1939 and

¹² A bank's withdrawal from membership in the Federal Reserve System is effective on the date on which the Federal Reserve Bank stock held by it is duly canceled. Until such stock has been canceled, such bank remains a member of the Federal Reserve System, is entitled to all the privileges of membership, and is required to comply with all provisions of law and all regulations of the Board pertaining to member banks and with all conditions of membership applicable to it. Upon the cancellation of such stock, all rights and privileges of such bank as a member bank shall terminate.

Upon the cancellation of such stock, and after due provision has been made for any indebtedness due or to become due to the Federal Reserve Bank, such bank shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of one percent per month from the date of last dividend, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to the repayment of deposits and of any other balance due from the Federal Reserve Bank.

the rules and regulations promulgated thereunder to respondent or his products; and to the further qualification that the above provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision, that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 65d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1139; 15 U. S. C. 45, 68-68c) [Modified cease and desist order, Alexander Auerbach, etc., Brooklyn, N. Y., Docket 5025, June 2, 1952]

In the Matter of Alexander Auerbach, an Individual Trading in His Own Name and as Frank Corwin, Frank Corwin Company, Frank Cohen, David Demer and Hanover Wool Stock Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admitted all the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts, and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act, and the provisions of the Wool Products Labeling Act of 1939, on April 18, 1944, issued and subsequently served upon the respondent said findings as to the facts, conclusion and its order to cease and desist.

Thereafter, this matter came on for reconsideration by the Commission upon a motion by counsel for the Commission's Bureau of Antideceptive Practices to reopen this proceeding for the purpose of altering in certain respects the order to cease and desist herein, an affidavit as to certain facts alleged in said motion, a reply opposing said motion by counsel for respondent and an affidavit by respondent to the matters set out in said reply; and the Commission having reconsidered the matter and being of the opinion that the order to cease and desist should be so modified, and having granted said motion to reopen and alter the order to cease and desist:

It is ordered, That the respondent, Alexander Auerbach, individually and trading in his own name or as Frank Corwin, Frank Corwin Company, David Demer or Hanover Wool Stock Company, or trading under any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fibrous stock composed in whole or in part of fibers reclaimed from woolen rags, clippings or other wool waste which have been reclaimed and reworked, do forthwith cease and desist from:

(1) Using the term "wool" to designate, describe or otherwise refer to such reclaimed or reworked fibers unless such fibers are "wool", as the term is defined

in the Wool Products Labeling Act of 1939.

(2) Using the term "reprocessed wool" to designate, describe or otherwise refer to such reclaimed and reworked fibers unless such fibers are "reprocessed wool", as the term is defined in the Wool Products Labeling Act of 1939:

Provided, however, That nothing herein contained shall be construed as in any way restricting, enlarging or altering the applicability of the provisions of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder to respondent or his products.

(3) Representing, directly or by implication, that fibrous stock composed in whole or in part of fibers reclaimed from woolen rags, clippings, or other wool waste which have been reclaimed and reworked, is or may be described or identified as "wool" under the provisions of the Wool Products Labeling Act of 1939, except to the extent which it contains constituent fibers of "wool" as defined in said act, or is or may be described as "reprocessed wool" except to the extent which it contains constituent fibers of "wool" or "reprocessed wool" as defined therein.

(4) Misrepresenting or concealing, through the use of fictitious names or otherwise, the identity of respondent or his business.

It is further ordered, That the respondent, Alexander Auerbach, individually and trading in his own name and as Frank Corwin, Frank Corwin Company, Frank Cohen, David Demer, and Hanover Wool Stock Company, or trading under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding "shoddy" or other "wool products", as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, by failing to securely affix to or place on each of such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such wool product, or the manufacturer's registered identification number and the name of a seller of such wool product, or the name of one or more persons introducing such wool product into commerce,

or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939:

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided, further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

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

Issued: June 2, 1952.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-9663; Filed, Sept. 3, 1952; 8:52 a. m.]

[Docket 5525]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BORK MANUFACTURING CO., INC., ET AL.

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

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, Bork Manufacturing Co., Inc., et al., Brooklyn, N. Y., Docket 5525, June 2, 1952]

In the Matter of Bork Manufacturing Co., Inc., a Corporation, and Alvin Borkin, an Individual and President of Bork Manufacturing Co., Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the respondents' substituted answer (no brief having been filed by the respondents); and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act, and having issued an order to cease and desist; and

Respondents Bork Manufacturing Co., Inc., a corporation, and Alvin Borkin, individually and as President of such corporation, having filed in the United States Court of Appeals for the Ninth Circuit their petition to review and set aside the order to cease and desist issued herein, and that Court having heard the matter on briefs and oral argument, having fully considered the matter, and having, thereafter, on February 5, 1952, entered its final decree modifying and

affirming and enforcing, as modified, the aforesaid order to cease and desist pursuant to its opinion announced on February 5, 1952; and

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

It is hereby ordered. That the respondents, Bork Manufacturing Co., Inc., a corporation, and Alvin Borkin, individually and as President of such corporation, and their officers, agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

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

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

Issued: June 2, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-9664; Filed, Sept. 3, 1952;
8:52 a. m.]

[Docket 5959]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ELMO CO., INC.

Subpart—*Advertising falsely or misleadingly*: § 3.90 *History of product or offering*; § 3.170 *Qualities or properties of product or service*; § 3.195 *Safety*; § 3.205 *Scientific or other relevant facts*. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 3.1890 *Safety*. I. In connection with the offering for sale, sale and distribution of respondent's preparations known as Elmo Ear Oil No. 1, Elmo Nasal Cleanser No. 2, Elmo Throat Gargle No. 3, Elmo Vapor Inhaler No. 4, Elmo Massage Ointment No. 5, Elmo Nasal Ointment No. 6, Elmo Recharge Liquid No. 9, or any preparations of substantially similar composition or of substantially similar properties; and of respondent's Elmo No. 8 Ear-Vibrator, or any device of substantially similar composition and operation, whether sold under the same name or any other name; (1) disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparations and device, which represent, directly or through inference, (a) that the use of respondent's preparations and device, singly or in combination, as directed, or otherwise,

will have any beneficial effect upon deafness not caused by a catarrhal condition of the nose, ear or air passages; (b) that such use will have any beneficial effect in the treatment of deafness, impaired hearing, or head or ear noises caused by discharging catarrh, in excess of affording temporary relief therefrom; (c) that the effects of its preparations in the treatment of deafness or impaired hearing or head or ear noises due to dry catarrh is in excess of softening of the dry exudates, or that any benefit can be expected by reason of this action of respondent's preparations in the treatment of conditions caused by dry catarrh of the ear canal unless the softened exudates are removed by other means; (d) that said preparations and device constitute a method of treatment based upon the findings of accepted medical authorities; (e) that catarrh is the most common cause of deafness; or, (f) that Elmo Ear Oil No. 1 or Elmo No. 8 Ear-Vibrator are harmless or may be used without ill effects; (2) disseminating, etc., any advertisements, etc., which fail to reveal, as respects said Elmo Ear Oil No. 1, that the cotton on which the product is used should not be pushed into the ear so far that it cannot be easily removed with the fingers, and that when infection is present, the use of cotton in connection with said product when pushed deeply into the ear may result in injury to the ear, including the extension of any infection therein present into the deeper structures of the ear; and, (3) disseminating, etc., any advertisements, etc., which fail to reveal, as respects said "Ear-Vibrator", that, when infection is present in the ear, the use of said device may result in extending such infection into the deeper structures of the ear and in serious injury; and, II, in connection with the offering for sale, sale and distribution of the booklet "Diet—Vitamins and Minerals", in commerce, representing that head colds may be prevented by selecting and eating foods which are listed in said booklet as being high in Vitamin A content; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Elmo Company, Inc., Davenport, Ia., Docket 5959, June 10, 1952]

In the Matter of The Elmo Company, Inc.

This proceeding was instituted by complaint which charged respondent with the use of 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 June 17, 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,¹ was accepted by the Commission on June 10, 1952 and ordered entered of record as the Commission's findings as to the facts,¹ conclusion,¹ and order in disposition of this proceeding.

¹ Filed as part of the original document.

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 and conclusion, reads as follows:

It is ordered. That the respondent, The Elmo Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its preparations known as Elmo Ear Oil No. 1, Elmo Nasal Cleanser No. 2, Elmo Throat Gargle No. 3, Elmo Vapor Inhaler No. 4, Elmo Massage Ointment No. 5, Elmo Nasal Ointment No. 6, Elmo Recharge Liquid No. 9, or any preparations of substantially similar composition or possessing substantially similar properties, and Elmo No. 8 Ear-Vibrator, or any device of substantially similar construction and operation whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly,

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparations and device, which advertisement represents, directly or through inference:

(a) That the use of its preparations and device, singly or in combination, as directed, or otherwise, will have any beneficial effect upon deafness not caused by a catarrhal condition of the nose, ear or air passages.

(b) That the use of its preparations and device, singly or in combination, as directed, or otherwise, will have any beneficial effect in the treatment of deafness, impaired hearing, or head or ear noises caused by discharging catarrh, in excess of affording temporary relief therefrom.

(c) That the effects of its preparations in the treatment of deafness or impaired hearing or head or ear noises due to dry catarrh is in excess of softening of the dry exudates, or that any benefit can be expected by reason of this action of respondent's preparations in the treatment of conditions caused by dry catarrh of the ear canal unless the softened exudates are removed by other means.

(d) That said preparations and device constitute a method of treatment based upon the findings of accepted medical authorities.

(e) That catarrh is the most common cause of deafness.

(f) That Elmo Ear Oil No. 1 or Elmo No. 8 Ear-Vibrator are harmless or may be used without ill effects.

2. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's aforesaid Elmo Ear Oil No. 1, which advertisement fails to reveal

that the cotton on which the product is used should not be pushed into the ear so far that it cannot be easily removed with the fingers, and that when infection is present, the use of cotton in connection with said product when pushed deeply into the ear may result in injury to the ear, including the extension of any infection therein present into the deeper structures of the ear.

3. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of Elmo No. 8 Ear-Vibrator, which advertisement fails to reveal that, when infection is present in the ear, the use of this device may result in extending such infection into the deeper structures of the ear and in serious injury.

4. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations and device in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations prohibited in paragraph 1 hereof, or which fails to comply with the affirmative requirement set forth in paragraphs 2 and 3 hereof.

It is further ordered, That respondent, The Elmo Company, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the booklet "Diet—Vitamins and Minerals" in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing that head colds may be prevented by selecting and eating foods which are listed in said booklet as being high in Vitamin A content.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 17, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-9662; Filed, Sept. 3, 1952;
8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

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

Correction

In F. R. Doc. 52-9496, appearing at page 7885 of the issue for Friday, August 29, 1952, the following change should be made:

In the amendatory language of item 4b, "Section 146.5 (c) (1) (v)" should read "Section 146.45 (c) (1) (v)".

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.162]

PART 51—PASSPORTS

SUBPART B—REGULATIONS OF THE SECRETARY OF STATE

LIMITATIONS ON ISSUANCE OF PASSPORTS; NOTIFICATION AND APPEAL

Pursuant to the authority vested in me by paragraph 126 of Executive Order No. 7856, issued on March 31, 1938 (3 F. R. 681; 22 CFR 51.77), under authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U. S. C. 211 (a)), the regulations issued on March 31, 1938 (Departmental Order 749) as amended (22 CFR 51.101 to 51.134) are hereby further amended by the addition of new §§ 51.135 to 51.143 as follows:

- Sec.
- 51.135 Limitations on issuance of passports to persons supporting Communist movement.
 - 51.136 Limitations on issuance of passports to persons likely to violate laws of the United States.
 - 51.137 Notification to person whose passport application is tentatively disapproved.
 - 51.138 Appeal by passport applicant.
 - 51.139 Creation and functions of Board of Passport Appeals.
 - 51.140 Duty of Board to advise Secretary of State on action for disposition of appealed cases.
 - 51.141 Bases for findings of fact by Board.
 - 51.142 Oath or affirmation by applicant as to membership in Communist Party.
 - 51.143 Applicability of §§ 51.135 to 51.142.

AUTHORITY: §§ 51.135 to 51.143 issued under sec. 1, 44 Stat. 887; 22 U. S. C. 211a.

§ 51.135 *Limitations on issuance of passports to persons supporting Communist movement.* In order to promote the national interest by assuring that persons who support the world Communist movement of which the Communist Party is an integral unit may not, through use of United States passports, further the purposes of that movement, no passport, except one limited for direct and immediate return to the United States, shall be issued to:

(a) Persons who are members of the Communist Party or who have recently terminated such membership under such circumstances as to warrant the conclusion—that they continue to act in furtherance of the interests and under the discipline of the Communist Party;

(b) Persons, regardless of the formal state of their affiliation with the Communist Party, who engage in activities which support the Communist movement under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they have engaged in such activities as a result of direction, domination, or control exercised over them by the Communist movement.

(c) Persons, regardless of the formal state of their affiliation with the Com-

munist Party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and wilfully of advancing that movement.

§ 51.136 *Limitations on issuance of passports to persons likely to violate laws of the United States.* In order to promote the national interest by assuring that the conduct of foreign relations shall be free from unlawful interference, no passport, except one limited for direct and immediate return to the United States, shall be issued to persons as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities while abroad which would violate the laws of the United States, or which if carried on in the United States would violate such laws designed to protect the security of the United States.

§ 51.137 *Notification to person whose passport application is tentatively disapproved.* A person whose passport application is tentatively disapproved under the provisions of § 51.135 or § 51.136 will be notified in writing of the tentative refusal, and of the reasons on which it is based, as specifically as in the judgment of the Department of State security considerations permit. He shall be entitled, upon request, and before such refusal becomes final, to present his case and all relevant information informally to the Passport Division. He shall be entitled to appear in person before a hearing officer of the Passport Division, and to be represented by counsel. He will, upon request, confirm his oral statements in an affidavit for the record. After the applicant has presented his case, the Passport Division will review the record, and after consultation with other interested offices, advise the applicant of the decision. If the decision is adverse, such advice will be in writing and shall state the reasons on which the decision is based as specifically as within the judgment of the Department of State security limitations permit. Such advice shall also inform the applicant of his right to appeal under § 51.138.

