FEDERAL REGISTER

VOLUME 17 NUMBER 228

Washington, Friday, November 21, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENTS OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (15) is added to § 6.123 (h) as follows:

§ 6.123 *Federal Security Agency.* * * *

(h) *Public Health Service.* * * *

(15) NC/PD. Student Practical Nurses when employed to attain clinical experience in connection with non-federal programs for the training of practical nurses. Appointments to these positions may not extend beyond one year.

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

2. In § 27.2 under Physical Therapy Interns (Student Physical Therapists) the item which reads "1 year approved postgraduate training—$1,470" is revoked effective November 15, 1952.

3. Effective November 15, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended as follows:

Physical Therapy Interns (Student Physical Therapists): Approved clinical training in affiliation with an approved school of physical therapy, per month	$166
Occupational Therapy Interns (Student Occupational Therapists): Approved clinical training in affiliation with an approved school or occupational therapy, per month	166
Student Laboratory Technicians—U. S. Public Health Service and Department of the Army: 1 year approved training, after a minimum of 2 years college level training	1, 600
Student X-ray Technicians—U. S. Public Health Service: First 9 months approved training, per month	$100
Subsequent 3 to 9 months approved training, per month	116

(61 Stat. 727; 5 U. S. C. 1051–1058)

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

[F. R. Doc. 52-12456; Filed, Nov. 20, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

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

[1023 (Peanuts-53)-1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR PEANUTS OF 1953 CROP

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

Sec.

AUTHORITY: §§ 729.410 to 729.432 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 362, 363, 52 Stat. 38, as amended, 62, as amended, 63, as amended; 7 U. S. C. 1301, 1358, 1359, 1362, 1363.

GENERAL

§ 729.410 *Basis and purpose.* The regulations contained in §§ 729.410 to 729.432 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm allotments and normal yields in connection with farm marketing quotas for the peanut crop produced in the calendar year 1953. The purpose of the regulations in §§ 729.410 to 729.432 is to provide the procedure for allocating the 1953 State peanut acreage allotments among farms, for establishing allotments for farms on which peanuts were not picked or threshed in 1950, 1951, and 1952, but on which peanuts are to be picked or threshed in 1953, and for determining farm normal yields for peanuts. Prior to preparing the regulations in §§ 729.410 to 729.432, public notice (17 F. R. 9563) was given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations which were submitted in accordance with such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 729.411 *Definitions.* As used in §§ 729.410 to 729.432 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Assistant Administrator" means the Assistant Administrator for Production, or the Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(b) "Committees": (1) "Community committee" means the persons elected within a community, pursuant to regulations governing Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), to assist the county committee in the administration within the community of agricultural programs that are administered through the Production and Marketing Administration.

(2) "County committee" means the persons elected within a county, pursuant to regulations governing Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), who are generally responsible for carrying out in the county the agricultural programs administered through the Production and Marketing Administration.

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

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

(d) "Director" means the Director, or Acting Director, of the Fats and Oils Branch of the Production and Marketing Administration of the United States Department of Agriculture.

(e) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less.

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

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

(2) Any field-rented tract (whether operated by the same or another person), which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(g) "Farm allotment" means the acreage allotment established for a farm pursuant to §§ 729.410 to 729.432.

(h) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1953, as determined by the county committee, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county committee that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however,* That:

(1) The farm peanut acreage shall be considered equal to the farm allotment on the farm for which such allotment equals or exceeds one acre, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger; or

(2) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment is equal to or less than one acre, and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of subparagraph (1) of this paragraph and this subparagraph shall not apply unless the operator:

(i) Submits evidence satisfactory to the county committee that the picking or threshing of peanuts was completed before he received notice of the acreage planted to peanuts, or that peanuts were picked or threshed from an acreage in excess of the larger of the farm allotment or one acre notwithstanding an honest effort on the part of the operator to dispose of the excess by means other than by picking or threshing, and

(ii) A quantity of peanuts equal to the county committee's estimate of the production from the acreage in excess of the larger of the farm allotment or one acre, is disposed of on the farm in such manner that the peanuts cannot thereafter be used or marketed as peanuts: *Provided further,* That the maximum acreage limit prescribed in subparagraph (1) of this paragraph or in this subparagraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum acreage limitation should not apply.

(i) "New farm" means a farm on which peanuts will be picked or threshed in 1953, but on which no peanuts were picked or threshed in 1950, 1951, or 1952.

(j) "Old farm" means any farm on which peanuts were picked or threshed in any one of the years 1950, 1951, and 1952.

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

(l) "Peanuts" means all peanuts produced, excluding any peanuts not picked or threshed either before or after marketing from the farm.

(m) "Person" means an individual, partnership, association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State or any agency thereof.

(n) "Secretary" means the Secretary, or the Acting Secretary, of Agriculture of the United States.

(o) "Tillable acreage available" means the acreage of cropland on the farm which the county committee determines is available for the production of peanuts in 1953, taking into consideration land uses and other crops grown on the farm and customary rotation practices: *Provided,* That the tillable acreage available for the production of peanuts for a farm shall not exceed the cropland on the farm minus the total of the 1953 acreage allotments established for other crops for the farm. If the 1953 acreage allotments for one or more crops are not established for the farm prior to the determination of the tillable acreage available, and it has been announced that acreage allotments for such crops will be in effect in 1953, the farm acreage allotments established for such crops for the last year allotments were in effect shall be used.

(p) "Tillable acreage factor" means the factor determined for the county (or for each community in a county, if the county committee determines that there is a wide variation between communities in the percentage of the tillable acreage available that is customarily devoted to peanuts) by dividing the tillable acreage available for all old farms in the county (or community) into the sum of the 1952 farm peanut allotments for all old farms in the county (or community). The sum of the 1952 farm peanut allotments shall be determined pursuant to instructions issued by the Assistant Administrator.

§ 729.412 *Rule of fractions.* Farm allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty thousandths of an acre or less shall be dropped. For example, 8.051 would be 8.1 and 8.050 would be 8.0.

§ 729.413 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in §§ 729.410 to 729.432. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 729.414 *Apportionment of State peanut acreage allotment to counties.* If the State committee recommends that the 1953 State peanut acreage allotment be apportioned to counties and the Secretary approves such recommendation on the basis that such action will facilitate the effective administration of the provisions of the Agricultural Adjustment Act of 1938, as amended, such allotment shall be apportioned among the counties in the State on the basis of the past acreage of peanuts harvested for nuts (excluding acreage in excess of farm allotments) in the county during the five years immediately preceding the year in which such apportionment is made, with such adjustments as are deemed necessary for abnormal conditions affecting acreage, for trends in acreage, and for additional allotments for types of peanuts in short supply under the provisions of section 358 (c) of the Agricultural Adjustment Act of 1938, as amended. If the State committee determines that the reserves determined pursuant to § 729.419 shall be held as State reserves, the amounts of such reserves shall be deducted from the 1953 State peanut acreage allotment prior to apportioning such allotment to counties.

§ 729.415 *Determination of farm data.* The county committee shall obtain the following information and data for each old farm.

(a) The name and address of the operator.

(b) The total acreage of all land in the farm.

(c) The acreage of cropland in the farm.

(d) The tillable acreage available for the farm.

(e) The farm peanut acreage for each year 1950, 1951, and 1952.

(f) The 1952 peanut allotment for the farm.

(g) Such other information and data as may be necessary in establishing farm allotments in accordance with §§ 729.410 to 729.432.

The information and data provided for in this section shall be obtained from acreage measurements and other records in the office of the county committee; if not available from these sources, these data and information may be obtained from reports made by operators or other interested persons or may be appraised or determined by the county committee on the basis of production and marketing records or other available information.

§ 729.416 *Apportionment of State peanut allotment to farms.* If the 1953 State peanut acreage allotment is to be apportioned directly to farms in accordance with section 358 (d) of the Agricultural Adjustment Act of 1938, as amended, the State committee shall determine a total of the adjusted acreages for all old farms in the State. Adjusted acreages shall be determined for farms in accordance with § 729.418. Preliminary acreage allotments for old farms shall be determined by multiplying the adjusted acreage determined for each old farm by a factor obtained by dividing the 1953 State peanut acreage allotment, minus (a) the reserves for corrections and for small farms determined pursuant to § 729.419 and (b) the reserve for adjustments determined pursuant to § 729.418 (b) (5) if adjustments are to be made after adjusted acreages have been determined, by the total of the adjusted acreages for all old farms in the State. Farm allotments shall be determined pursuant to § 729.421.

§ 729.417 *Basis of farm allotment.* A farm allotment shall be determined for each old farm on the basis of the following factors as hereinafter applied: The 1952 peanut acreage allotment for the farm; the 1950, 1951, and 1952 farm peanut acreages; abnormal conditions affecting farm peanut acreages; tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts: *Provided, however,* That in establishing farm allotments pursuant to §§ 729.410 to 729.432, the following acreages shall not be taken into consideration: The peanut acreage determined as harvested in excess of the farm allotments established for each of the years 1950, 1951, and 1952; the peanut acreage harvested on the farm in 1951 as a result of allotments made under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts; the acreage allotment made to the farm under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts; the peanut acreage harvested on the farm in 1952 as a result of allotments made under §§ 729.326 and 729.328 of the marketing quota regulations for 1952 crop of peanuts; and the acreage allotment made to the farm under §§ 729.326 and 729.328 of the marketing quota regulations for the 1952 crop of peanuts: *And provided further,* That an allotment shall not be determined for any farm on which one acre or less of peanuts was harvested in each of the years 1950, 1951, and 1952, unless the county committee determines from available information that one acre or more of peanuts will be harvested on the farm in 1953.

§ 729.418 *Determination of adjusted acreages.* The county committee shall determine an adjusted acreage for each old farm in the county (excluding farms on which one acre or less of peanuts was harvested in each year 1950, 1951, and 1952, unless the county committee determines from available information that more than one acre of peanuts will be harvested on any such farm in 1953) as follows:

(a) If peanuts were produced on a farm in 1952 for the first time since 1948, but no 1952 peanut acreage allotment was established for the farm, the county committee shall, on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors af-

fecting the production of peanuts, determine an adjusted acreage for the farm which is fair and equitable in comparison with the adjusted acreages for other farms in the community which are similar with respect to such factors.

(b) For each old farm, excluding farms described in paragraph (a) of this section, the county committee shall adjust 1952 farm peanut acreages and establish adjusted acreages as provided herein:

(1) The county committee shall examine the 1952 farm peanut acreage and, if abnormal conditions affected such acreages, the 1952 farm peanut acreage shall be increased to compensate for any reduction in the acreage resulting from such abnormal conditions; however, the acreage as so increased shall not exceed the 1952 peanut acreage allotment established for the farm.

(2) If a farm acreage allotment was not established for 1952 for a farm on which peanuts were produced in any one or more of the years 1949, 1950, or 1951, the county committee shall determine an acreage for the farm which shall be considered the 1952 farm allotment for purposes of establishing an adjusted acreage for the farm. Such acreage shall be established in accordance with the regulations contained in §§ 729.310 to 729.331 of the marketing quota regulations for the 1952 crop of peanuts.

(3) The county committee shall compare the 1952 farm peanut acreage for each farm with the 1952 allotment for each farm. If the 1952 farm peanut acreage for a farm was less than 75 percent of the 1952 allotment established for the farm, a total of the farm peanut acreages for 1950, 1951, and 1952, shall be determined. The total acreage so determined shall be divided by 3, except that if the farm did not receive a farm allotment in 1950, the total shall be divided by 2, or if the farm did not receive a farm allotment in 1950 and 1951, the total shall be divided by 1. If the average of the farm peanut acreages for the farm, determined in accordance with this subparagraph, is less than the 1952 farm allotment, for the purpose of determining the adjusted acreage for the farm, the average of the farm peanut acreages shall be considered as the 1952 farm allotment.

(4) The county committee shall examine the 1952 farm allotment for each farm after adjustments, if any, have been made under subparagraph (3) of this paragraph and may adjust such allotments downward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreages established for other old farms in the community which are similar as to the tillable acreage available for the production of peanuts. If a downward adjustment is made, the adjusted acreage for the farm shall be not less than the smaller of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the 1950–52 average peanut acreage for the farm.

(5) An acreage not in excess of 5 percent of the peanut acreage allotted to all old farms in the State in 1952 shall be made available to county committees by the State committee for making upward adjustments for farms on the basis of the farm peanut acreage for 1950, 1951, and 1952; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and the soil and other physical factors affecting the production of peanuts. If the State committee determines that upward adjustments shall be made subsequent to the determination of the adjusted acreage for the farm, the adjusted acreage for each old farm in the State shall be the result obtained by subtracting the downward adjustment determined for the farm under subparagraph (4) of this paragraph from the 1952 farm allotment. If the State committee determines that adjustments shall be made prior to determining adjusted acreages, the county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the largest farm peanut acreage for the farm for the years 1950, 1951, or 1952: *Provided, however,* That such limitation shall not be applicable if the State and county committees find that the adjusted acreage as determined under the limitation is relatively smaller in relation to the farm peanut acreages for 1950, 1951, and 1952, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm, than the adjusted acreages for other old farms in the community which are similar with respect to such factors.

(6) The adjusted acreage for each old farm in the county shall be the 1952 farm allotment plus or minus any upward or downward adjustment made pursuant to subparagraphs (4) and (5) of this paragraph.

(c) The adjusted acreage determined for the farm in accordance with the foregoing provisions of this section shall not exceed the tillable acreage available for the farm.

§ 729.419 *County reserves for corrections and for small farms.* The county committee shall estimate the percentage of the county allotment, or the percentage of the acreage that will be allotted to old farms in the county for 1953 if county allotments are not established, that will be needed for the correction of errors in farm allotments resulting from inaccurate or incomplete data used in establishing 1953 farm allotments. The county committee shall estimate the percentage of the total acreage of peanuts harvested in the county during the three-year period 1950–1952 on land included in farms for which allotments will not be established because the peanut acreage on each of such farms in each of the years 1950–52, inclusive, was one acre or less. The reserves for corrections and for small farms recommended by the county committee shall be subject to adjustment by the State committee. The acreages to be held as county reserves shall be determined by multiplying the percentages approved by the State committee by the county allotment. The State committee may determine State acreage reserves for the correction of errors and for small farms, in which case county reserves shall not be determined and the reserves will be held as State reserves.

§ 729.420 *County and State allotment factors.* (a) If the State allotment is to be apportioned to counties pursuant to § 729.414, a county allotment factor shall be determined for each county in the State by dividing the county share of the State allotment, less (1) the acreage set aside as reserves pursuant to § 729.419 if the reserves are to be held as county reserves and (2) the reserve for adjustments determined pursuant to § 729.418 (b) (5) if adjustments are to be made after adjusted acreages have been determined, by the sum of the adjusted acreages established for all old farms in the county.