§ 51.138 *Appeal by passport applicant.* In the event of a decision adverse to the applicant, he shall be entitled to appeal his case to the Board of Passport Appeals provided for in § 51.139.

§ 51.139 *Creation and functions of Board of Passport Appeals.* There is hereby established within the Department of State a Board of Passport Appeals, hereinafter referred to as the Board, composed of not less than three officers of the Department to be designated by the Secretary of State. The Board shall act on all appeals under § 51.138. The Board shall adopt and make public its own rules of procedure, to be approved by the Secretary, which shall provide that its duties in any case may be performed by a panel of not less than three members acting by majority determination. The rules shall accord applicant the right to a hearing and to be represented by counsel, and shall accord applicant and each witness the

right to inspect the transcript of his own testimony.

§ 51.140 *Duty of Board to advise Secretary of State on action for disposition of appealed cases.* It shall be the duty of the Board, on all the evidence, to advise the Secretary of the action it finds necessary and proper to the disposition of cases appealed to it, and to this end the Board may first call for clarification of the record, further investigation, or other action consistent with its duties.

§ 51.141 *Bases for findings of fact by Board.* (a) In making or reviewing findings of fact, the Board, and all others with responsibility for so doing under §§ 51.135 to 51.143, shall be convinced by a preponderance of the evidence, as would a trial court in a civil case.

(b) Consistent and prolonged adherence to the Communist Party line on a variety of issues and through shifts and changes of that line will suffice, prima facie, to support a finding under § 51.135 (b).

§ 51.142 *Oath or affirmation by applicant as to membership in Communist Party.* At any stage of the proceedings in the Passport Division or before the Board, if it is deemed necessary, the applicant may be required, as a part of his application, to subscribe, under oath or affirmation, to a statement with respect to present or past membership in the Communist Party. If applicant states that he is a Communist, refusal of a passport in his case will be without further proceedings.

§ 51.143 *Applicability of §§ 51.135 to 51.142.* When the standards set out in § 51.135 or § 51.136 are made relevant by the facts of a particular case to the exercise of the discretion of the Secretary under § 51.75, the standards in §§ 51.135 and 51.136 shall be applied and the procedural safeguards of §§ 51.137 to 51.142 shall be followed in any case where the person affected takes issue with the action of the Department in granting, refusing, restricting, withdrawing, canceling, revoking, extending, renewing, or in any other fashion or degree affecting the ability of a person to use a passport through action taken in a particular case.

Date of issuance: August 28, 1952.

For the Secretary of State,

W. K. SCOTT,
Acting Deputy Under Secretary.

[F. R. Doc. 52-9668; Filed, Sept. 3, 1952;
8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 75, Amdt. 2]

CPR 75—CEILING PRICES FOR CERTAIN PROCESSED SOUPS

REVOCATION OF RECALCULATION PROVISIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Or-

der 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 75 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation (CPR) 75 contains, among other things, provisions requiring recalculation and lowering of ceiling prices where costs of raw materials and ingredients declined by 5 percent or more. The same provisions also authorize ceiling price increases where these costs increased. This amendment eliminates these provisions.

This action is in line with the general policy of the Office of Price Stabilization to continue present ceiling prices on all foods subject to price control. In accordance with this policy, ceiling prices will not be increased except where, in accordance with the OPS announced industry earnings standard, an entire industry seeks an increase in its ceiling prices by making a satisfactory showing that its current earnings are less than 85 percent of its earnings in the best three years of the four years 1946-1949. On the other hand, since it is also agency policy not to use the earnings standard as a standard for price rollbacks, it has been determined that the recalculation provisions contained in CPR 75 should be revoked.

In the formulation of this amendment, special circumstances have rendered it impractical to consult with industry representatives, including trade association representatives. The provisions of this amendment conform, however, with the recommendations of persons representing substantial segments of the industry.

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

AMENDATORY PROVISIONS

Ceiling Price Regulation 75 is amended in the following respects:

1. Paragraph (g) of section 2 is revoked.

2. Paragraph (e) of section 3 is revoked.

3. Paragraph (b) of section 4 is amended to read as follows:

(b) *Recalculation of the uniform price line ceiling price.* If a change in ceiling price resulting from the recalculation of a new ceiling as required in section 2 (i) of this regulation would result in a decrease of 5 percent or more in the ceiling price of any item included in the uniform price line, you shall then immediately recalculate your ceiling price for your uniform price line in accordance with paragraph (a) of this section.

You are not required to recalculate your ceiling price for the uniform price line if the change is an increase.

4. Paragraph (c) of section 7 is amended to read as follows:

(c) If you at any time recalculate your ceiling prices for an item under the provisions of section 2 (i) of this regulation, you shall at that time refigure your

weighted average ceiling price under this section.

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

Effective date. This Amendment 2 to Ceiling Price Regulation 75 is effective September 3, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 3, 1952.

[F. R. Doc. 52-9772; Filed, Sept. 3, 1952,
4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 5, Amdt. 5]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 5—CHICAGO MILK MARKETING AREA, STATE OF ILLINOIS

INCREASES IN CEILING PRICES OF FLUID MILK PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Delegation of Authority No. 41 (16 F. R. 12679), this area milk price regulation, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Four Chicago dairies have submitted information to this Agency tending to show that the ceiling prices set by AMPR 5 are not generally fair and equitable. This is a temporary sixty-day order providing for a half-cent per sales point increase. The information supplied is not adequate to warrant a permanent order. A representative sample of Chicago dairies are being requested to submit additional data to the Agency within the next thirty days. After this information has been received, appropriate action will be taken in light of all the evidence available. This order will, therefore, be revoked after sixty days unless supported by the requested information.

This amendment also provides that new ceiling prices, and certain other information must be reported to this Agency within five days after the effective date of this amendment.

In the judgment of the Director, the provisions of this amendment to Area Milk Price Regulation No. 5 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act amendments of 1951 and 1952.

The Director 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; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. In the formulation of this

amendment, the Director has consulted industry representatives, including trade association representatives, to the fullest extent practicable and has given due consideration to the recommendation.

AMENDATORY PROVISIONS

Area Milk Price Regulation 5, issued under Supplementary Regulation 63 to the General Ceiling Price Regulation, is amended in the following respects:

1. The first paragraph of section 4 is amended to read as follows:

Your ceiling prices for any milk product for fluid consumption shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect on November 15, 1951, plus (except for sales to vendors) one cent per sales point. Your ceiling price for any milk product for fluid consumption sold to vendors shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect November 15, 1951, plus one-quarter cent per sales point.

2. Section 5 is amended to read as follows:

SEC. 5. Reporting requirements. You shall report the ceiling prices resulting from the application of section 4 to the Office of Price Stabilization, 9 West Washington Street, Chicago 2, Illinois, by registered mail, return receipt requested, within five days after the effective date of Amendment 5 to this regulation. The report shall be filed on OPS Public Form 124. Your price lists in effect during any part or all of the General Ceiling Price Regulation base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation. You shall not sell at the ceiling prices computed pursuant to this section 4 until the Office of Price Stabilization has received the report required by this paragraph (b) as shown by your return postal receipt.

In column (a) of OPS Public Form 124 the description of the product must include the butterfat content. In column (f) the ceiling price shown shall be your ceiling price determined under the General Ceiling Price Regulation and in effect on the day preceding the effective date of this regulation. In column (g) the uniform adjustment shall be the amount of the increases specified in section 4 for those products the ceiling prices of which are increased. All the other portions of OPS Public Form 124 shall be filled in as indicated by the form.

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

Effective date. This Amendment 5 to Area Milk Price Regulation 5, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation shall become effective September 3, 1952.

Note: The reporting requirements of this amendment have been approved by the

Bureau of the Budget in accordance with the Federal Reports Act of 1942.

L. J. ANDERHECK,
Acting Regional Director.

SEPTEMBER 3, 1952.

[F. R. Doc. 52-9771; Filed, Sept. 3, 1952; 1:00 p. m.]

[General Overriding Regulation 2, Revision 1, Amdt. 1]

GOR 2—SALES TO THE UNITED STATES, ITS AGENTS AND SUPPLIERS

STATEMENT REGARDING CEILING PRICES

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

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 2, Revision 1, covers all matters of a special and overriding nature applying to sales to the United States, its agents, and suppliers.

This Amendment 1 to General Overriding Regulation 2 (GOR 2), Revision 1, suspends section 31 until October 15, 1952.

As originally issued on July 21, 1952, section 31 required certain defense contractors and subcontractors for commodities to be delivered to Defense Agencies, and persons performing services on such commodities, to state their ceiling prices in the offer or bid and in the contract or subcontract, if the commodities or services were not exempted from price control. The reasons for this action were set forth in the statement of considerations accompanying the regulation.

Since the issuance of GOR 2, Revision 1, certain problems encountered by defense contractors and subcontractors in complying with section 31 have been called to the attention of the Office of Price Stabilization, as a result of which it is deemed appropriate to suspend temporarily the applicability of section 31, pending further study of these problems, thus relieving affected persons from the necessity of complying with its requirements during the suspension period.

Careful consideration will be given to the views expressed by affected parties and agencies, and if certain modifications are indicated, they will become effective at the conclusion of the suspension period. In the event that section 31 as originally issued is continued, additional time will be granted for the purpose of making any necessary computations.

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

Paragraph (b) of section 31 of General Overriding Regulation 2, Revision 1, is amended to read as follows:

(b) This section does not apply to the following:

(1) Any offer, bid, defense contract, or subcontract submitted or entered into on or before October 15, 1952.

(2) Any offer or bid submitted directly to a Defense Agency pursuant to formal advertising for bids, or any contract with a Defense Agency resulting from any such offer, or bid.

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

Effective date. This Amendment 1 to General Overriding Regulation 2, Revision 1, is effective September 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9696; Filed, Sept. 3, 1952; 3:30 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 1, Interpretation 4, Revised]

GSSR-1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

INT. 4—TEN (10) PERCENT INCREASES IN SALARIES AND OTHER COMPENSATION UNDER SECTION 22 OF GENERAL SALARY STABILIZATION REGULATION 1, AMENDED

The purpose of this revision of Interpretation 4 is primarily to provide for the substitution of appropriate section references in General Salary Stabilization Regulation 1, Amended, for the superseded provisions of section 8 of General Salary Stabilization Regulation 1, as amended. An interpretative change of substance has been made with respect to the "charge-off" of cost-of-living increases granted on and after January 15, 1951 (paragraphs 11 (d) and 12 (h) of subdivision (b)).

(a) UNDERLYING POLICY

1. Q. What is the maximum percentage of increases permitted under section 22?

A. Ten (10) percent. Under section 22, salaries and other compensation of an appropriate group of employees may be increased in amounts up to, but not in excess of ten percent over the salary level of such employee group for the first regular payroll of such group ending on or after January 15, 1950.

2. Q. May the ten (10) percent increases under section 22 be granted without the prior approval of the Office of Salary Stabilization?

A. Yes. It is the purpose of section 22 to place such increases on a self-administering basis. To substantiate the propriety of the increases granted by him the employer must keep the records and prepare the summary statements, as prescribed in section 101 of General Salary Stabilization Regulation 1, Amended.

(b) GENERAL DEFINITIONS

1. Q. Is the amount available for increases under section 22 computed individually for each employee?

A. No. The amount available for such increases is based on the salaries of an appropriate group of employees.

2. Q. What constitutes an appropriate group of employees under section 22?

A. An appropriate group of employees is composed of employees under the jurisdiction of the Salary Stabilization Board in the establishment or plant of the employer, or in a business division or department thereof, whom the employer has historically or usually treated as a group for the purpose of granting general increases in salaries and other compensation.

Where an employer has, as a matter of past practice, divided his employees into different groups for the purpose of granting general salary increases, he must continue to follow such practice. For instance, if administrative employees have been treated as a separate group distinct from employees in charge of production, the two groups of employees must be treated as separate groups under section 22.

For example, an employer may treat each of the following as an appropriate group of employees if so treating them is in accordance with his past practice in making general salary increases:

(a) The branch managers of a chain of retail food stores; this may be true even though the branch managers are located in many cities in different parts of the country;

(b) Chemists or physicists working in a particular laboratory of a plant or division thereof.

3. Q. Under what conditions may an employer treat all his employees subject to the jurisdiction of the Salary Stabilization Board as a single group?

A. Only where the employer has consistently over a period of time treated all such employees as a single group in raising their salaries and other compensation.

4. Q. May an appropriate group consist of a single employee?

A. Yes, if an employer over a period of time has treated a single employee as a group for purposes of granting salary increases to him. Where this is true, the employer may continue this practice.

5. Q. May an appropriate group be composed of employees subject to the jurisdiction of the Salary Stabilization Board and employees subject to the jurisdiction of the Wage Stabilization Board?

A. No, even though the employer did treat such employees as a single group prior to wage and salary stabilization.

6. Q. On what basis is the 10 percent increase computed?

A. The 10 percent increase is computed on the basis of the aggregate base compensation of the appropriate group of employees for the first payroll period ending on or after January 15, 1950.

7. Q. Is all compensation paid employees in an appropriate group included in the aggregate base compensation of the group?

A. No. The aggregate base compensation of the group comprises the regu-

lar salaries of the employees in the group together with time and incentive earnings and shift differentials, if any, but excluded bonuses of the type specified in General Salary Stabilization Regulation 2, as amended, and all other compensation. (For items of other compensation see General Salary Stabilization Regulation 1, Amended, section 2 (c)).

The incentive earnings which may be included in computing the aggregate base compensation of the group are those which are not related to sales or other business transactions. The latter are governed exclusively by General Salary Stabilization Regulation 5, as amended.

8. Q. May a prorated part of bonuses authorized under General Salary Stabilization Regulation 2, as amended, and paid employees in the group be included in the aggregate base compensation of the group?

A. No.

9. Q. May commission earnings be included in aggregate base compensation of the group?

A. No. Such earnings for employees under Salary Stabilization Board jurisdiction are regulated by General Salary Stabilization Regulation 5, as amended, and are not treated as part of the aggregate base compensation of the group under section 22.