(b) If county allotments are not established in a State, a State allotment factor shall be determined pursuant to § 729.416.

§ 729.421 *Allotments for old farms.* (a) If the State committee determines that the State peanut acreage allotment shall be apportioned directly to farms, as provided in § 729.416, the preliminary allotment for each old farm in the State shall be the result obtained by multiplying the adjusted acreage for the farm by the allotment factor determined pursuant to § 729.416. If county acreage allotments are established pursuant to § 729.414, the preliminary allotment for each farm in the county shall be the result obtained by multiplying the adjusted acreage for the farm by the county allotment factor determined pursuant to § 729.420.

(b) If adjustments are to be made prior to determining preliminary allotments, as provided in § 729.418 (b) (5), the preliminary allotments determined pursuant to the foregoing provisions of this section shall be the 1953 farm allotments.

(c) If the State committee determines, as provided in § 729.418 (b) (5), that upward adjustments shall be made subsequent to the determination of preliminary allotments, such adjustments shall be made on the basis of the factors set out in § 729.418 (b) (5). If an upward adjustment is made, the farm allotment shall not exceed the larger of (1) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (2) the largest farm peanut acreage for the farm for the years 1950, 1951, and 1952: *Provided, however,* That such limitation shall not be applicable if the State and county committees find that the allotment as determined under such limitations is relatively smaller in relation to the farm peanut acreage for 1950, 1951, and 1952, and the tillable acreage available for the production of peanuts on the farm, than the allotment for other old farms in the community which are similar with re-

spect to such factors. The 1953 farm allotment shall be the preliminary allotment for the farm determined in accordance with this section plus any additional acreage allotted to the farm as an upward adjustment from the acreage made available to the county committee by the State committee pursuant to § 729.418 (b) (5).

§ 729.422 *Allotments for farms divided or combined*—(a) *Divisions.* If land operated as a single farm in 1952 will be operated in 1953 as two or more farms, the 1953 allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the divided farms in the same proportion as the acreage of cropland available for the production of peanuts for each such divided farm bears to the cropland available for the production of peanuts for the entire tract; except that the peanut acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1953 consists of two or more tracts which were separate and distinct farms before being combined for 1950, 1951, or 1952, be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment for the year for which combined: *Provided,* That with the recommendation of the county committee and the approval of the State committee, the allotment determined for a divided farm pursuant to the preceding provisions of this paragraph may be increased or decreased by not more than the larger of one acre or ten percent of the 1953 peanut acreage allotment determined for the entire tract, with corresponding increases or decreases made in the allotment apportioned to the other divided farm or farms: *Provided further,* That if a farm is to be divided for 1953 in settling an estate, the allotment may be apportioned among the divided farms in accordance with this paragraph or on such basis as the State committee determines will result in equitable allotments.

(b) *Combinations.* If two or more tracts which were operated as separate farms in 1952 are combined and operated as a single farm for 1953, the 1953 allotment shall be the sum of the 1953 allotments determined, or which otherwise would have been determined, for each of the tracts composing the combination.

§ 729.423 *Normal yields for old farms.* The normal yield for an old farm for the 1953 crop of peanuts shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee on the basis of the data which are available.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 729.424 *Allotments for new farms.* (a) The acreage allotment for a new farm shall be that acreage which the county committee, subject to the approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producers on the farm, the tillable acreage available, labor and equipment available for the production of peanuts on the farm, crop-rotation practices, and soil and other physical factors affecting the production of peanuts. The acreage allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor: *Provided, however,* That such limitation shall not be applicable if the State and county committees find that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors.

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

(1) An application for a new farm allotment is filed by the farm operator with the county committee prior to the closing date established by the State committee. In no event is the closing date to be earlier than January 15, 1953, or later than February 15, 1953.

(2) A producer on the farm shall have had experience in growing peanuts either as a share cropper, tenant, or as a farm operator or farm owner during two of the past five years: *Provided, however,* That a producer who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five years from date of discharge.

(3) The farm operator is largely dependent on the farm for his livelihood.

(4) The farm is the only farm owned or operated by the farm operator or farm owner for which a peanut allotment is established in 1953, except that, if peanuts were planted during 1950, 1951, or 1952, on the farm but were not harvested because of abnormal conditions affecting acreage, the State committee may waive this condition upon the recommendation of the county committee.

(c) One-half of one percent of the national peanut acreage allotment shall be available for establishing allotments for new farms; except that, if the total of the acreages required to establish fair and reasonable allotments and reserves for old farms in any State is less than the State allotment, the balance of such State allotment shall, upon approval by the Assistant Administrator, be available for establishing allotments for new farms. If the total of the acreage allotments for new farms as determined by the county and State committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments determined by the county and State committees does not exceed one-half of one percent of the State's share of the 1953 national peanut acreage allotment as determined by the Assistant Administrator, no adjustment will be made in the new farm allotments determined by the county and State committees;

(2) For any State for which the total of the new farm allotments determined by the county and State committees exceeds one-half of one percent of the State's share of the national acreage allotment, as determined by the Assistant Administrator, there shall be made available for new farm allotments in each such State an acreage equal to one-half of one percent of the State's share of the national acreage allotment; and

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments by the county and State committees that is in excess of the acreage made available under subparagraph (2) of this paragraph. The acreage allotments determined by the county and State committees for new farms which receive acreage under subparagraph (2) of this paragraph and of this subparagraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage made available to the State for establishing allotments for such farms.

§ 729.425 *Normal yields for new farms.* The normal yield for a new farm for the 1953 crop of peanuts shall be that yield per acre which the county committee determines is normal for the farm, as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of peanuts.

MISCELLANEOUS

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

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all peanuts produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal

or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the operator establishes to the satisfaction of the county and State committees that failure to furnish proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made.

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

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

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

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

§ 729.427 *Release and reapportionment*—(a) *Release of acreage allotments.* Any part of the acreage allotted for 1953 to an individual farm in any county under the provisions of §§ 729.421 and 729.424 on which peanuts will not be produced and which the owner or operator of the farm voluntarily surrenders in writing to the county committee by the closing date established by the State committee, which shall not be later than July 1, 1953, shall be deducted from the allotment to such farm in accordance with instructions issued by the Assistant Administrator. If any part of the farm acreage allotment is permanently released (i. e., for 1953 and all subsequent years), such release shall be in writing and signed by both the owner and the operator of the farm. If the entire 1953 farm allotment is permanently released, the farm shall not thereafter be eligible for a 1953 farm allotment as either an old farm or as a new farm, and the farm peanut acreages and farm allotments for 1953 and prior years shall not be considered in establishing an allotment for the farm for 1954 or any subsequent year.

(b) *Reapportionment of released acreage allotment.* The acreage allotments released under paragraph (a) of this section shall be reapportioned by the county committee, in accordance with instructions issued by the Assistant Administrator, to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. Such reapportionment shall be made on the basis of applications filed on Form MQ–30—Peanuts (1953) by the farm owners or operators with the county committee not later than a closing date established by the State committee, which shall be not later than July 15, 1953.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) *Credit for acreage allotment released for 1953 only.* The release, for 1953 only, of any part of the acreage allotted for 1953 to individual farms, pursuant to paragraph (a) of this section, shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment in 1954 because peanuts were not picked or threshed on the farm in 1951, 1952, or 1953. Any reapportionment of allotment under this section shall not operate to increase the allotment for any year subsequent to 1953 for the farm to which the acreage is reapportioned.