10. Q. On what payroll period basis is the aggregate base compensation of the group computed?

A. The aggregate base compensation is computed on the basis of regularly scheduled weekly, biweekly, semimonthly or monthly pay periods in accordance with the employer's practice.

11. Q. An employer desires to grant increases to an appropriate group of employees under section 22. If he has given such employees increases in salaries and other compensation, which of those increases must be taken into account?

A. Increases in salaries and other compensation made subsequent to the first regular payroll period ending January 15, 1950 must be taken into account in computing 10 percent increases authorized under section 22 unless it is otherwise provided in a General Salary Stabilization Regulation, a General Salary Order, or a specific determination of the Office of Salary Stabilization. The following types of increases must be deducted from the 10 percent:

(a) Increases in salaries made since the first regular payroll period ending on or after January 15, 1950, if the employee group's straight time earnings in any payroll period were increased by 1 percent or more.

(b) Increases in salaries after January 25, 1951, even though the amount is less than 1 percent.

(c) Increases in other forms of compensation if made after January 25, 1951.

(d) Cost-of-living increases of the type referred to in Article III of General Salary Stabilization Regulation 1, Amended, made after January 15, 1950, based upon changes in an acceptable index up to and including January 15, 1951.

(e) Increases required to be deducted pursuant to a specific determination of the Office of Salary Stabilization, or of

the Wage Stabilization Board either before May 10, 1951 as to any employee or between May 10, 1951 and July 1, 1952 inclusive with regard to any employee transferred to the jurisdiction of the Salary Stabilization Board between such dates.

12. Q. Are there types of increases which need not be taken into account in determining the amount available for increases under section 22?

A. Yes. The following types of increases used need not be deducted from the 10 percent:

(a) Increases in salaries made on or before January 25, 1951 if the employee group's straight time earnings in any payroll period were not increased by 1 percent or more.

(b) Increases in other forms of compensation not included in computing the aggregate base compensation of the group, if made on or before January 25, 1951.

(c) Merit or length of service increases or adjustments as the result of a promotion, transfer, or assignment to a new or changed position under Article V and Article VI, General Salary Stabilization Regulation 1, Amended.

(d) Tandem increases approved under section 43 of General Salary Stabilization Regulation 1, Amended.

(e) Inter-plant inequity increases approved under section 42, General Salary Stabilization Regulation 1, Amended.

(f) Increases representing contributions to or benefits paid under a health and welfare plan which may be modified or put into effect without prior approval of the Office of Salary Stabilization under General Salary Stabilization Regulation 8, Revised.

(g) Increases made pursuant to section 41, General Salary Stabilization Regulation 1, Amended (Maintenance of compensation relationships).

(h) Cost-of-living increases of the type referred to in Article III of General Salary Stabilization Regulation 1, Amended, based upon changes in an acceptable index after January 15, 1951.

(i) Any other increases which are not required to be deducted pursuant to a specific determination of the Office of Salary Stabilization, or of the Wage Stabilization Board either before May 10, 1951 as to any employee or between May 10, 1951 and July 1, 1952 inclusive with regard to any employee transferred to the jurisdiction of the Salary Stabilization Board between such dates.

(c) INCREASES PERMISSIBLE WITHOUT PRIOR APPROVAL

1. Q. A company had an appropriate group consisting of three executives compensated solely by fixed salaries on a monthly basis. For the payroll period for the month of January 1950 A was paid \$900; B was paid \$1,000; and C was paid \$1,100 per month. On July 1, 1951 the company proposes to increase the compensation of these employees by ten (10) percent. The company has not granted any increases to the executives in the group since January 1950, and has not hired any additional executives. How is the increase computed?

A. The total salaries of the employees in the group for the month of January

1950, amounted to \$3,000. Ten percent of that amount is \$300. This is the dollar amount of the 10 percent increase which the employer may grant per month to this group of executives.¹

2. Q. May the company grant the entire \$300 to C alone, raising his salary to \$1,400 per month?

A. Yes. The 10 percent increase may be distributed within the group by the employer in his discretion and need not be uniformly distributed. However, inequities among the compensation of employees created by such unequal distribution cannot later be corrected by requesting the approval of the Office of Salary Stabilization for further increases in salaries and other compensation for the remaining employees in the group.

3. Q. Assume the facts as in questions c-1 and c-2. On September 1, 1951, the company adds a fourth executive, D, to the group at a monthly salary of \$900. May the company increase D's salary on November 1, 1951 under section 22?

A. No. The salary increases granted by the employer on July 1, 1951 exhaust the increases permissible under section 22.

4. Q. Assume the same basic facts as in question c-1. However, on April 1, 1951, A had been raised from \$900 to \$1,050 per month. This increase was not based on merit or length-of-service. How much does the company have available for increases under section 22 on July 1, 1951?

A. \$150 per month, or the difference between the total of \$300 (see question c-2) and the \$150 per month salary increase granted to A on April 1, 1951.

5. Q. Assume the same basic facts as in question c-1. On December 1, 1950, B was given a salary increase of \$25 per month. Does this increase have to be taken into account in computing the amount available for the July 1, 1951 increase?

A. No. The increase was less than 1 percent of the straight time earnings of the group during December 1950. However, if the \$25 salary increase had been given to B on March 1, 1951 (i. e., after the stabilization date) the amount would have to be deducted in determining the amount available for the July 1, 1951 increase.

6. Q. Assume the same basic facts as in question c-1 and assume further that the company on June 1, 1951, engaged the services of D and E for its executive staff at monthly salaries of \$1,000 for each. How much does the company have available on July 1, 1951 for a 10 percent increase to this group, now composed of five executives, none of whom has received any increase in salaries or other compensation since January 1950?

A. The company has available \$500 per month.

In January 1950 the company had available \$300 per month for three employees (see question c-1), or an average amount of \$100 per employee. Since the group is now composed of five employees instead of the original three, the total amount available for monthly salary in-

creases is \$500 or five times the average amount of \$100 per employee.

The amount available for increases under section 22 in any payroll period is thus always dependent upon the number of employees in the group at the time when the employer makes the decision to grant an increase.

7. Q. Assume the same basic facts as in question c-1. On December 1, 1950, the company added two executives to the group, D and E, at monthly salaries of \$1,000 and \$1,100 respectively. On March 1, 1951, the company granted each of the five executives a monthly salary increase of \$50.00. Assuming that no change occurs in the number of employees thereafter, how much does the employer have left for further salary increases to the executives under section 22?

A. \$250 per month. The employer had available \$500 per month (an initial average per employee of \$100 and five employees at the time of the increase), \$250 of which was absorbed in the March 1, 1951 salary increase.

The computation of the amount available for increases under section 22 is not affected by the amount of the salary paid any new employee hired into the group subsequent to the first regular payroll period ending on or after January 15, 1950.

8. Q. Assume the facts as in question c-7. On May 1, 1951, D resigns. On July 1, 1951, the company wants to give the remaining four executives in the group salary increases totaling \$250 per month for all. May the company do so?

A. No. The proposed salary increase to the four executives in the group on July 1, 1951, may not exceed \$200 per month.

Since the group now has only four members, the total amount of increases to be given to it may not on July 1, 1951, exceed \$200 per month. After the March 1, 1951 increase \$250 were left available for further increases to the group then having five members, resulting in an average available for further increases of \$50 per employee. Since on July 1, 1951, the group has only four members, only four times the amount available per employee (\$50) or a total of \$200 per month may be spent.

9. Q. Is the employer, under section 22, limited to straight salary increases to his employees?

A. No. In addition to giving straight salary increases, the employer may use the amount available for increases under section 22 to grant his employees fringe benefits. For instance, he may compute the cost of an additional one week's paid vacation and may grant his employees such additional week's paid vacation out of the amount available for the 10 percent increase.

10. Q. If the employer in 1951 used up the entire 10 percent increase which he may give to an appropriate unit by granting the employees in the unit additional paid vacations, may the employer in 1952 discontinue the additional paid vacations and give the employees instead the amount of the 10 percent increase in the form of a straight salary increase?

A. Yes. The employer may use this money in a calendar year for fringe benefits, such as a paid vacation; at the end of the calendar year he may grant paid vacations for the following calendar year or, on the other hand, he may use the money for a permanent addition to his payroll. The amount available to an employer as a 10 percent increase under section 22 is available as a permanent addition to the payroll of an appropriate employee group. However, once the amount available under section 22 for salary increases and other compensation has been used by the employer for a straight salary increase, it cannot be thereafter used for temporary or fringe benefit purposes.

11. Q. May the employer use the unexpended portion of the 10 percent increase for bonuses authorized under General Salary Stabilization Regulation 2, as amended.

A. Yes, within the limits of section 9 of General Salary Stabilization Regulation 2, as amended. For details of application, the employer should consult section 9.01 to 9.05 of Interpretation 3 issued by the Office of Salary Stabilization on December 7, 1951.

12. Q. May the 10 percent increase under section 22 be made retroactively?

A. Only to a very limited extent. Without the prior approval of the Office of Salary Stabilization, 10 percent increases may be made retroactively only to the commencement of the payroll period in which the increase was decided upon, provided that the employer's records contain convincing proof as to when the increase was decided upon. Any unusual lapse of time between that payroll period and the date when the increase is first actually paid is considered a prima facie indication that the decision to grant the increase was not made in the earlier payroll period.

13. Q. Is there any provision in the General Salary Stabilization Regulations or General Salary Orders allowing for retroactive increases upon prior approval of the Office of Salary Stabilization under which ten (10) percent increases may be made retroactively?

A. Yes. Section 43 of General Salary Stabilization Regulation 1, Amended, provides for retroactive increases upon prior approval of the Office of Salary Stabilization where an established compensation relationship between groups of employees has been disrupted. However, in obtaining approval of the Office of Salary Stabilization for retroactive increases under section 43, the employer must meet the requirements of that section.

In other cases, application for retroactivity will be granted only for compelling reasons under unusual circumstances.

(d) BASE PAY PERIOD ABNORMALITIES

1. Q. A company opened its plant on February 1, 1950, but the plant did not go into full operation until April 15, 1950. After that date, the company's payroll reflects normal operations. Scientists employed and paid on a monthly payroll basis at the company's laboratory form an appropriate employee unit which did not reach its normal operating strength

¹ For an example of a 10 percent increase where the number of employees in the group has changed, see question c-6.

until May 1, 1950. What payroll period may the employer use as a basis for computing 10 percent increases for this group under section 22?

A. The first normal payroll period for this group of employees is the payroll period between May 1 and May 31, 1950. The employer may apply to the Office of Salary Stabilization for authorization to use the month of May 1950 payroll as a substitute base pay period for computing the amount of the 10 percent increases available for the scientists at the company's laboratory. As to a possible reduction of the permissible percentage, see question d-4.

2. Q. Are there other circumstances under which an employer may use a substitute base pay period?

A. Yes. An employer may petition the Office of Salary Stabilization for authorization to use a substitute base pay period where the usual base pay period does not reflect normal operations for any one of the following reasons:

(a) The seasonal character of the employer's business;

(b) Broad changes in "product mix," i. e., situations where the employer changes from the manufacture of one product to that of another, or adds a different product to those previously manufactured by him;

(c) Wide swings in employment; or

(d) Other similar circumstances.

3. Q. Is the amount of increases which an employer may grant under section 22 affected by the approval of a substitute base pay period for the employer?

A. Yes. The authorized 10 percent for increases in salaries and other compensation must be reduced by the percentage by which the Consumer's Price Index, published by the Bureau of Labor Statistics has risen between the first regular base pay period ending on or after January 15, 1950, and the substitute base pay period allowed the employer.

4. Q. A company commenced operations on July 1, 1951. Its employees are paid in accordance with a schedule submitted and approved under General Salary Stabilization Regulation 1, Amended, section 83. May the employer on October 1, 1951 grant his employees a general salary increase under section 22?

A. No. Section 22 is not available to employers for a new plant opened since January 25, 1951.

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

Approved: August 29, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9775; Filed, Sept. 3, 1952; 12:16 p. m.]

[Interpretation 8, Amdt. 1]

INT. 8—EFFECTS OF CHANGES IN THE LEGAL STRUCTURE OF BUSINESS ENTERPRISES

MISCELLANEOUS AMENDMENTS

The purpose of this amendment to Interpretation 8 is to substitute appro-

priate section references in General Salary Stabilization Regulation 1, Amended, for references to the superseded provisions of General Salary Stabilization Regulation 1, as amended, and General Salary Stabilization Regulation 3, as amended.

1. The second paragraph of the answer to question 1 is amended to read as follows:

Changes in salary and other compensation of employees are justified only to the extent that new or changed positions are established as the result of such changes in the legal structure of the business enterprise. If such positions are established, salaries for them must be determined in accordance with section 63 of General Salary Stabilization Regulation 1, Amended.

2. The second paragraph of the answer to question 3 is amended to read as follows:

However, to the extent that their duties and responsibilities are substantially changed as a result of the incorporation of the former partnership, changes in their salaries may be made in accordance with section 63 of General Salary Stabilization Regulation 1, Amended.

3. The answer to question 4 is amended to read as follows:

A. The salaries and other compensation of these former partners, who changed their status from co-owners to officers of a corporation, are determined in accordance with the criteria, and paid in accordance with the procedure, contained in sections 82 and 83 of General Salary Stabilization Regulation 1, Amended. Although the new corporation is not a "new plant" within the scope of this section, these new corporate officers (formerly partners) are in the same category as employees of a "new plant" for the purposes of initially determining their salaries and other compensation. Therefore, the provisions relating to employees of a "new plant" are to be applied in the determination and payment of their salaries and other compensation.

4. The last paragraph of the answer to question 9 is amended to read as follows:

However, to the extent that their duties and responsibilities are substantially changed as a result of such conversion, their salaries and other compensation will be determined in accordance with section 63 of General Salary Stabilization Regulation 1, Amended.

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

Issued by the Office of Salary Stabilization on August 29, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9776; Filed, Sept. 3, 1952; 12:16 p. m.]