§ 729.428 *Reallocation of allotment released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production in 1950 or any subsequent year for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for the farm so acquired: *Provided,* That such allotment shall not exceed 50 percent of the acreage of cropland on the farm.

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

§ 729.429 *Additional acreage allotment for farms producing types of peanuts in short supply.* (a) The additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for 1953, less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any one of the three years 1950, 1951, and 1952, on the basis of the average picked and threshed acreage of peanuts of such type or types (excluding excess acreage) on each such farm during such period. The reserve for the correction of errors shall be determined by the State committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of one percent of the additional acreage apportioned to the State.

(b) The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.430 *Approval of determinations and notice of farm allotment.* The State committee shall review farm allotments and normal yields and the State committee may correct or require the correction of any determination made in connection therewith pursuant to §§ 729.410 to 729.432. Farm allotments shall be approved by the State committee

and official notice of the farm allotment on Form MQ–24 shall not be issued for a farm until such allotment has been so approved. A Form MQ–24–Peanuts (1953), Notice of Farm Acreage Allotment and Marketing Quota for Peanuts, shall be prepared and mailed to the operator of each farm for which a farm allotment is established. Forms MQ–24 that are prepared for farms for which the farm allotments are reduced in accordance with § 729.426 shall be mailed to operators by registered mail.

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

§ 729.432 *Redelegation of authority.* Any authority delegated to the State Committee by the regulations in §§ 729.410 to 729.432 may be redelegated by the State Committee.

Done at Washington, D. C., this 18th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary.*

[F. R. Doc. 52–12460; Filed Nov. 20, 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 41]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.36, the Las Vegas, Nevada, area (D–274), published on November 30, 1949, in 14 F. R. 7198, is deleted.

2. In § 608.43, the Camp Perry (Lacarne), Ohio, area (D–222), published on July 16, 1949, in 14 F. R. 4295, is deleted.

3. In § 608.43, the Lacarne (Lake Erie), Ohio, area (D–149), published on July 16, 1949, in 14 F. R. 4295, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 41°50'39" N., long. 83°08'47" W.; SE. to lat. 41°35'41" N., long. 82°54'24" W.; SW. to lat. 41°31'39" N., long. 83°01'30" W.; W. to lat. 41°31'40" N., long. 83°03'00" W.; NW. to lat. 41°37'38" N., long. 83°11'12" W.; WNW. to lat. 41°39'30" N., long. 83°15'15" W.; NNW. to lat. 41°45'30" N., long 83°19'45" W.; NE. to lat. 41°50'39" N., long. 83°08'47" W., point of beginning."

4. In § 608.43, the Sandusky (Wright Field), Ohio, area (D–58), published on July 16, 1949, in 14 F. R. 4295, is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 21, 1952.

[SEAL] F. B. LEE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52–12466; Filed, Nov. 20, 1952; 9:02 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

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

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 20 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

MISCELLANEOUS AMENDMENTS

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

a. The following entries and related submission dates for the Fourth Quarter 1952 are deleted:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, fourth quarter 1952
618959	Aluminum pipe fittings	Sept. 1–Sept. 15, 1952.
618984	Aluminum sash, sections, and frames, door and window	
618987	Aluminum construction materials, n. e. c	
618992	Aluminum venetian blinds (including slats and strips) and specially fabricated parts, n. e. c	
619022	Unfilled shipping containers, aluminum	
619039	Aluminum welding rods and wires	
619052	Aluminum insect screen cloth	
619950	Aluminum and aluminum-base alloy manufactures	
630010	Aluminum ores and concentrates	

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

Dept. of Commerce Schedule B No.	Commodity	Submission dates, first quarter 1953
	Commodities other than controlled materials:	
	Copper and manufactures:	
618957	Copper-base alloy pipe fittings (including brass and bronze)	Dec. 1–Dec. 15, 1952.
618959	Copper pipe fittings	
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze).	
619034	Phosphor copper brazing rods and wire	
619039	Copper welding rods and wires	
	Aluminum and manufactures:	
630050	Aluminum scrap (new and old)	Do.
630201	Aluminum sheets, corrugated	Do.
651517	Babbitt metal (except scrap and dross)	Do.

c. The entries for nickel and manufactures and for tin and manufactures are amended to read as set forth below and the following related submission dates for the First Quarter 1953 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter 1952	First quarter 1953
	Nickel and manufactures:		
619039	Nickel welding rods and wires	Sept. 1–Sept. 15, 1952.	Dec. 1–Dec. 15, 1952.
619159	Nickel-chrome-boron powder		
619950	Nickel catalysts and nickel slugs		
654501 through 654519	Nickel ores, concentrates, scrap and primary forms		
619950	Other nickel manufactures, n. e. c	do	
	Tin and manufactures:		
619039	Tin welding rods and wires (include solder)	do	Do.
619159	Tin metal powders		
619950	Tin shot; tin slugs; and tin collapsible tubes		
619950	Other tin manufactures, n. e. c		
656501	Tin alloy scrap (new and old) (including babbitt metal dross and scrap).	do	
656501	Tin ore		
656507	Tin metal in ingots, pigs, bars, blocks, anodes, cathodes, slabs, and other crude forms.	do	Do.
656519	Tin pipe, plates, sheets, tubes, and other primary forms		

[1] This amendment was published in Current Export Bulletin No. 684, dated November 13, 1952.

d. The following submission dates for the Second Quarter 1953 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, second quarter 1953
	Controlled Materials: [3]	
	Commodities with processing code STEE [4]	Nov. 24–Dec. 20, 1952.
	Commodities with processing code NONF	Dec. 1–Dec. 31, 1952.
	Commodities with processing code TNPL	Dec. 15, 1952–Jan. 9, 1953.

[3] Controlled materials are identified on the Positive List by the letter "C" in the column headed "Commodity Lists."

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

2. Section 380.2 *Amendments or alterations of licenses,* paragraph (b) *Where to file* is amended in the following particulars:

Subdivision (iv) of subparagraph (3) *Amendment requests on which field offices may not take action* is amended to read as follows:

(iv) Requests for change of CMP allotment symbols, or conversion of such allotment symbols from one quarter to another (see § 398.5 (b) (4) and (d) (5) of this subchapter); or requests for changes of priority ratings previously assigned.

3. Section 398.3 *DO–MRO priority ratings for maintenance, repair, and operating supplies for export* is amended in the following particulars:

a. Paragraph (f) *Manufacturers may not exceed their M–79 quotas* is amended to read as follows:

(f) *Manufacturers may exceed their M–79 quotas.* (1) Attention of manufacturers is specially directed to section 8 of the Order, which explains that manufacturers may deliver for export MRO materials in excess of their Order M–79 quotas for a particular quarter. However, a manufacturer must charge against his M–79 quota all orders to which he himself applies the rating DO–MRO under section 9 of the order as well as all rated orders which he accepts from non-manufacturers under section 7 of Order M–79 as amended. He may not accept for delivery in the quota period orders rated by either procedure which exceed his M–79 quota; but may deliver on an unrated basis quantities of MRO materials in excess of his export quota.

(2) It is emphasized, also, that if a manufacturer receives an order already rated (e. g. rated W–2 or W–4 under Order M–78) at a time when he has filled his M–79 quota for a particular period, he must accept the order, treat it like any other rated order under the priorities regulations of NPA, and fill it in proper sequence.

b. The fourth sentence of paragraph (h) *Scope* beginning "For the convenience of exporters * * *" is amended to read as follows: "For the convenience of exporters, a listing of all items specifically excluded from the terms of the order is provided in § 398.52."

c. In "Questions and Answers on MRO under Order M–79" following paragraph (h) *Scope,* question and answer 5 are amended to read as follows:

5. **Q.** May a manufacturer ship additional MRO supplies above and beyond his M–79 quota in the event his production is not fully taken up by rated orders?

A. Yes; Order M–79 as amended does not set a limit on the quantity of MRO items covered by the order which a manufacturer may deliver for export. However, a manufacturer may apply the priority rating DO–MRO to orders only up to the amount of his M–79 quota less any charges against the quota of rated orders already accepted by him under section 7 of the order. No deliveries in excess of his M–79 quota may be made of orders rated under section 7 or 9, but deliveries above the quota may be made on an unrated basis.

d. The list of "Excluded Items (specifically listed in NPA Order M–79)" following paragraph (h) *Scope* is deleted from § 398.3 and, as amended, is set up as § 398.52 *Supplement No. 2; Items specifically excluded from Order M–79* to read as follows:

§ 398.52 *Supplement No. 2.*

ITEMS SPECIFICALLY EXCLUDED FROM ORDER M–79

All MRO supplies for personal or household use. Materials listed in List A of NPA Regulation 2 as such list may be amended or supplemented from time to time.

Excluded items: List A, NPA Regulation 2, as amended September 13, 1951:

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Certain transportation services, as defined in List A.
Waste paper.
Water.
Wood pulp.
Solid fuels: All forms of anthracite, bituminous, sub-bituminous, and lignitic coals, and coke and its by-products.
Gas and gas pipelines: Natural gas, manufactured gas, and pipelines for the movement thereof.
Petroleum and petroleum pipelines: Crude oil, synthetic liquid fuel, their products and associated hydrocarbons, including pipelines for the movement thereof.
Electric power: All forms of electric power and energy.
Radioisotopes, stable isotopes, source and fissionable materials.
Farm equipment.
Fertilizer, commercial: In form for distribution to users.
Food, except in certain cases where used industrially (refer to List A itself for further definition).
Transportation services (domestic) storage and port facilities.
Products (production and distribution) used in the petroleum industry and listed in NPA Delegation 9 (February 26, 1951) as follows:
(1) Tetraethyl lead fluid.
(2) Petroleum cracking catalysts.
(3) Special inhibitors used in gasoline.
(4) Lubricating oil additives.
(5) Fluids and additives made especially for oil and gas drilling, and demulsifiers.
Ores, minerals, concentrates, residues, and other products (until processing is completed) listed in NPA Delegation 5 (January 29, 1952).

Excluded items (Direction 3 to NPA Regulation 2, as amended July 23, 1952):

Chemicals.
Primary paper or paperboard.
Waterfowl feathers.
Pigs' or hogs' bristles.
High-tenacity rayon.
Pig iron.
Aluminum foil and powder.

Excluded items: Schedule I of CMP Regulation 5 as amended December 20, 1951:

All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
Products appearing in List A of NPA Order M–47A, as that order may be amended from time to time (except in item 28 of section VIII of List A), or in List B of said order (except painters' and industrial brushes, as defined in NPA Order M–18, as that order may be amended from time to time.)

NOTE: This very lengthy list encompasses mainly "consumers' goods" incorporating metals, and includes such items as metal and wood household furniture, store fixtures, office furniture, partitions, shelving, lockers and fixtures, household appliances, machines and equipment, utensils and cutlery, radios, television and phonographs, transportation equipment, etc.

Nylon fibers and yarns.
Packaging materials and containers, except steel nails, steel wire and steel strapping used for packaging purposes.
Paint, lacquer, and varnish.
Paper and paper products.
Paperboard and paperboard products.
Printed matter.
Printing plates.
Photographic film.
Pneumatic tires and tubes.
Waterfowl feathers.
Controlled materials as defined in section 2 (c) of CMP Regulation No. 1 as such regulation may be amended or supplemented from time to time (for specific listing, refer to items coded "C" in the column of the Positive List headed "Commodity Lists").
Farm equipment.
Parts and accessories for aircraft or for ground equipment for servicing aircraft, and any components of either.
Parts, assemblies of parts, and accessories, for automotive vehicles, including all passenger carriers, trucks (on or off-the-highway), truck trailers, and motorized fire equipment.
Repair and replacement parts for construction machinery given in List A of NPA Order M–43, as such list may be amended or supplemented from time to time.
Items made wholly of rubber, leather, textiles, or any combination of such materials.

Excluded items: List A of M–43 as amended September 4, 1952:

Bituminous equipment:
Asphalt plants.
Distributors.
Heaters.
Kettles.
Mixers.
Pavers.
Spreaders, aggregate.
Catch basin cleaners.

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

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

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

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

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

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

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

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

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

Trenchers, all types.

4. Section 398.4 *Special supply assistance for essential export requirements* is amended by adding thereto a new paragraph (e) to read as follows:

(e) *Action by the Office of International Trade.* Cases which the Office of International Trade believes merit supply assistance will be transmitted to the National Production Authority for final action. On cases approved by the NPA, the supply assistance granted may take the form of a DO–W–2 rating (in the case of OIT countries); a DO–W–4 rating (in the case of MSA countries); a DO–C–6 rating (for direct defense uses); a directive on the mill; or merely informal supply assistance (e. g., locating a supplier with unrated production capacity who will accept the order); or other appropriate action.

5. Section 398.5 *CMP: Export allocations and procedures* is amended in the following particulars:

a. Paragraph (b) *Procedures governing applications to export controlled materials* is amended in the following particulars:

Subparagraph (3) *Assignment of allotment symbols* is amended to read as follows:

(3) *Assignment of allotment symbols.* On all licenses approved for commodities designated as controlled materials under the NPA Controlled Materials Plan, the Office of International Trade assigns to the applicant the right to apply a specified allotment number and symbol to procure the material covered by the license. The CMP allotment symbols designated by the Defense Production Administration for export are as follows:

CMP allotment symbol:	*Claimant agency*
W–2	OIT.
W–4	MSA.
C–6 [1]	OIT and MSA.

[1] Direct defense end use.

The allotment symbol will be assigned by the Office of International Trade by endorsing the validated license (or other appropriate document) with the following or similar legend:

By authority of the NPA, the exporter herein named is assigned the right to apply the symbol (e. g. W–2–4Q52) to procure the above described materials.

b. The headnote of subparagraph (4) *Requests for conversion of CMP allotments* is changed to read (4) *Request for change or conversion of CMP allotments* and a new undesignated subdivision is added at the end of the subparagraph to read as follows:

A licensee holding a validated license for controlled materials carrying the allotment symbols W–2 or W–4 who believes that a C–6 allotment symbol would be more appropriate because the shipment is destined for direct defense needs in friendly foreign nations, may request a change of his priority rating symbol. In such case, he should submit to the Office of International Trade, Washington 25, D. C., Form IT–763, "Request for and Notice of Action Amendment," in accordance with the provisions of § 380.2 of this subchapter. In the case of project licenses, the request should be made by letter, fully justifying the need for the change to a C–6 allotment symbol. Such request should be addressed to the Office of International Trade, Attention: Projects and Technical Data Division, Washington 25, D. C.

c. The note following subparagraph (4) remains unchanged.

d. Subparagraph (5) *Exceptions to time schedules for commodities with the processing code STEE* is redesignated subparagraph (6) *Exceptions to time schedules for commodities with the processing code STEE* and a new subparagraph (5) is added to read as follows:

(5) *Foreign defense end use.* Applications for export licenses covering proposed shipments of controlled materials or Class A products for direct defense use in friendly foreign countries must clearly specify on the application, Form IT–419, in the space provided for explanation of end use, the relationship of the application to the Mutual Defense Assistance Program or other direct defense activity of a friendly power.

e. Paragraph (d) *Applications for exportation of Class A products,* is amended in the following particulars:

1. Subparagraph (3) *Assignment of allotment symbols* is amended by changing the last sentence of the first unnumbered subdivision to read as follows: "The CMP allotment symbols designated by the Defense Production Administration for export are as follows:"

CMP allotment symbol:	*Claimant agency*
W–2	OIT.
W–4	MSA.
C–6 [1]	OIT and MSA.