[Interpretation 9, Amdt. 1]

INT. 9—EMPLOYEES SUBJECT TO GENERAL SALARY STABILIZATION REGULATION 5, AS AMENDED

MISCELLANEOUS AMENDMENTS

The purpose of this amendment is to eliminate reference to the transfer of jurisdiction over driver salesmen to the Wage Stabilization Board, which has been returned to the Salary Stabilization Board by the Defense Production Act Amendments of 1952.

1. The answer to question 1 is amended to read as follows:

A. The drivers and the outside salesmen (paragraphs (a) and (b) above) are subject to General Salary Stabilization Regulation 5, as amended.

The "inside" salesmen are not subject to the jurisdiction of the Salary Stabilization Board, since they are not employed in a bona fide executive, administrative or professional or outside salesman capacity within the meaning of the regulations issued under section 13 (a) (1) of the Fair Labor Standards Act of 1938, as amended.

However, General Salary Stabilization Regulation 5, as amended, applies the provisions of General Wage Regulation 20 as in effect on August 26, 1952, to driver salesmen, and adjustments in their compensation must be made in accordance therewith either on a self-administering basis or by application to the Office of Salary Stabilization.

2. Paragraphs 1, 2, 5, 6, 7, and 8, are amended by inserting after the references to General Salary Stabilization Regulation 5 the words "as amended." (Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on September 2, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9777; Filed, Sept. 3, 1952; 12:17 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-80, Schedule 1, as amended September 3, 1952]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHEDULE 1—NICKEL

This schedule, 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 amended schedule, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. This amended schedule is issued under NPA Order M-80 and is made a part of that order.

EXPLANATORY

This schedule, as hereby amended, affects Schedule 1 to NPA Order M-80 of August 15, 1951, by adding a new paragraph (d) to section 6 to permit use of

nickel for nickel strike prior to chromium plating. The use of nickel-bearing stainless steel, high nickel alloy, and nickel silver in the production, manufacture, and assembly of certain products is prohibited in Schedule A of NPA Order M-80.

REGULATORY PROVISIONS

Sec.

1. Definitions.
2. Nickel subject to allocation.
3. Applications for allocation.
4. Exceptions to allocation requirements.
5. Products prohibited.
6. Exceptions.
7. Records.
8. Communications.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; sec. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. Definitions. (a) All definitions contained in NPA Order M-80, including the definition of "nickel" in List I of that order, are applicable to this schedule.

(b) As used in this schedule:

(1) "Nickel" means only the following forms of primary nickel: electrolytic nickel, ingots, pigs, rondelles, cubes, pellets, and powder, rolled and cast anodes, shot, oxides, salts, and chemicals and residues derived directly from new nickel, including residues containing nickel derived as a byproduct from copper refinery operations.

(2) "Nickel-plating" means all methods of nickel-plating regardless of plating procedure.

Sec. 2. Nickel subject to allocation. Nickel is subject to complete allocation by NPA.

Sec. 3. Applications for allocation. Section 10 of NPA Order M-80 prohibits deliveries or use of an alloying material made subject to complete allocation, except in accordance with an allocation authorization. Application for allocation authorizations for deliveries of nickel during the month of October 1951 may be made to NPA on or before September 7, 1951, on Form NPAF-114. Thereafter, such applications may be made on or before the seventh day of any month for delivery in the succeeding month.

Sec. 4. Exceptions to allocation requirements. The provisions of sections 2 and 3 of this schedule shall not apply to deliveries to any persons whose total receipts from all sources during any calendar month are not thereby made to exceed 100 pounds of nickel and who delivers a signed certificate to his supplier as follows:

The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the nickel herein ordered will not be in violation of NPA Order M-80 or of Schedule 1 of that order.

This certification constitutes a representation by the purchaser to the seller and to NPA that delivery of the nickel ordered may be accepted by the pur-

chaser under NPA Order M-80 and this schedule, and that such nickel will not be used by the purchaser in violation of that order or this schedule.

Sec. 5. Products prohibited. No person shall consume any nickel, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel for nickel-plating any product included in the list at the end of this schedule except products specifically excepted therein. No person shall consume in nickel-plating any product, whether or not included in that list, including any component parts of any product, a greater quantity of nickel, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel, than is necessary for the functional or operational purposes of such product. No person shall consume any nickel, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel in nickel-plating any product for decorative or ornamental purposes, and no nickel-plated product shall be used for decorative or ornamental purposes. No person shall use any nickel-plated material in the production, manufacture, or assembly of any product included in the list at the end of this schedule, except products specifically excepted therein.

Sec. 6. Exceptions. (a) The prohibitions contained in section 5 of this schedule with respect to products included in subheading A of the list at the end of this schedule shall not apply to the use of nickel anodes in nickel plating if (1) such nickel anodes were in the inventory of the person doing the nickel plating on March 1, 1951, and (2) such anodes cannot be used by such person on a commercially feasible basis for nickel-plating items other than those prohibited by section 5 of this schedule.

(b) The prohibitions contained in section 5 with respect to products included in subheading B of the list shall not apply to the use of nickel anodes in nickel plating if (1) such nickel anodes were in the inventory of the person doing the nickel plating on April 15, 1951, and (2) such anodes cannot be used by such person on a commercially feasible basis for nickel-plating items other than those prohibited by section 5.

(c) Any unassembled component parts produced prior to the effective date of this schedule, or in conformity with this schedule of products subject to the prohibitions of section 5 may be sold at any time, and the purchaser thereof may assemble such component parts into products subject to the prohibitions of section 5 at any time, provided such component parts are wholly unsuitable for use in the production, manufacture, or assembly of any product not subject to such prohibitions.

(d) The prohibitions contained in section 5 of this schedule, with respect to all products included in the list at the end of the schedule, shall not apply to the use of nickel anodes and nickel chemicals in the application of a nickel strike of not more than an average of 0.00005 inch thick, to any item of any product prior to chromium plating.

Sec. 7. Records. Every person who relies on the provisions of paragraphs (a), (b), or (c) of section 6 of this sched-

ule shall prepare a detailed record showing: (a) the quantity of nickel-plated materials, or component parts made therefrom, which were in his inventory on December 1, 1950, January, February, March, and April, 1951, which were wholly unsuitable for use by him in the production, manufacture, or assembly of any product not included in the list at the end of this schedule, and (b) the quantity of such nickel-plated materials wholly unsuitable for such use by him which were delivered to him on or after March 1, 1951, with reference to subheading A of that list, or April 15, 1951, with reference to subheading B of that list, the names and addresses of the suppliers thereof, and the dates and acceptances covering such materials. Such records shall be retained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

Sec. 8. Communications. All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-80, Schedule 1.

This schedule, as amended, shall take effect September 3, 1952.

NATIONAL PRODUCTION AUTHORITY,

By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE 1—LIST OF PROHIBITED PRODUCTS NICKEL-PLATING

A

Communications:

Escutcheon plates.
Knobs.
Name plates.
Radio and television, decorative trim.
Speaker grilles.

Hardware:

Bells.
Boat trim and accessories.
Builders' finishing hardware (except half trim for bathroom and toilet side of door).
Casket hardware.
Chimes.
Curtain hooks.
Door catches.
Door knobs.
Door knockers.
Drawer pulls.
Harnesses.
Hinges.
Kick plates.
Leashes.
Letter boxes.
Locks.
Luggage hardware.
Nails.
Picture frames.
Picture hangers.
Push plates.
Screen door and window hardware exclusive of screen.
Screws.
Switch plates.
Tacks.
Valve handles (except for bathroom and kitchen fixtures).

Household appliances (except parts subject to abrasion or heat, and except the strike prior to silver-plating or vitreous enameling) including but not limited to:

Food mixers.
Heaters.
Polishers.
Refrigerators (except shelving and door handles).
Washing machines.

Household appliances, etc.—Continued
 Waxers.
 Vacuum cleaners (except runners).
 Jewelry—clocks:
 Alarm clocks (except for internal parts).
 Clocks (except for internal parts).
 Costume jewelry (except for 0.0001 inch thickness or less as an undercoating for gold, silver, or platinum-group metals).
 Trim and optical glasses (except frames).
 Metal furniture and fixtures:
 Commercial furniture, all decorative parts.
 Electrical fixtures.
 Home furniture, all decorative parts.
 Napkin dispensers.
 Store display cases.
 Store fixtures.
 Straw dispensers.
 Motor vehicles:
 Accessories.
 Dash panels (including instruments, controls, and appearance items mounted in or on dash panels).
 Escutcheon plates.
 Gas caps.
 Gravel guards.
 Grilles.
 Horns.
 Interior trim.
 Lamp housing.
 License frames.
 Name plates.
 Ornamental trim around windows.
 Radiator trim.
 Trim rings.
 Wheel discs.
 All other parts (except for window frames and slide channels, external and internal door handles, ventilator and regulator handles for windows and doors, the bumpers, bumper guards, bumper bolts, rear deck handles, windshield wiper assemblies, hub caps, and exposed screws where no satisfactory substitutes are practicable. The nickel employed for protection of bumper guards and bumpers should not exceed that amount equivalent to an average thickness of 0.001 inch on outside surfaces).
 Novelties:
 Ash trays.
 Coasters.
 Cocktail shakers and accessories.
 Clothing ornamentation.
 Cosmetic containers.
 Hair curlers.
 Handbag trim.
 Humidors.
 Ornamental buttons.
 Smoking stands.
 Plumbing:
 Basin supports.
 Cabinet trim.
 Soap dishes.
 Shower curtain rods and rings.
 Shower doors and trim.
 Tooth brush holders.
 Towel racks.
 Tumbler holders.
 Sheet, strip, and wire products:
 All decorative parts fabricated from plated sheets, strips, or wire.
 Bird cages.
 Clothes hangers.
 Display stands.
 Lamp shades.
 Shopping carts.
 Tools:
 Drills.
 Flexible metal tapes (except measuring tape).
 Hammers.
 Office machines and business machines, decorative trim.
 Planes.
 Pliers.
 Power tools (except for functional parts).
 Punches.

Tools—Continued
 Rules.
 Saws.
 Screw drivers.
 Wrenches.
 Toys:
 Mechanical toys.
 Pistols.
 Toys.
 Trains.
 Tricycles.
 Wagons.
 Utensils (except the strike necessary prior to silver plating or vitreous enameling):
 Flatware.
 Hollow ware (except for hotel, restaurant, institution, or ecclesiastical use).
 Serving dishes.
 Serving utensils.
 Racks.
 Trays.
 Miscellaneous:
 Bicycles (except handlebars, sprockets, spokes, and hubs).
 Electric fans.
 Gambling equipment.
 Lighters.
 Ornamentation on musical instruments.
 Pin ball machines.
 Slot machines.
 Sporting goods.
 Tensorial equipment (except tools).
 Vending machines.
 B
 Hardware:
 Collars and tags for pets.
 Bolts, washers, and similar fastening devices.
 Household appliances (except parts subject to abrasion or heat, and except the strike prior to silver-plating or vitreous enameling), including but not limited to:
 Cooking stoves and ranges (except door and drawer handles).
 Electric housewares including:
 Heating and cooking appliances.
 Motor-driven appliances.
 Personal appliances.
 Home and farm freezers.
 Laundry equipment including:
 Clothes driers.
 Ironing machines.
 Sewing machines.
 Metal furniture and fixtures:
 Commercial furniture.
 Home furniture.
 Motor vehicles:
 Hub caps.
 Miscellaneous:
 Bicycle handle bars, sprockets and hubs.
 Juke boxes.
 Insignia, buttons, buckles, decorations, awards, and badges (except military).
 [F. R. Doc. 52-9766; Filed, Sept. 3, 1952; 11:38 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

PAPERS REQUIRED BY BOARDING PARTY, LIST OF

AUGUST 25, 1952.

Pursuant to the authority vested in me by Rules 9 and 12 of Executive Order No. 4314 of September 25, 1925, establishing rules governing the navigation of the Panama Canal and adjacent waters, § 4.20 of Title 35 of the Code of Federal

Regulations, as amended, is hereby further amended by changing from 2 to 4 the number of required copies of item (k) in the second column in the tabular listing of documents required.

Issued at Balboa Heights, Canal Zone, August 25, 1952.

J. S. SEYBOLD,
 Governor of the Canal Zone.

Confirmed:

B. F. BURDICK,
 Chief of Office,
 Panama Canal Company.

August 29, 1952.

[F. R. Doc. 52-9642; Filed, Sept. 3, 1952; 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

CZECHOSLOVAKIA, MALAYA

a. In § 127.239 *Czechoslovakia* amend paragraph (b) (4) to read as follows:

(4) *Observations.* (i) Gift parcels for Czechoslovakia are in most cases subject to very high duties, exceeding the normal prices of the articles if they were purchased in that country. Freedom from duty is granted only in the case of parcels addressed to persons who can prove to the authorities that they are without means, or to charitable institutions for authorized distribution.

(ii) The importation of antibiotic medicines is strictly controlled in Czechoslovakia, and senders should be advised to ascertain in advance of mailing such articles whether the addressees will be permitted to receive them.

b. In § 127.299 *Malaya* make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other regular-mail articles, 90 cents first two ounces and 70 cents each additional two ounces or fraction. (See § 127.20.)

2. In paragraph (b) (1), insert new subdivision (ii) after the table of surface parcel rates, and preceeding the tabulated information, appearing under subdivision (1), to read as follows:

(ii) *Air parcels.* Rates: \$1.75 first 4 ounces; \$1.00 each additional 4 ounces or fraction.

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b)).

(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. 52-9622; Filed, Sept. 3, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 151]

WHALING PROVISIONS

NOTICE OF PROPOSED RULE MAKING

In accordance with section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, 239), notice is hereby given that under the authority contained in section 12 of the Whaling Convention Act of 1949 (64 Stat. 421-425; 16 U. S. C., 1946 ed., Supp. IV, 916-916 1), the Secretary of the Interior intends to adopt regulations affecting the conduct of whaling operations.

All persons who desire to submit written data, views, or arguments in connection with the proposed regulations may do so by filing them with Albert M. Day, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., not later than 30 days from the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

Basis and purpose. Sections 151.1 to 151.61 are issued by the Secretary of the Interior to give effect to articles VI, VII, VIII, and IX of the International Convention for the Regulation of Whaling signed in Washington December 2, 1946 and in furtherance of the obligations of the Secretary under the Whaling Convention Act of 1949 (64 Stat. 421-425; 16 U. S. C. 916-916 1).