[1] Direct defense end use.

2. The headnote of subparagraph (5) *Requests for conversion of allotments—CMP Class A products* is changed to read (5) *Request for change or conversion of allotments* and a new undesignated subdivision is added to read as follows:

A licensee holding a validated license and NPA Form CMP–10 (or other appropriate document) carrying the allotment symbol W–2 or W–4 who believes that a C–6 allotment symbol would be more appropriate because the shipment is destined for direct defense needs in friendly foreign nations, may request a change in his allotment symbol. In such case, the exporter or the manufacturer shall return the validated Form CMP–10 or other appropriate document to the Office of International Trade, accompanied by a letter stating why the change is necessary. If the request is granted, a new validated NPA Form CMP–10 will be issued.

This amendment shall become effective as of November 13, 1952.

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

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

[F. R. Doc. 52–12458; Filed, Nov. 20, 1952; 8:48 a. m.]

[6th Gen. Rev. of Export Regs. Amdt. P. L. 17 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

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

1. The following commodities are deleted from the Positive List:

[1] This amendment was published in Current Export Bulletin No. 684, dated November 13, 1952.

Dept. of Commerce Schedule B No.	Commodity
	Welding rods and wires:
619039	Zinc (specify by name).[1]
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2 of this subchapter):
619950	Other metals, except precious (specify by name and type of metal):
	Zinc manufactures.[2]

[1] By this amendment, the last entry presently on the Positive List under Schedule B No. 619039 is revised to read as follows: "Other welding rods and wires, except zinc."

[2] By this amendment, the last entry presently on the Positive List under Schedule B No. 619950 is revised to read as follows: "Manufactures of other metals, n. e. c., except selenium manufactures and zinc manufactures (report iron and steel manufactures in 619910; and precious metal manufactures in 692990–699710)."

This part of the amendment shall become effective as of November 13, 1952.

2. The following revisions are made in commodity descriptions.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Abrasive products:				
541210	Manufactured grinding wheels, of silicon carbide or aluminum oxide composition, including corundum.	No. and Lb.[1]	TOOL	250	R
	Tool bit blanks and dies, and inserts for tool and rock drill bits:				
617903	Containing tungsten carbide	No. and Lb.[1]	TOOL	25	RO
617905	Molybdenum tool bit blanks	No. and Lb.[1]	TOOL	25	RO
617905	Other tool bit blanks, not ground	No. and Lb.[1]	STEE	100	RO
	Venetian blinds (including slats and strip) and specially fabricated parts, n. e. c.:				
618992	Aluminum	Lb.[2]	NONF	100	RO
618993	Brass and bronze (report steel venetian blinds and parts in 618991).	Lb.[2]	NONF	100	RO
	Aluminum ores and concentrates:				
630010	Bauxite and other aluminum ores	S. ton[3]	NONF	1,000	RO
630010	Bauxite concentrates, alumina included	S. ton[3]	NONF	500	RO
640100★	Copper matte, regulus, unrefined copper as blister or converter copper (copper content).	C. lb.[4]	NONF	100	RO
640100★	Copper ore and concentrates (copper content)	C. lb.[4]	NONF	500	RO
645000★	Brass and bronze circles	Lb.[2]	NONF	100	RO
	Specialized mining machines and equipment, n. e. c., and parts, n. e. c.:				
730750	Coal washing machines; filters, and mechanical coal-cleaning machines, wet and dry (specify by name).	No.[5]	MINE	None	R
730750	Other ore dressing and coal separating, concentrating and cleaning machines, except those electromagnetic or electrostatic separators below the standards described on the Positive List under this Schedule B number (specify by name).	No.[5]	MINE	None	RO
775002	Extrusion, injection, and other molding machines for plastics (specify by name).[6]	No.[5]	GIEQ	None	RO
	Biologics (all forms):				
812330	Agar-agar (culture medium)	Lb.[2]	DRUG	25	R
	Organic surface-active agents:				
	Organic surface-active agents, n. e. c. (report weight of active organic ingredient as net quantity) (report compounds principally employed as detergents in 828810–828840):				
828890	Quaternary ammonium compounds	C. lb.[4]	PLAT	100	RO

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

[1] The effect of this revision is to require that both number and pounds be specified.

[2] The effect of this revision is to add pound as the unit of quantity.

[3] The effect of this revision is to correct the unit of quantity from long tons to short tons.

[4] The effect of this revision is to correct the unit of quantity from pounds to content pounds.

[5] The effect of this revision is to add number as the unit of quantity.

[6] This entry is amended by the addition of the requirement to specify by name.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Acids and anhydrides:				
830010	Acetic acid, over 80 percent (report weight of acetic acid content only as net quantity).	C. lb.[4]	ORGN	100	R
	Organic chemicals not of coal-tar origin, n. e. c. (specify by name):				
832990★	Fluorocarbons (completely fluorinated materials)	Lb.[2]	ORGN	1	RO

This part of the amendment shall become effective as of 12:01 a. m., November 20, 1952.

3. The letter "D" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer subject to the evidence of availability requirements (see § 373.16 of this subchapter). These entries otherwise remain unchanged in the Positive List.

Dept. of Commerce Schedule B No.	Commodity
619850	Type, for printing (report type metal in 651510).
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (See § 399.2 of this subchapter):
	Other metals, except precious (specify by name and type of metal):
619950	Other aluminum and aluminum-base alloy manufactures, n. e. c.
619950★	Beryllium copper manufactures.
619950★	Other beryllium and beryllium alloy manufactures.
619950	Copper manufactures.
619950	Other lead manufactures, n. e. c.
619950	Other nickel manufactures, n. e. c.
619950	Other tin manufactures, n. e. c.
619950	Manufactures of other metals, n. e. c., except selenium and zinc metal manufactures (report iron and steel manufactures in 619910; precious metal manufactures in 692990–699710).

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

This part of the amendment shall become effective as of November 13, 1952.

4. Section 399.2 *Appendix B—Commodity Interpretations* is amended by adding thereto *Interpretation 10* to read as follows:

INTERPRETATION 10: RECORDING TAPE AND RECORDING WIRE

Schedule B No.	Commodity
	Recording tape, used or unused:
901000	For motion-picture sound recording.
	Except for motion-picture sound recording:
999990	Perforated type that cannot be erased.
708850	Other types, capable of being erased and reused.
708850	Recording wire, used or unused.

This part of the amendment shall become effective as of November 13, 1952.