DEFINITIONS

- Sec.
151.1 Factory ship.
151.2 Land station.
151.3 Secondary processing land station.
151.4 Whale catcher.

LICENSES

- 151.10 Licenses required to engage in whaling.
151.11 Applications for licenses.

CLOSED SEASONS

- 151.20 Land stations taking or treating baleen whales.
151.21 Land stations taking or treating sperm whales.

RECORDS AND REPORTS

- 151.30 Records to be maintained on whale catchers.
151.31 Records to be maintained on factory ships and at land stations.
151.32 Records to be maintained at secondary processing land stations.
151.33 Report on employment, craft, and products of whaling operations.

SALVAGE OF UNCLAIMED WHALES

- 151.40 No processing license required.
151.41 Reporting of salvage of dead whales required.

MOLESTING OR AUTHORIZED INTERFERENCE WITH WHALES

- 151.50 Molesting whales prohibited.

INSPECTION AND ENFORCEMENT

- 151.60 Fish and Wildlife Service employees designated as enforcement officers.

Sec.

151.61 State officers designated as enforcement officers.

AUTHORITY: §§ 151.1 to 151.61 issued under sec. 12, 64 Stat. 425; 16 U. S. C. 916 1.

DEFINITIONS

§ 151.1 *Factory ship.* The words "factory ship" means a vessel in which or on which whales are treated or processed, whether wholly or in part.

§ 151.2 *Land station.* The words "land station" mean a factory on the land at which whales are treated or processed, whether wholly or in part.

§ 151.3 *Secondary processing land station.* The words "secondary processing land station" mean a factory on the land which receives from a land station for further processing any or all of those parts of whales which are required, by paragraph 12 of the Schedule of the Whaling Convention of 1946 as amended (§ 351.12 of Chapter III this title)¹ to be processed by boiling or otherwise.

§ 151.4 *Whale catcher.* The words "whale catcher" means a vessel used for the purpose of hunting, taking, towing, holding on to, or scouting for whales.

LICENSES

§ 151.10 *License required to engage in whaling.* No person shall engage in the taking or processing of blue whales, fin whales, humpback whales, sei whales, minke whales, or sperm whales without first having obtained an appropriate license.

§ 151.11 *Applications for licenses.* Applications for licenses to engage in the taking and processing of whales shall be submitted to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C. Such application shall be accompanied by the affidavit or affidavits prescribed in section 6 (d) and (e) of the Whaling Convention Act of 1949 and by a certified check or United States Postal Money Order payable to the Treasurer of the United States in the appropriate amount as prescribed by the scale of license fees in section 6 (b) of the Whaling Convention Act of 1949.

CLOSED SEASONS

§ 151.20 *Land stations taking or treating baleen whales.* It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen whales except during the period of May 1 to October 31 following, both days inclusive.

§ 151.21 *Land stations taking or treating sperm whales.* It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating sperm whales except during the period April 1 to November 30 following, both days inclusive.

RECORDS AND REPORTS

§ 151.30 *Records to be maintained on whale catchers.* There shall be main-

¹ 17 F. R. 7861.

tained on each whale catcher a suitable log book or other record in which shall be recorded the following information, and such record shall be available for inspection by any person authorized by law or by these regulations to act as an inspector or enforcement officer, who shall be permitted to abstract therefrom such information as may be needed by the United States Government:

(a) The date and hour of the killing or capture of each whale;

(b) The point in latitude and longitude where each whale is killed or captured;

(c) The species of each whale killed or captured;

(d) The time of delivery of each whale to the land station or factory ship;

(e) Data specified under paragraphs (a), (b), and (c) of this section for each whale killed and later lost, or for some other reason not delivered to a factory ship or land station for processing, with an account of the circumstances surrounding such loss or non-delivery.

(f) Any observations on migration of whales and on location of calving grounds.

§ 151.31 *Records to be maintained on factory ships and at land stations.*

(a) There shall be maintained in duplicate on board each factory ship and at each land station, on forms provided by the Fish and Wildlife Service for that purpose, a detailed record of all whales received and processed as follows:

(1) Serial number of the whale (begin with number 1 on January 1 of each year).

(2) Species of the whale.

(3) Date and time killed and date and time received by the factory ship or land station.

(4) Sex of the whale.

(5) Length of the whale (length to be measured as specified in paragraph 9 (d) of the Schedule of the Whaling Convention of 1946, § 351.9 (d) of this title).¹

(6) Sex of embryo if present.

(7) Length of embryo in feet and inches.

(8) A description of the stomach contents of the whale.

(9) Name of whale catcher which took the whale.

(10) Name of gunner who killed the whale.

(11) The exact location in which the whale was taken, stated in degrees and minutes of latitude and longitude.

(12) Under "Remarks" enter, if the whale is a female, whether lactating or milk-filled as well as abnormalities or peculiarities concerning the whale and the character and quantity of any portion of the whale transferred to a secondary processing plant.

(b) Each sheet of such reports shall be verified or approved by a person authorized by law or by these regulations to act as inspector or enforcement officer, and the said duplicate reports for each calendar year shall be submitted to the Director of the Fish and Wildlife Service, Washington 25, D. C., within 30 days after the end of each calendar year.

PROPOSED RULE MAKING

§ 151.32 Records to be maintained at secondary processing land stations.

(a) There shall be maintained by all licensed secondary processing land stations receiving from land stations parts of whales for further processing a suitable ledger or book in which the following information shall be recorded, and such records shall be available for inspection by any authorized person:

(1) The kind and quantity of parts of whales received.

(2) The date of receipt thereof.

(3) The kind and quantity of products derived therefrom.

(b) Said ledger or book or certified true copies thereof shall be submitted in duplicate to the Director of the Fish and Wildlife Service, Washington 25, D. C., within 30 days after the end of each calendar year.

§ 151.33 Report on employment, craft, and products of whaling operations. The person or persons responsible for the operation of every factory ship, land station and secondary processing land station shall submit in duplicate annually to the Director of the Fish and Wildlife Service, Washington 25, D. C., within 30 days after the end of each calendar year, a report on employment, craft and products. Such reports shall be submitted on forms provided by the Fish and Wildlife Service and shall be subscribed and sworn to by the person or persons responsible for the operation of said factory ships, land station and secondary processing land station before a notary public or a person authorized by law or by these regulations to act as inspector or enforcement officer.

SALVAGE OF UNCLAIMED WHALES

§ 151.40 No processing license required. No license shall be required for the salvage and processing of any dead whale found upon a beach or stranded in shallow water, or of any unclaimed dead whale found floating at sea.

§ 151.41 Reporting of salvage of dead whales required. (a) Any person or persons salvaging and/or processing any dead whale of any of the species enumerated in § 151.10 shall submit a report in writing to the Director of the Fish and Wildlife Service, Washington 25, D. C.

(b) Such report shall show the date and exact locality in which such dead whale was found, its length, species if determinable, the disposition made of the whale, the firm utilizing or processing it, the products derived therefrom, and any other relevant facts.

MOLESTING OR UNAUTHORIZED INTERFERENCE WITH WHALES

§ 151.50 Molesting whales prohibited. The chasing, molesting, exciting, or interfering, with firearms or by any other manner or means, with any whale of the species listed in § 151.10 or protected by the provisions of the International Convention for the Regulation of Whaling of 1946 is prohibited. Persons violating this section shall, upon arrest and conviction, be subject to the penalties imposed by the Whaling Convention Act of 1949.

INSPECTION AND ENFORCEMENT

§ 151.60 Fish and Wildlife Service employees designated as enforcement officers. Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Department of the Interior and the Fish and Wildlife Service is authorized and empowered to act as a law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

§ 151.61 State officers designated as enforcement officers. Any employee of a State government who has been duly designated by the Director of the Fish and Wildlife Service, with the consent of the State government concerned, is authorized and empowered to act as a Federal law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

MARTIN G. WHITE,
Acting Secretary of the Interior.

AUGUST 15, 1952.

[F. R. Doc. 52-9618; Filed, Sept. 3, 1952;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR Part 959]

IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

PROPOSED BUDGET OF EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR, Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 959.204 Budget of expenses and rate of assessment. (a) The expenses necessary to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of

the aforesaid marketing agreement and amended order, during the fiscal year ending June 30, 1953, will amount to \$14,400.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-fourth of one cent (\$0.0025) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959).

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

Done at Washington, D. C., this 29th day of August 1952.

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

[F. R. Doc. 52-9673; Filed, Sept. 3, 1952;
8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

STEAMSHIP CONFERENCES USING CONTRACT/
NON-CONTRACT RATESNOTICE OF EXTENSION OF TIME IN WHICH TO
SUBMIT WRITTEN STATEMENTS AND COM-
MENTS ON PROPOSED RULE OF PROCEDURE

Upon request of various interested parties and for good cause shown, notice is hereby given that all persons interested in the proposed rule of procedure heretofore published in the FEDERAL REGISTER, issue of July 31, 1952 (17 F. R. 7020), have until September 19, 1952, to file with the Secretary of the Federal Maritime Board, Commerce Building, Washington 25, D. C., written statements and comments thereon.

Dated: August 28, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-9617; Filed, Sept. 3, 1952;
8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 40, 41, 42, 45, 61]

EMERGENCY AND EVACUATION EQUIPMENT
AND PROCEDURES FOR SCHEDULED AND
IRREGULAR PASSENGER AIR CARRIER
OPERATIONS

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to Parts 41, 42, 61, and the proposed revised Part 40 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by sub-

mitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by September 29, 1952. Copies of such communications will be available after October 1, 1952, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Investigations of certain recent air carrier accidents have indicated to the Board the desirability and necessity of making certain changes in the Civil Air Regulations relating to emergency and evacuation equipment and procedures. The following are summaries of the proposals which the Board considers are necessary at this time.

Location of life rafts. Recent accidents and operating experience have pointed out that in many air carrier aircraft life rafts are stowed in such a manner that they are not readily accessible in cases of ditchings when little time is available for preparation. It is appreciated that in many cabin arrangements it is difficult so to install rafts that they can be easily launched by the crew when the aircraft is on the water; however, experience indicates that safety requires that this be done. Although it is understood that the ability of the crew to launch the rafts is dependent upon training and intelligent crew assignment (see paragraph entitled *Crew assignments in cases of emergency and ditching* below), it seems apparent that good positioning in the aircraft is essential. Therefore, it is proposed that all required rafts and life vests not only be equipped for the route to be flown and be approved by the Administrator, but be installed in approved locations and be readily available and easily accessible to the crew and passengers in the event of ditching.

Carriage of emergency evacuation equipment. There are no requirements in any of the operating parts of the Civil Air Regulations for provision of evacuation equipment to assist passengers in evacuating an aircraft on the ground. Experience has shown that in certain instances it is essential that some means be provided in addition to those required by the applicable airworthiness requirements. Part 4b now specifies that for all land-plane emergency exits which are more than six feet from the ground with the airplane on the ground and the landing gear extended means shall be provided to assist the occupants in descent from the aircraft. (This requirement does not apply to emergency exits so located that it can be expected that passengers can gain easy access to the wing and thence to the ground.) It is considered that this same requirement should be applied to aircraft presently in service by its inclusion in the relevant operating parts.

Emergency lighting and marking of emergency exits. At the present time Parts 41 and 61 require that emergency exits for aircraft carrying passengers be clearly marked as such with luminous

paint in letters not less than $\frac{3}{4}$ " high, such markings to be located either on or immediately adjacent to pertinent exits and readily visible to passengers. Location and method of operation of the handles is required to be marked with luminous paint. The Board has received a number of comments to the effect that these requirements are not sufficiently stringent to insure that in case of a crash landing or ditching at night the passengers and crew would be able to identify and operate emergency exits. It is proposed therefore that for all air carrier passenger aircraft lights be installed so as to illuminate all exits in such a manner as to attract the attention of the occupants of the aircraft at night. It is further proposed that the lights be equipped with an integral energy supply independent of the main electrical system and so designed as to function manually and in the event of a crash landing, automatically. In addition, it is proposed that the location of the exit-operating handles be plainly marked on or adjacent to exits, and concise instructions be similarly marked; all of these markings to be in luminous paint.

Crew assignments in cases of emergency and ditching. The Board has always based its rules on the premise that, wherever possible, the air carrier should be responsible for assigning crew duties. It has been brought to the attention of the Board, however, that in certain instances crew duties are not sufficiently delineated and crew training programs are not sufficiently detailed so as to provide proper coordination of the crew in the event of a crash landing or ditching. The Board considers that it is necessary to ensure that assigned crew duties are realistic and do not, for example, require an individual to be assigned certain tasks which are not probable of accomplishment under the conditions anticipated. It is therefore proposed that each air carrier assign specific functions to each crew member to be accomplished in the event of an emergency landing. These functions must be listed in the air carrier operations manual, and all crew members shall be made thoroughly familiar with such functions during both initial and recurrent training. The air carrier must show that the functions so assigned are possible of accomplishment under the conditions anticipated.

Briefing of passengers. The operating parts presently require that passengers on overseas flights be acquainted with the location of emergency exits, with emergency equipment provided for individual use, and with the procedure to be followed in the case of an emergency landing on the water. Many air carriers construe this requirement to permit passenger briefing by means of pamphlets or cards and do not actually demonstrate the use of life vests, etc. The Board has received suggestions to the effect that such a form of briefing is not adequate and that a passenger should be instructed in the operation of vests and the location of the emergency exits, rafts, and other emergency gear. It is proposed therefore, in the case of extended overwater operations, that each

air carrier establish procedures for briefing passengers as to the location and method of operation of life vests and emergency exits and the location of life rafts. Such briefing shall include a demonstration of the method of donning a life jacket and shall be completed prior to take-off.

Accordingly it is proposed to amend Parts 41, 42, and 61, of the Civil Air Regulations to include the following requirements. It is also proposed to include these requirements in the proposed revised Part 40 (17 F. R. 6971) to the extent not already provided therein.

1. All required rafts and life vests shall be approved, shall be adequately equipped for the route to be flown, and shall be installed in approved locations. They shall be readily available and easily accessible to the crew and passengers in the event of an unplanned ditching.

2. On all passenger-carrying airplanes, at all doors and emergency exits which are more than six feet from the ground with the airplane on the ground with the landing gear extended, means shall be provided to assist the occupants in descending from the aircraft: *Provided*, That such means need not be provided at emergency exits over the wing where the greatest distance from the exit lower sill to the wing surface does not exceed 36 inches.

3. Doors and emergency exits intended for passenger and crew use during emergencies shall be so lighted as to permit ready identification and so as to attract the attention of the occupants of the aircraft in the event that the main electrical system of the aircraft is inoperative after an emergency landing at night. The lights used for this purpose shall be designed so as to function both manually and, in the event of a crash landing, automatically. The location of the door and exit-operating handles and the method of their operation shall be plainly marked in luminous paint on or adjacent to the doors and exits.

4. Each air carrier shall assign specific functions to each crew member to be accomplished in the event of an emergency landing. The air carrier shall show that the functions so assigned are possible of accomplishment under the conditions anticipated. These functions shall be listed in the air carrier operation manual, and all crew members shall be made thoroughly familiar with such functions during both initial and recurrent training.

5. In the case of extended overwater operations each air carrier shall establish procedures for orally briefing passengers as to the location and method of operation of life vests and emergency exits and the location of life rafts. Such briefing shall include a demonstration of the method of donning a life jacket. Such briefing shall be accomplished prior to take-off on all extended overwater flights on which the aircraft proceeds directly over water. On flights not proceeding directly over water, the briefing shall be accomplished some time prior to reaching the overwater portion of the flight.

These amendments are proposed under the authority of Title VI of the Civil

Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply Secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560; 62 Stat. 1216)

Dated: August 28, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9065; Filed, Sept. 3, 1952;
8:52 a. m.]

[14 CFR Part 242]

[Economic Regs. Draft Release 56]

FILING OF REPORTS BY IRREGULAR AIR CARRIERS, IRREGULAR TRANSPORT CARRIERS, AIR TAXI OPERATORS AND NON-CERTIFICATED CARGO CARRIERS

NOTICE OF PROPOSED RULE MAKING

AUGUST 28, 1952.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of Part 242 of the Economic Regulations (14 CFR Part 242). The proposed amendments are designed to obtain more uniform, and in some respects more detailed, data in response to the reporting requirements of these provisions of the regulations.

It is believed that the lack of uniformity in information obtained under the present requirements and the inadequacy of detailed information on certain matters of importance to the Board in the discharge of its regulatory responsibilities can be remedied through providing standard forms to be filled out in making the required reports, together with detailed instructions for filling out the forms.

Under the proposed rule, the required reports would contain, in standard form, quarterly statements of the type presently required, namely, balance sheet, profit and loss statement, statement of airplanes owned and rented, personnel and transportation data and a flight report. The proposed requirements would include in addition (1) a separation of flight and traffic statistics between domestic and international operations, (2) a report of traffic flow, (3) when applicable, a supplemental statement of revenues and flight and traffic statistics in defense contract operations, (4) an annual statement on general officers, directors and stockholders, and (5) an annual statement of corporate securities data and investments in other companies.

Schedule F of the proposed new form (Flight Report—Large Irregular Carriers and Irregular Transport Carriers) would not apply to noncertificated cargo carriers. It is contemplated that such carriers will continue to submit flight reports in accordance with the provisions of § 242.6, which would remain unchanged.

The proposed forms would discontinue the existing requirement that a separation be made in transportation statistics

to distinguish between those operations which are, and those operations which are not, performed under the Letter of Registration. However, the present requirement that carriers indicate in the flight report those flights which, in their opinion, were not in common carriage would be left unchanged.

It will be noted that the proposed rule does not affect in any way the reporting requirements for air taxi operators. It should be further noted that the proposed rule will apply to the so-called "irregular transport carriers," which are air carriers so named in the Board orders granting them economic operating authorization by individual exemption to engage in limited irregular operations. These carriers are all former members of the large irregular carrier class. The proposed reporting requirements are designed to apply to any other air carrier designated as an "irregular transport carrier" pursuant to a Board order in the future.

For the information of any interested persons who do not receive copies of the proposed forms¹ in regular distribution, copies are on file with the FEDERAL REGISTER or may be obtained by addressing a request in writing to the Civil Aeronautics Board, Publications Section, Commerce Building, Washington, D. C.

Interested persons may participate in the making of the proposed rule by submitting such written data, facts, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before October 3, 1952, will be considered by the Board before taking further action on the proposed rule.

In consideration of the foregoing, it is proposed to amend Part 242 of the Economic Regulations (14 CFR Part 242) as follows:

1. By amending the title of the part to read as follows: "Part 242—Filing of Reports by Large Irregular Carriers, Irregular Transport Carriers, Air Taxi Operators, and Noncertificated Cargo Carriers"

2. By amending § 242.2 to read as follows:

§ 242.2 *Statistical and flight reports required.* Statistical reports, in accordance with the provisions of § 242.3, shall be filed with the Board with respect to operations of aircraft having more than 5 passenger seats by each air taxi operator owning or having the right to operate for compensation or hire any such aircraft. Each large irregular carrier, irregular transport carrier and noncertificated cargo carrier shall file statistical reports in accordance with § 242.4. Flight reports shall be filed with the Board by each large irregular carrier or irregular transport carrier in accordance with § 242.4 and by each noncertificated cargo carrier in accordance with § 242.6. Each such air taxi operator, large irregular carrier, irregular transport carrier and noncertificated cargo carrier shall keep all accounts, records, and memorandums (including the accounts,

records and memorandums of the movement of traffic as well as of the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of this part. Such accounts, records, and memorandums as relate to statistical reports shall be preserved for 3 years, and such as relate to flight reports shall be preserved for 1 year. The reports to be filed by such carriers shall be prepared in accordance with the following provisions and shall be certified to be correct by a responsible officer of the reporting carriers.

3. By amending § 242.4 to read as follows:

§ 242.4 *Statistical reports by large irregular carriers, irregular transport carriers and noncertificated cargo carriers, and flight reports by large irregular carriers and irregular transport carriers.* For the calendar quarter ending December 31, 1952, and all succeeding quarters with respect to all reports required to be filed quarterly, and for the calendar year 1952 and all succeeding calendar years with respect to all reports required to be filed annually, each large irregular carrier, irregular transport carrier and noncertificated cargo carrier shall file with the Board the prescribed number of copies of completed CAB Form _____, entitled "Report of Financial and Operating Statistics for Large Irregular Carriers, Irregular Transport Carriers, and Noncertificated Cargo Carriers" in accordance with the instructions accompanying such form: *Provided*, That noncertificated cargo carriers shall not be required to file Schedule F (Flight Report) but shall furnish data of this kind in accordance with the provisions of § 242.6.

4. By amending § 242.5 to read as follows:

§ 242.5 *Filing of copies of agreements, manifests, other flight data and publicity material.* (a) All large irregular carriers and irregular transport carriers shall file with the Board, contemporaneously with filing the flight reports under Schedule F of CAB Form _____, as required by § 242.4, one copy of each of the following:

(1) *Agreements and manifests.* All written agreements, memorandums of all oral agreements, and all passenger and cargo manifests covering flights in the following categories:

(i) Each flight on which persons, either revenue or nonrevenue (other than crew required by applicable Civil Air Regulations), were carried between a point in the United States (as defined by section 1 (32) of the Civil Aeronautics Act) and a point outside thereof.

(ii) Each flight which, in the opinion of the carrier, was not in common carriage.

(2) *Other flight data.* A tabulation of the following data for each flight of the categories designated under subparagraph (1) (i) and (ii) of this paragraph (unless the information is available from instruments filed pursuant to said subparagraph (1) of this paragraph):

¹ Filed as part of the original document.

(i) Name and address of the person for whom the flight was operated.

(ii) Manner in which passengers and cargo transported on such flight were obtained (solicitation, advertising, circular, etc.).

(iii) Nature, terms, and conditions of the arrangements for such flight.

(iv) Obligations and responsibilities of the parties to the arrangement in connection with the transportation.

(v) Number of persons (other than crew required by applicable Civil Air Regulations) carried on each flight of the category designated by subparagraph (1) (i) of this paragraph.

(3) *Agreements with ticket agents.* True and complete copies of every agreement between a large irregular carrier or irregular transport carrier and any ticket agent, if it pertains to any of the following subjects:

(i) The furnishing of passengers or groups of passengers for transportation by air.

(ii) The making of arrangements for flights for the accommodation of passengers or groups of passengers.

(iii) The solicitation or generation of passenger traffic to be transported by the large irregular carrier or irregular transport carrier; or

(iv) The charter or lease of aircraft.

(4) *Publicity material on large irregular carrier and irregular transport carrier operations.* Each advertisement, circular, pamphlet, brochure, or other publicity material and each announcement or notice issued by a large irregular carrier or irregular transport carrier during the preceding 3-month period and pertaining to any of its air transportation services for passengers, and information with respect to each such item showing, if published in a newspaper, magazine or other advertising medium, the place and date or dates of issue, and the name of the publication, or, if distributed otherwise (such as through circulars, bulletins, pamphlets, or brochures), the dates, manner and extent of distribution.

(b) Data reported pursuant to paragraphs (a) (1) and (2) of this section shall be available for official use on behalf of the Civil Aeronautics Board, but shall otherwise be withheld from public disclosure except as disclosure may be necessary in carrying out responsibilities under section 412 of the act.

This amendment is proposed under the authority of section 205 (a) and section 407 of the Civil Aeronautics Act of 1938, as amended. The proposed amendment may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000, 49 U. S. C. 487)

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9666; Filed, Sept. 3, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 23; Docket No. 30]

PERMA-SIDE CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 15th day of August 1952 before George P. Jones, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799), dated August 30, 1951; and

The respondent, Samuel Rosenmutter, doing business as Perma-Side Company, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and being represented by William Strong, an attorney at law, 9441 Wilshire Boulevard, Beverly Hills, Calif., and

The respondent having stipulated to a statement of facts to be filed in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, the following findings of fact as stipulated by the parties hereto are found:

Findings of fact: 1. The respondent committed acts prohibited by CMP Regulation No. 1, section 17 (a), as issued May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), in that the said Samuel Rosenmutter, having received an authorized production schedule providing for the use of a certain quantity of aluminum

during the calendar quarter commencing October 1, 1951, did request delivery from his supplier of controlled material, to wit: 57,600 pounds of aluminum, said amount of aluminum being 41,472 pounds greater than was required to fulfill the said authorized production schedule.

2. The respondent committed acts prohibited by CMP Regulation No. 1, section 19 (f), as issued May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), in that the said Samuel Rosenmutter, having received an authorized production schedule and related allotment providing for the use of a certain quantity of aluminum during the calendar quarter commencing October 1, 1951, placed authorized controlled material orders with his supplier for 57,600 pounds of aluminum, whereas he was lawfully entitled to order only 16,128 pounds of aluminum.

3. The respondent committed acts prohibited by CMP Regulation No. 1, section 17 (a), as issued May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), in that the said Samuel Rosenmutter, having received an authorized production schedule providing for the use of a certain quantity of aluminum during the calendar quarter beginning January 1, 1952, did request delivery from his supplier of controlled material, to wit: 35,913 pounds of aluminum, said amount of aluminum being 29,865 pounds greater than was required to fulfill the said authorized production schedule.

4. The respondent committed acts prohibited by CMP Regulation No. 1, section 19 (f), as issued May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), in that the said Samuel Rosenmutter, having received an authorized production schedule and related allotment providing for the use of a certain quantity of aluminum during the calendar quarter beginning January 1, 1952, placed authorized controlled ma-

terial orders with his supplier for 35,913 pounds of aluminum, whereas he was lawfully entitled to order only 6,048 pounds of aluminum.

5. The respondent committed acts prohibited by section 17 (b) of CMP Regulation No. 1, as issued May 3, 1951 (16 F. R. 4127), section 3 (c) of CMP Regulation No. 1, as amended July 12, 1951 (16 F. R. 6800), and sections 3 (c) and 17 (b) of CMP Regulation No. 1, as amended November 23, 1951 (16 F. R. 11860), in that Samuel Rosenmutter, having received an authorized production schedule and a related allotment of aluminum for use during the calendar quarter commencing October 1, 1951, used the said allotment to obtain and use at least 41,472 pounds of aluminum more than was required to fulfill the said authorized production schedule.

6. The respondent committed acts prohibited by section 17 (b) of CMP Regulation No. 1, as issued May 3, 1951 (16 F. R. 4127), section 3 (c) of CMP Regulation No. 1, as amended July 12, 1951 (16 F. R. 6800), and sections 3 (c) and 17 (b) of CMP Regulation No. 1, as amended November 23, 1951 (16 F. R. 11860), in that Samuel Rosenmutter, having received an authorized production schedule and a related allotment of aluminum for use during the calendar quarter beginning January 1, 1952, used the said allotment to obtain and use at least 29,865 pounds of aluminum more than was required to fulfill the said authorized production schedule.

Conclusions: During the calendar quarters commencing October 1, 1951, and January 1, 1952, the respondent herein violated the provisions of National Production Authority regulations and orders as hereinabove cited by placing orders with suppliers and requesting delivery from said suppliers of more aluminum than he was entitled to order or to request delivery of during said pe-

riod, by using at least 71,337 pounds of aluminum for unauthorized purposes.

In order to correct the unauthorized use of aluminum occasioned by the violations found herein and in order to prevent future violations of National Production Authority regulations, orders, and directives by this respondent,

It is accordingly ordered: 1. That all priority assistance be withdrawn and withheld from the respondent for a period of 6 months commencing from the 1st day of September 1952.

2. That all allocations and allotments of controlled material and material under the control of the National Production Authority be withheld from the respondent for a period of 6 months commencing from the 1st day of September 1952.

3. That the respondent be prohibited from producing or acquiring Class "A" products and from producing Class "B" products (as defined in National Production Authority CMP Regulation No. 1, as amended November 23, 1951, and as may be amended hereafter), and from acquiring, using, or disposing of any materials under control of the National Production Authority, except as may be directed by the Administrator of the National Production Authority for a period of 6 months commencing from the 1st day of September 1952.