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

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

[F. R. Doc. 52–12459; Filed, Nov. 20, 1952; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5811]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NEW AMERICAN LIBRARY OF WORLD LITERATURE, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1230 *Identity;* § 3.1265 *Old, secondhand, reclaimed or reconstructed product as new.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1605 *Content;* § 3.1655 *Identity;* § 3.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1850 *Content;* § 3.1855 *Identity;* § 3.1880 *Old, used, reclaimed or reused as unused or new.* Subpart—*Using misleading name—Goods:* § 3.2300 *Identity;* § 3.2320 *Old, secondhand, reconstructed or reused, as new.* In connection with the offering for sale, sale or distribution of books in commerce, (1) offering for sale or selling any abridged copy of a book unless one of the following words, namely: "Abridged," "abridgment," "condensed" or "condensation" appears upon the front cover and upon the title page thereof in immediate connection with the title and in clear, conspicuous type; or (2) using or substituting a new title for, or in place of, the original title of a reprinted book unless, upon the front cover and upon the title page thereof, such substitute title is immediately accompanied, in clear, conspicuous type, by a statement which reveals the original title of the book and that it has been published previously thereunder; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The New American Library of World Literature, Inc., et al., New York, N. Y., Docket 5311, September 19, 1952]

In the Matter of The New American Library of World Literature, Inc., a Corporation, Kurt Enoch, and Victor Weybright, Individually and as Officers of The New American Library of World Literature, Inc., a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on September 19, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner on the complaint, the answer thereto, testimony and other evidence, oral arguments of counsel and proposed findings as to the facts and conclusions presented by counsel, and said hearing examiner, on April 16, 1951, filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal and oral arguments of counsel; and the Commission, having issued its order granting said appeal in part and denying it in part and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion drawn therefrom[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent, The New American Library of World Literature, Inc., a corporation, and its officers, and the respondents, Kurt Enoch and Victor Weybright, individually and as officers of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling any abridged copy of a book unless one of the following words, namely: "Abridged", "abridgement", "condensed" or "condensation" appears upon the front cover and upon the title page thereof in immediate connection with the title and in clear, conspicuous type.

2. Using or substituting a new title for, or in place of, the original title of a reprinted book unless, upon the front cover and upon the title page thereof, such substitute title is immediately accompanied, in clear, conspicuous type, by a statement which reveals the original title of the book and that it has been published previously thereunder.

It is further ordered, That the charges of the complaint hereinbefore referred to and considered in paragraphs (b) and (c) of the Conclusion be, and the same hereby are, dismissed without prejudice to the right of the Commission to take such further or other action in the future as may be warranted by the then existing circumstances.

It is further ordered, That the respondents, The New American Library of World Literature, Inc., Kurt Enoch and Victor Weybright, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission, Commissioner Carretta not participating for the reason that oral argument on respondents' appeal from the initial decision of the hearing examiner was heard prior to his appointment to the Commission.

Issued: September 19, 1952.

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

[F. R. Doc. 52-12421; Filed, Nov. 20, 1952; 8:45 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

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

PENICILLIN-STREPTOMYCIN (OR PENICILLIN-DIHYDROSTREPTOMYCIN) VAGINAL SUPPOSITORIES; STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) FOR INHALATION THERAPY

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 141) and certification of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146) are amended as indicated below:

1. Part 141 is amended by adding the following new sections:

§ 141.58 *Penicillin-streptomycin vaginal suppositories, penicillin-dihydrostreptomycin vaginal suppositories*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141.18 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Using 5 suppositories, proceed as directed in § 141.35 (a) (2), except that 150 milliliters of peroxide-free ether is used in the extraction. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.18 (b).

§ 141.117 *Streptomycin for inhalation therapy, dihydrostreptomycin for inhalation therapy*—(a) *Potency*—(1) *Streptomycin content.* Proceed as directed in § 141.101. Its content of streptomycin is satisfactory if it contains not less than 90 percent of the number of milligrams it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in § 141.101, using the dihydrostreptomycin working standard as the standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 90 percent of the number of milligrams it is represented to contain.

(b) *Toxicity, histamine, moisture, pH, streptomycin content of dihydrostreptomycin, and crystallinity.* Proceed as directed in §§ 141.103, 141.105, 141.106, 141.108 (b), and 141.5 (c).

2. Part 146 is amended by adding the following new sections:

§ 146.81 *Penicillin-streptomycin vaginal suppositories; penicillin-dihydrostreptomycin vaginal suppositories.* (a) Penicillin-streptomycin vaginal suppositories and penicillin-dihydrostreptomycin vaginal suppositories conform to all requirements prescribed by § 146.36 for penicillin vaginal suppositories and are subject to all procedures prescribed by that section for penicillin vaginal suppositories, except that:

(1) Each suppository shall contain not less than 200 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standards prescribed by § 146.101 (a), except subparagraphs (2), (4), and (5) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed by § 146.103, except the standards for sterility, pyrogens, and histamine.

(2) In lieu of the labeling prescribed for penicillin vaginal suppositories by § 146.36 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each suppository of the batch.

(3) In addition to complying with the requirements of § 146.36 (d), a person who requests certification of a batch of penicillin-streptomycin vaginal suppositories or penicillin-dihydrostreptomycin vaginal suppositories shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, moisture, *p*H, streptomycin content if it is dihydrostreptomycin and crystallinity if it is crystalline dihydrostreptomycin, and the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each suppository in the batch. He shall also submit in connection with his request a sample consisting of not less than 30 suppositories and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146.101 (b).

(b) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed by this section shall be $4.00.

§ 146.112 *Streptomycin for inhalation therapy, dihydrostreptomycin for inhalation therapy*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin for inhalation therapy is streptomycin which conforms to the requirements of § 146.101 (a) for streptomycin, except subparagraphs (2) and (4) of that paragraph. Dihydrostreptomycin for inhalation therapy is dihydrostreptomycin which conforms to the requirements of § 146.103 (a) for dihydrostreptomycin, except the standards for sterility and pyrogens.

(b) *Packaging.* The immediate container of streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 50 milligrams, and each may be packaged in combination with a container of a suitable and harmless solvent.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams in the immediate container.

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(iv) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it, or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of streptomycin for inhalation therapy or dihydrostreptomycin for inhalation therapy shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency and moisture if the streptomycin or dihydrostreptomycin has been previously submitted, or for potency, toxicity, moisture, *p*H, histamine content, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin, if the streptomycin or dihydrostreptomycin has not been previous submitted. If such batch, or any part thereof, is to be packaged in combination with a container of a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Such person shall submit with his request accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but not less than 20 immediate containers or more than 100 immediate containers if the streptomycin or dihydrostreptomycin has been previously submitted, or not less than 50 immediate containers or more than 100 immediate containers if the streptomycin or dihydrostreptomycin has not been previously submitted. Such sample shall be collected by taking single immediate containers before or after labeling at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) In case of an initial request for the certification of a batch which is to be packaged in combination with a solvent which is not recognized by the U. S. P., or when any change is made in the composition of such solvent, five packages of the solvent included in the combination.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) One dollar for each immediate container in the sample submitted in accordance with paragraph (d) (2) (i) of this section and $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for tests and methods of assay and certification of penicillin-streptomycin vaginal suppositories, penicillin-dihydrostreptomycin vaginal suppositories, streptomycin for inhalation therapy, and dihydrc-

streptomycin for inhalation therapy, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of the above-listed products.