4. That all privileges of self-certification and self-authorization granted by the National Production Authority with respect to controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Samuel Rosenmutter, doing business as Perma-Side Company, for a period of 6 months commencing from the 1st day of September 1952.

Issued this 15th day of August 1952 at Los Angeles, Calif.

NATIONAL PRODUCTION
AUTHORITY.

By GEORGE P. JONES,
Hearing Commissioner.

[F. R. Doc. 52-9767; Filed, Sept. 3, 1952;
11:38 a. m.]

[Suspension Order 24; Docket No. 32]

ART METAL CONSTRUCTION CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 19th day of August 1952 before Philip E. Hoffman, Esquire, a Hearing Commissioner of the National Production Authority, on a Statement of Charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799); and

The respondent, Art Metal Construction Co., a Massachusetts corporation, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules

and procedures which govern these proceedings; and the National Production Authority being represented by William E. Kennedy, attorney, and the respondent being represented by Hellings, Ullsh, Morey and Stewart, appearing by William P. Stewart, Esquire; and

The respondent, by its attorneys Hellings, Ullsh, Morey and Stewart, appearing by William P. Stewart, Esquire, having entered into a stipulation dated August 18, 1952, wherein it was admitted that the respondent, Art Metal Construction Co., a Massachusetts corporation, did commit the acts charged in Charge 2 of the Statement of Charges filed herein by the General Counsel and dated July 7, 1952; and

The respondent having fully stipulated that the said stipulation be filed in lieu of the presentation of other evidence in support of, and in opposition to, the Statement of Charges, the following Findings of Fact as stipulated by the parties hereto are found:

Findings of fact. 1. The respondent, Art Metal Construction Co., a Massachusetts corporation, during the second quarter commencing April 1, 1951, used in the manufacture of metal office cabinets and cases, metal chairs, metal desks and tables, metal furniture, metal doors, frames, sash and trim, 6,680 tons of carbon steel, when lawfully authorized to use only 5,268.55 tons, thereby using 1,411.45 tons more than was permitted.

Conclusion. 1. The respondent, Art Metal Construction Co., a Massachusetts corporation, has committed acts prohibited by National Production Authority Order M-47, section 5 (a) dated March 7, 1951 (16 F. R. 2186), as amended April 4, 1951 (16 F. R. 3582), and as amended June 1, 1951 (16 F. R. 5267), in that Art Metal Construction Co., a Massachusetts corporation, during the second quarter commencing April 1, 1951, used in the manufacture of metal office cabinets and cases, metal chairs, metal desks and tables, metal furniture, metal doors, frames, sash and trim, 6,680 tons of carbon steel, when lawfully authorized to use only 5,268.55 tons, thereby using 1,411.45 tons more than was permitted by the said section.

There is no evidence establishing that the violations of the National Production Authority regulations, orders, and directives were committed willfully, and it is concluded that there were no willful acts.

In order to correct the unauthorized use of carbon steel occasioned by the violations found herein, by the respondent:

It is accordingly ordered: 1. That all allocations and allotments of carbon steel which may be granted to Art Metal Construction Co., a Massachusetts corporation, its successors and assigns, for use during the third quarter 1952 and fourth quarter 1952, be reduced as follows:

(a) By 700 tons during the period beginning on the date hereof and ending September 30, 1952.

(b) By 711.45 tons during the period beginning October 1, 1952, and ending December 31, 1952.

2. That the respondent, Art Metal Construction Co., a Massachusetts corporation, its successors and assigns, be

and they hereby are prohibited during each of the aforementioned periods from acquiring any items of carbon steel in excess of their carbon steel allocations and allotments as so reduced.

3. Nothing herein contained shall be construed to prohibit Art Metal Construction Co., a Massachusetts corporation, its successors and assigns, from obtaining its usual and necessary allotments of carbon steel after December 31, 1952, in accordance with the regulations then in force and effect.

Issued this 19th day of August 1952 at New York City, N. Y.

NATIONAL PRODUCTION
AUTHORITY.

By PHILIP E. HOFFMAN,
Hearing Commissioner.

[F. R. Doc. 52-9768; Filed, Sept. 3, 1952;
11:30 a. m.]

[Suspension Order 25; Docket No. 45]

CHERNY-WATSON LUMBER CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 21st day of August 1952, at Omaha, Nebr., before Frederick J. Moreau, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), and Implementation 1 to that order; and

The respondent, the Cherny-Watson Lumber Company of North Bend, Nebr., having been duly apprised of the specific violations charged, and the administrative action which may be taken thereon, and having been fully informed of the rules and procedures which govern the proceedings, and it having appeared by John C. Mason, Esquire, a partner in the firm of Beghtol and Rankin, Stuart Building, Lincoln, Nebr., and respondent having by its attorneys filed a general denial to the charges, and the National Production Authority having submitted evidence sustaining the charges set forth in the statement of charges, which evidence was not controverted in any manner by the respondent, and the Commissioner being fully advised in the premises, determines as follows:

Findings of fact: 1. That for the fourth quarter 1951 respondent's original allotments of aluminum, a controlled material under the provisions of CMP Regulation No. 1, of 30,193 pounds of aluminum, which original allotment was reduced or decreased on September 8, 1951, by Form CMP-11 to the extent of 14,193 pounds, leaving respondent's net allotment of 16,000 pounds, and that its receipts of aluminum for such fourth quarter 1951 were 25,166 pounds of aluminum, making an excess of receipts of 9,166 pounds.

2. That for the first quarter 1952 respondent had an original allotment of aluminum of 12,000 pounds, which original allotment was reduced by Form CMP-11, November 13, 1951, by 7,300 pounds, leaving a net allotment for such

first quarter 1952 of 4,700 pounds; respondent's receipts for such first quarter 1952 were 11,362 pounds of aluminum, making an excess of receipts of aluminum over the allotment of 6,662 pounds of aluminum.

3. During the periods involved in the above findings, respondent failed to keep its inventories in such condition as to enable it to state what its inventories were with reference to these controlled materials as required by the orders of the National Production Authority.

Conclusion: During the period beginning October 1, 1951, and ending March 31, 1952, the respondent committed acts prohibited by CMP Regulation No. 1, section 19 (f), as issued May 3, 1951, and as amended November 23, 1951, in that during the fourth quarter 1951 it received and accepted delivery of 9,166 pounds of aluminum in excess of the amount it was lawfully entitled to order and receive, and in that during the first quarter 1952 it received and accepted delivery of 6,662 pounds of aluminum in excess of the amount it was lawfully entitled to order and receive under said orders, and respondent also violated section 23 (a) of CMP Regulation No. 1 as issued and as amended in that it failed to maintain at its regular place of business, accurate records of its inventory of aluminum, a controlled material, as listed in said CMP Regulation No. 1.

Accordingly it is ordered: 1. That all allocations and allotments of aluminum which respondent might be entitled to receive, either by application using Form CMP-4B or by self-certification, for use during the third quarter, the current quarter, and fourth quarter 1952, be reduced as follows:

(a) By 9,000 pounds during the period beginning July 1, 1952, and ending September 30, 1952.

(b) By 6,000 pounds during the period beginning October 1, 1952, and ending December 31, 1952.

2. It is further ordered that the respondent make immediate efforts to put its inventory in proper condition so as to enable it to give specific information at all times with reference thereto.

Issued this 21st day of August 1952 at Omaha, Nebr.

NATIONAL PRODUCTION
AUTHORITY,
By FREDERICK J. MOREAU,
Hearing Commissioner.

[F. R. Doc. 52-9769; Filed, Sept. 3, 1952;
11:39 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4299]

SERVICE TO PITTSBURG, KANS.

NOTICE OF HEARING

In the matter of the application of the City of Pittsburg, Kansas, the Pittsburg Chamber of Commerce, and the Division of Aeronautics, Kansas Industrial Development Commission under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, of existing certificates of public convenience and necessity to pro-

No. 173—5

vide the City of Pittsburg, Kansas, with scheduled air transportation of persons, property, and mail.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h) and 1001 of the said act, that the above-entitled proceeding is assigned for hearing on September 23, 1952, at 9:00 a. m., c. s. t., in the Besse Hotel, Pittsburg, Kansas, before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application, particular attention will be directed to whether the public convenience and necessity require amendment of the certificate of public convenience and necessity of Ozark Airlines, Inc., so as to provide air transportation to Pittsburg, Kansas.

For further details of the issues involved in the proceeding, interested persons are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in opposition to the application must file with the Board on or before September 23, 1952, a written statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., August 29, 1952.

By the Civil Aeronautics Board.

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

[F. R. Doc. 52-9667; Filed, Sept. 3, 1952;
8:54 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[DPA Request No. 23—DPAV-13 (a)]

WITHDRAWAL OF REQUEST TO PARTICIPATE
IN VOLUNTARY AGREEMENT ENTITLED
"VOLUNTARY PLAN RELATING TO THE
SAVING OF NEWSPRINT BY BOSTON DAILY
NEWSPAPERS"

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request published on 16 F. R. 11314, November 7, 1951, to participate in a voluntary plan entitled "Voluntary Plan Relating to the Saving of Newsprint by Boston Daily Newspapers," dated September 4, 1951, transmitted and accepted by those companies listed on 16 F. R. 11314, November 7, 1951, is hereby withdrawn.

The immunity from prosecution under the Federal Antitrust Laws and the Federal Trade Commission Act heretofore granted is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: August 29, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-9770; Filed, Sept. 3, 1952;
11:39 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6453]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

AUGUST 27, 1952.

Take notice that on August 26, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Public Service Company, a corporation organized under the laws of the State of Iowa and doing business in the States of Iowa, South Dakota and Nebraska, with its principal business office in Sioux City, Iowa, seeking an order authorizing the issuance of 150,122 shares of Common Stock, a par value \$5 per share. The additional Common Stock is to be issued pro rata to existing holders of Common Stock for subscription on the basis of one new share for each eight shares of Common Stock held; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 17th day of September 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9619; Filed, Sept. 3, 1952;
8:46 a. m.]

[Docket No. G-1158]

WILLMUT GAS & OIL CO. ET AL.

NOTICE OF ORAL ARGUMENT BEFORE
PRESIDING EXAMINER

AUGUST 27, 1952.

Willmut Gas & Oil Company, et al. v. United Gas Pipe Line Company, Docket No. G-1158.

Upon consideration of the motion dated July 28, 1952, filed by counsel for United Gas Pipe Line Company for oral argument before Francis L. Hall, Presiding Examiner in the above designated matter:

Notice is hereby given that the Presiding Examiner has granted said motion and that the matters involved and issues presented in Docket No. G-1158 are set for oral argument before the Presiding Examiner on September 22, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. Time for oral argument has been allocated, and counsel for the parties will be heard, in order as follows:

	Minutes
United Gas Pipe Line Co.	30
Willmut Gas & Oil Co.	30
City of Hattiesburg, Miss.	15
Federal Power Commission	30

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9620; Filed, Sept. 3, 1952;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27356]

MAHOGANY AND PHILIPPINE WOODS FROM BATON ROUGE, KENNER, AND NEW ORLEANS, LA., TO MOOREFIELD, W. VA.

APPLICATION FOR RELIEF

AUGUST 29, 1952.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1214.

Commodities involved: Lumber, logs or fitches or mahogany and Philippine woods, built-up woods, and veneer, carloads.

From: Baton Rouge, Kenner, and New Orleans, La.

To: Moorefield, W. Va.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1214, Supp. 52.

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

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9639; Filed, Sept. 3, 1952; 8:48 a. m.]

[4th Sec. Application 27357]

PHOSPHATE OF SODIUM (SODA) AND RELATED ARTICLES FROM LAWRENCE, KANS., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

AUGUST 29, 1952.

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

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3614.

Commodities involved: Sodium (soda), phosphate of, di-sodium phosphate, and tri-sodium phosphate, carloads.

From: Lawrence, Kans.

To: Chicago, Ill.

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

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3614, Supp. 143.

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

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9640; Filed, Sept. 3, 1952; 8:48 a. m.]

[4th Sec. Application 27358]

SAND FROM SAULSBURY, TENN., AND TISHOMINGO, MISS., TO SALEM, ILL.

APPLICATION FOR RELIEF

AUGUST 29, 1952.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Sand, moulding, bonded (naturally or otherwise), carloads.

From: Saulsbury, Tenn., and Tishomingo, Miss.

To: Salem, Ill.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 998, Supp. 207.

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

upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. F. BARTEL,
Secretary.

[F. R. Doc. 52-9641; Filed, Sept. 3, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 34, Amdt. 1]

HARTFORD, CONNECTICUT; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated August 27, 1952 (17 F. R. 7912), that the Hartford, Connecticut, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 34 (17 F. R. 1368) is hereby amended to apply to the area described as:

Hartford, Connecticut (this area consists of the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, Windsor and Windsor Locks in Hartford County; and the town of Bolton in Tolland County; all in Connecticut).

ROSS S. SHEARER,
Acting Administrator.

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9715; Filed, Sept. 3, 1952; 9:43 a. m.]

[Determination No. 38, Amdt. 2]

BARSTOW, CALIFORNIA; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated August 27, 1952 (17 F. R. 7912), that the Barstow, California, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 38 (17 F. R. 1369) is hereby amended to apply to the area described as:

Barstow, California (this area consists of Barstow and Yermo Townships, and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East; on the south by the southern limit of Township 8 North; and on the west and north by the Belleville Township line; all in California).

ROSS S. SHEARER,
Acting Administrator.

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9716; Filed, Sept. 3, 1952; 9:43 a. m.]

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 21]

ROSE CITY FIELD, ORANGE COUNTY,
TEXASCRUDE PETROLEUM CEILING PRICES ADJUSTED
ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Rose City Field, Orange County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Rose City Field (Hackberry Formation) Orange County, Texas. During the base period full production had not been attained; installation of adequate low-cost transportation was not then available; and there was a lack of competitive factors. As a result the crude petroleum produced from this field was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the adjusted ceiling price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is \$2.88 per barrel for 40 degrees API gravity and above with a 2 cents differential less for each degree of gravity below 40 degrees, down to \$2.46 per barrel for below 20 degrees API gravity.

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

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Rose City Field, Orange County, Texas, shall be: \$2.88 per barrel for 40 degrees API gravity and above with a 2 cent differential loss for each degree of gravity below 40 degrees, down to \$2.46 per barrel for below 20 degrees API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

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

Effective date. This special order 21 shall become effective on August 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

August 27, 1952.

[F. R. Doc. 52-9554; Filed, Aug. 27, 1952;
3:43 p. m.]OFFICE OF DEFENSE
MOBILIZATION

[CDHA 77]

FINDING AND DETERMINATION OF CRITICAL
DEFENSE HOUSING AREAS UNDER THE DE-
FENSE HOUSING AND COMMUNITY FACILI-
TIES AND SERVICES ACT OF 1951

SEPTEMBER 2, 1952.

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.

Milwaukee, Wisconsin, Area. (The area consists of all of Milwaukee County, Wisconsin.)

JOHN R. STEELMAN,
Acting Director of
Defense Mobilization.

[F. R. Doc. 52-9691; Filed, Sept. 2, 1952;
12:06 p. m.]

[RC 60]

MILWAUKEE, WIS., AREA

DETERMINATION AND CERTIFICATION OF A
CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 2, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Milwaukee, Wisconsin, Area. (The area consists of all of Milwaukee County, Wisconsin.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of
Defense Mobilization.

[F. R. Doc. 52-9692; Filed, Sept. 2, 1952;
12:06 p. m.]SECURITIES AND EXCHANGE
COMMISSION

[File No. 70-2923]

LOWELL ELECTRIC LIGHT CORP.

NOTICE REGARDING FILING OF PROPOSED NOTE
ISSUES

AUGUST 28, 1952.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Lowell Electric Light Corporation ("Lowell"), a public-utility subsidiary company of New England Electric System, a registered holding company. Lowell has designated sections 6 (a) and 7 of the act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

The declaration states that Lowell presently has outstanding \$2,700,000 principal amount of promissory notes, due October 1, 1952, issued pursuant to a bank loan agreement with five banks, namely, The First National Bank of Boston (\$1,485,000), The Chase National Bank of the City of New York (\$351,000), The Hanover Bank (\$351,000), Irving Trust Company (\$351,000) and The New York Trust Company (\$162,000). Lowell proposes to issue to these banks, from time to time but not later than December 31, 1952, additional unsecured six months promissory notes in an aggregate principal amount not in excess of \$3,100,000. Lowell further proposes that the principal amount of all of its unsecured promissory notes outstanding at any one time prior to December 31, 1952 will not exceed \$3,100,000.

Each of the proposed notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3 3/4 percent per annum at the time any of said additional promissory notes are to be issued, Lowell will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Lowell requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

Lowell will use \$2,700,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay the outstanding promissory notes maturing October 1, 1952, and will use the remainder of such proceeds to pay for construction cost incurred or to be incurred. Lowell estimates that its construction expenditures for the period July 1, 1952 to December 31, 1952 will aggregate \$620,500. Lowell proposes that if any permanent financing is done, the proceeds therefrom will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount,

if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed \$900. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Lowell requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than September 18, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason 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. 52-9624; Filed, Sept. 3, 1952;
8:47 a. m.]

[File No. 812-799]

NORTH AMERICAN UTILITY SECURITIES CORP.

NOTICE OF APPLICATION

AUGUST 28, 1952.

Notice is hereby given that North American Utility Securities Corporation ("NAUSCORP") located at No. 60 Broadway, New York 4, New York, an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 6 (c) of the act for an order of the Commission exempting NAUSCORP from the provisions of section 30 (d) and Rule N-30D-1 (a) of the general rules and regulations under the act which would require the mailing to stockholders of a semi-annual report for the six months ending June 30, 1952.

The North American Company owns all of the outstanding preferred stock and 80.62 percent of the common stock of NAUSCORP. A plan designed to bring about compliance with the requirements of section 11 (b) of the Public Utility Holding Company Act of 1935 by effecting dissolution of NAUSCORP and the retirement of all its outstanding stock was filed on June 21, 1948, by The North American Company with the

Commission. The plan as amended on May 5, 1952, provides for a cash payment of \$9 a share to the holders of publicly held NAUSCORP common stock and the distribution of the remaining assets of NAUSCORP to The North American Company as holder of the preferred stock and the remaining common stock following which NAUSCORP is to be dissolved. On July 23, 1952, the Commission approved the Amended Plan subject to certain conditions. Pursuant to the request of The North American Company, the Commission applied to the United States District Court for the District of Maryland for enforcement of the Amended Plan, where the matter is now pending. The Amended Plan is to become effective on a date selected by the board of directors of The North American Company and approved by the Commission and the United States District Court.

The Commission's findings and opinion were released on July 23, 1952, and published as Holding Company Act Release No. 11390 which contains a balance sheet of NAUSCORP as of March 31, 1952, and income and expenses for the 12 months ended March 31, 1952.

Rule N-30D-1 (a) provides in part that at least semi-annually every registered investment company shall mail to each stockholder of record a report containing certain information and shall mail such report within 30 days after the date as of which the report is made.

The Commission's findings and opinion dated July 23, 1952 (Release No. 11390) contain financial information of the applicant for the twelve months ended March 31, 1952. The applicant represents that it has mailed copies of such Release to all public holders of the common stock. It also represents that publication and mailing of the required semi-annual report to stockholders would be an unnecessary expenditure of funds and, therefore, requests that the exemption referred to above be granted.

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

Notice is further given that an order granting the application may be issued by the Commission at any time on or after September 18, 1952, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 16, 1952 at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, No. 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised

by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 52-9623; Filed, Sept. 3, 1952;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order No. 18994]

WILHELM KARL ROLF BARON VON HUNDELSHAUSEN AND ELSE VON HUNDELSHAUSEN

In re: Rights of Wilhelm Karl Rolf Baron von Hundelshausen and Else von Hundelshausen under Insurance Contract. File No. F-28-25125-H-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Supp. 1-40); Public Law 181, 83d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9889 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Karl Rolf Baron von Hundelshausen and Else von Hundelshausen, whose last known address is Germany, each of whom on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 235-852 issued by the Pan American Life Insurance Company, New Orleans, Louisiana, to Wilhelm Karl Rolf Baron von Hundelshausen, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm Karl Rolf Baron von Hundelshausen and Else von Hundelshausen, 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 August 28, 1952.

For the Attorney General.

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

[F. R. Doc. 52-9646; Filed, Sept. 3, 1952;
8:49 a. m.]

[Vesting Order 18995]

BRINCKMANN, WIRTZ & CO. ET AL.

In re: Securities owned by Brinckmann, Wirtz & Company and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Brinckmann, Wirtz & Co., the last known address of which is Hamburg, Germany, and Alsen'sche Portlandzementfabrik, the last known address of which is Bellevue 27, Hamburg, Germany, are corporations, partnerships, associations, or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the persons whose names and last known addresses are listed below:

Names and addresses

Margarete Pfeffer, Kiel, Damperhofstr. 12, Germany.

F. A. W. Teschner, Hamburg, Germany.

Kurt Hotze, Hamburg-Flottbeck, 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);

3. That the property described as follows:

a. Twenty-four (24) coupons detached from 4½ percent First Mortgage 60-Year Gold Bonds of the Brazil Railway Company numbered 118556 and 165710, said coupons numbered 11 through 22, owned by Brinckmann, Wirtz & Co., together with any and all rights thereunder and thereto,

b. One (1) coupon detached from 4½ percent First Mortgage 50-Year Gold Bond of the Brazil Railway Company, numbered A 10754, said coupon numbered 22, owned by Brinckmann, Wirtz & Co., together with any and all rights thereunder and thereto,

c. One hundred (100) shares of no par value common stock of the Tri-Utilities Corporation evidenced by a certifi-

cate numbered NY 2987 registered in the name of Henry Pfeffer owned by Margarete Pfeffer, together with all declared and unpaid dividends thereon,

d. One hundred (100) shares of no par value common stock of the Anglo-Chilean Consolidated Nitrate Corporation evidenced by a certificate numbered 8220, registered in the name of Henry Pfeffer, owned by Margarete Pfeffer, together with all declared and unpaid dividends thereon,

e. Any and all rights and interest in and under a Voting Trust Certificate numbered NP/O, 1838, for 50 shares of \$3.00 dividend convertible preferred stock of General Theatres Equipment, Inc., said certificate registered in the name of Henry Pfeffer and owned by Margarete Pfeffer,

f. Eight hundred and fifty-eight (858) coupons detached from 5 percent Mortgage Gold Bonds of Alsen's American Portland Cement Works of New York, numbered 200/224 and 234/241, said coupons numbered 25 through 50 of \$25.00 face value each, and owned by Alsen'sche Portlandzementfabrik, together with any and all rights thereunder and thereto,

g. Six (6) coupons detached from San Francisco Terminal First Mortgage Southern Pacific Company Bonds numbered M 10905 and M 13315, said coupons numbered 61/63, each of \$20.00 face value owned by F. A. W. Teschner, together with any and all rights thereunder and thereto, and

h. Twenty-seven (27) coupons detached from 5 percent General Mortgage Sinking Fund Gold The Denver and Rio Grande Western Railroad Company Bonds numbered C 2050/52, said coupons numbered 11/19 of \$2.50 face value each, owned by Kurt Hotze, together with any and all rights thereunder and thereto,

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, thereof, 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 August 28, 1952.

For the Attorney General.

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

[F. R. Doc. 52-9647; Filed, Sept. 3, 1952;
8:50 a. m.]

[Vesting Order 18996]

MINNIE HAMMER AND LILLIE HEIM
KERSCHL

In re: Debts owing to Minnie Hammer and Lillie Heim Kersch, also known as Lilly Heim Kersch, F-28-31062-B-1, F-28-31063-B-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Minnie Hammer, whose last known address is Mering-Augsburg, Sieder Strasse 3, Bavaria, 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 Lillie Heim Kersch, also known as Lilly Heim Kersch, whose last known address is Koenigshofen im Grabfeld, Unterfranken, 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);

3. That the property described as follows: Those certain debts or other obligations evidenced by Eleven (11) United States Treasury checks, drawn to the order of Minnie Hammer, said checks dated, numbered and in the amounts set forth below and presently in the custody of Anton A. Heim, 100 Ridge Avenue, Park Ridge, New Jersey:

Check No.	Date	Amount
16,462,535	June 5, 1952	\$60.88
16,462,536	do	59.42
16,462,537	do	87.98
16,462,538	do	52.65
16,462,539	do	64.41
16,462,540	do	51.42
16,462,541	do	47.65
16,462,542	do	50.03
16,498,871	June 10, 1952	31.61
16,498,872	do	24.16
16,498,873	do	11.98

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same and any and all rights in, to and under said checks,

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, Minnie Hammer, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: Those certain debts or other obligations evidenced by twelve (12) United States Treasury checks, drawn to the order of Lilly Heim Kersch, said checks numbered, dated and in the amounts set forth below and presently in the custody of Anton A. Heim, 100 Ridge Avenue, Park Ridge, New Jersey:

Check No.	Date	Amount
16,462,543	June 5, 1952	\$35.53
16,462,544	do	67.93
16,462,545	do	65.00
16,462,546	do	60.64
16,462,547	do	56.55
16,462,548	do	53.75
16,462,549	do	79.99
16,462,550	do	72.72
16,462,551	do	102.51
16,462,552	do	132.17
16,462,553	do	24.54
16,462,571	June 10, 1952	3.94

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same and any and all rights in, to and under said checks,

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, Lillie Heim Kersehl, also known as Lilly Heim Kersch, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. 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 August 28, 1952.

For the Attorney General.

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

[F. R. Doc. 52-9648; Filed, Sept. 3, 1952;
8:50 a. m.]

[Vesting Order 18997]

HERBERT SEEBER ET AL.

In re: Securities owned by Herbert Seeber and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945, Supp.); Executive Order 9783 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Herbert Seeber, whose last known address is Lauda, Germany, on or since December 11, 1947, 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 personal representatives, heirs, next of kin, legatees and distributees of Karl Willibald, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, are and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

3. That Bankhaus Cl. Harlacher, the last known address of which is Frankfurt Main, Germany and Commerzbank A. G., the last known address of which is Frankfurt Main, Germany, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. Three (3) 5 percent, 50 year Gold Brazil Railway Company Debentures of \$500 face value each, said bonds numbered B10200/1 and B10199, presently in the custody of the Attorney General of the United States and owned by Herbert Seeber, together with any and all rights thereunder and thereto,

b. One (1) 5 percent, 50 year Gold Brazil Railway Company Debenture of \$500 face value, numbered B11536, presently in the custody of the Attorney General of the United States and owned by the personal representatives, heirs, next of kin, legatees and distributees of Karl Willibald, deceased, together with any and all rights thereunder and thereto,

c. Two (2) First Mortgage Collateral Trust 6 percent, 10 year Gold Coupon Yukon Milling, Dredging and Power Company Bonds, said bonds numbered 9538 and 9539, presently in the custody of the Attorney General of the United States, and owned by Bankhaus Cl. Harlacher, together with any and all rights thereunder and thereto and

d. Seventeen hundred (1,700) shares of \$1.00 par value capital stock of The Gold Belt Development & Reduction Company, evidenced by certificate numbered 484, registered in the name of A. Lotichins and certificate numbered 1505

registered in the name of August and Dr. Alfred Lotichins, said certificates presently in the custody of the Attorney General of the United States and owned by Commerzbank, A. G., together with all declared and unpaid dividends thereon,

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:

5. That the persons identified in subparagraphs 1 and 3 and referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

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

For the Attorney General.

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

[F. R. Doc. 52-9649; Filed, Sept. 3, 1952;
8:50 a. m.]

HOLLANDSCHE BANK-UNIE N. V.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property and Location
Hollandsche Bank-Unie N. V. Amsterdam,
Holland, Claim No. 36883; Vesting Order No. 8712; \$510.80 in the Treasury of the United States.

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

For the Attorney General.

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

[F. R. Doc. 52-9650; Filed, Sept. 3, 1952;
8:50 a. m.]