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

Dated: November 17, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-12452; Filed, Nov. 20, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 6, Revision 1, Amdt. 3]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES AND LACQUERS

USE OF SR 2 TO CPR 22; USE OF OPS PUBLIC FORM 150

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment corrects an error which appears in section 9 of Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22 relating to the use of Supplementary Regulation 2 to CPR 22 in calculating ceiling prices. Section 9 inadvertently provided that manufacturers who elect to use section 5 of SR 6 may also use SR 2. Actually, there is an incompatibility between the methods provided in section 5 and in SR 2 that makes such a course impossible. Section 5 provides a method of calculating ceiling prices whereby a total adjustment factor of 115 percent is applied to the base period price in lieu of making the calculations provided by CPR 22. This is an entirely optional method designed for manufacturers who wish not only to avoid CPR 22 computations, but who, in addition, wish to preserve their base period price relationships.

On the other hand, some manufacturers do not use the section 5 option preferring to preserve GCPR price relationships by use of SR 2 to CPR 22. Section 9 now correctly states that they may do so, provided: (1) they use the base period specified (April 1 through June 24, 1950); and (2) they use as the "permissive ceiling ratio" referred to in section 3 (f) of SR 2, the 115 percent figure used in section 5 of SR 6; or (3) that in lieu of this 115 percent figure they compute the "permissive ceiling price ratio" by using the material cost increase figures listed in Appendix A to SR 6, Revision 1. Consequently, this amendment deletes the erroneous reference to section 5 contained in section 9 of SR 6, Revised.

This amendment further takes recognition of a particular burden experienced by this industry in reporting new commodities pursuant to section 32 of CPR 22. As indicated in the Statement of Considerations accompanying the Revision of SR 6, the great number of commodities made, the frequency of their reformulation and the diversity of raw materials used make any detailed form of reporting for paints, varnishes and lacquers considerably cumbersome. Consideration of this fact led to the simplification of reporting (by use of OPS Public Form No. 150) of new commodities where the flat 115 percent adjusted method of the supplementary regulation's section 5 was used to determine the ceiling price of the comparison commodity. However, the OPS Public Form No. 128 was retained for reporting under section 32 of CPR 22. To relieve both industry and OPS of this burden, this amendment permits the use of the OPS Public Form 150 in lieu of the OPS Public Form 128 for filings under section 32 of CPR 22. The form 150 is being revised for this purpose.

In view of the corrective action of this amendment, special circumstances have made consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22, is amended in the following respects:

1. Paragraph (a) of section 9 is amended to read as follows:

(a) *Supplementary Regulation 2.* If you establish ceiling prices under section 4 of this supplementary regulation you may, where applicable and if you so elect, apply the provisions of Supplementary Regulation 2 (SR 2) to Ceiling Price Regulation 22 in establishing ceiling prices for your sales of commodities dealt in by you during the base period. However, your application of SR 2 to CPR 22 shall be subject to the following:

(1) In all cases your base period shall be April 1 through June 24, 1950.

(2) You may establish as your "permissive ceiling price ratio" referred to in section 3 (f) of SR 2, the 115 percent figure used in section 5 of this supplementary regulation. This option shall be in lieu of your computing a total cost adjustment factor as is otherwise required by SR 2.

(3) If instead of using the 115 percent figure as provided in (2) above you elect to compute your total cost adjustment factor, you must use the materials cost increase figures listed in Appendix A of this supplementary regulation wherever possible in determining your materials cost adjustment factor.

2. Paragraph (a) of section 8 is amended to read as follows:

(a) *Ceiling prices under section 4.* If you establish ceiling prices under section 4 of this supplementary regulation you must comply with the applicable reporting requirements of CPR 22, except that when you employ the provisions of section 32 thereof (ceiling prices for certain new commodities) you use OPS Public Form No. 150 instead of OPS Public Form No. 128 for submitting required reports.

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

Effective date. This amendment is effective November 20, 1952.

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

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12500; Filed, Nov. 20, 1952; 10:50 a. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 39]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 39—METAL CANS

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

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation (CPR) 22 provides two optional methods to adjust ceiling prices for sales by manufacturers of cans made of tin plate, terne plate or black plate. The first method of adjustment authorizes ceiling prices 4 percent above the highest selling prices in effect during the period January 1, 1952, to June 30, 1952. That method of adjustment takes into account the cost increases caused by the recent steel price increases and, accordingly, it bars further adjustments under General Overriding Regulation (GOR) 35. The second method of adjustment authorizes ceiling prices 2.3 percent above the highest selling prices in effect during the same period of six months and permits additional adjustments as provided by GOR 35.

The use of either method of adjustment is optional. Accordingly, a metal can manufacturer may continue to use his current ceiling prices or establish new ceiling prices under any other applicable OPS regulation. However, SR 2 to GOR 35, which is being issued simultaneously with this supplementary regulation, provides that a metal can manufacturer is barred from adjusting his ceiling prices under GOR 35 except in conjunction with the second method of adjustment described above. The same bar applies to the use of ceiling prices adjusted un-

der GOR 35 before the effective date of this supplementary regulation.

There is no time limit for the adjustments under this supplementary regulation. However, if and when a manufacturer elects to avail himself of this supplementary regulation, he must adjust his ceiling prices by the same method for all sales covered by it (including sales made by all plants and wholly owned subsidiaries), and he may not afterward alter his election.

As some manufacturers may not have delivered certain items during the period specified above or may for other reasons be unable to adjust their ceiling prices by either method, this supplementary regulation provides that in such a situation, at the manufacturer's request, the Director of Price Stabilization may establish his ceiling prices by order in line with the ceiling prices adjusted under this supplementary regulation.

The metal can industry consists of approximately 92 manufacturers with operating plants in practically every state of the United States and the Hawaiian Islands. Their products are indispensable to the economy since they are primarily used for the packaging and shipping of all kinds of perishable food products and hundreds of non-food products.

On an annual basis the industry consumes about 3,898,000 tons of base sheet metal which represents 34 billion cans. In 1951, sales amounted to about 1,200 million dollars.

Historically, standardized metal cans have yielded fairly uniform prices. The industry generally follows a price leadership pattern due to the large size of two producers and the geographical location of their many plants. Generally, sales are made on a term contract basis. These contracts carry a clause allowing manufacturers to adjust the prices of cans up or down, depending on the published prices of plate. The principal element of cost is the sheet metal.

The ceiling prices of the industry are governed in general by CPR 22. Small manufacturers with a yearly volume below $250,000 had the option to stay under the GCPR, and manufacturers located in the territories or possessions are under the GCPR. Of course, all manufacturers have been free to adjust, and some of them did adjust, their ceiling prices under the regulations implementing the Capehart Amendment to the Defense Production Act of 1950. Despite adjusted ceiling prices, until recently, the industry in general continued to sell at GCPR prices. Because the ceiling prices established under other regulations included adjustments calculated with different cut-off dates and different techniques, the existing ceiling prices do not reflect the historical and actual price structure of the industry.

In view of recent steel, labor and freight cost increases the industry requested a price adjustment under the industry earnings standard.

The earnings survey conducted by the OPS during the summer, 1952, has disclosed that the selling prices prevailing during the year ending June 30, 1952, were on the average, close to 3 percent below the level necessary to yield earnings meeting the industry earnings standard. That survey has also showed that although the existing OPS regulations do not prevent the two largest producers and some smaller producers from raising their prices to a level yielding adequate earnings, a substantial number of producers may be unable to do so. Furthermore, it has become apparent that the present disarranged ceiling price structure of the industry interferes with its historical pricing pattern. The Industry Advisory Committee was unanimous in recommending ceiling prices which would reflect the relationship of the selling prices until recently in effect.

The Director of Price Stabilization has determined that ceiling prices 4 percent above the highest selling prices in effect during the period January 1, 1952, to June 30, 1952 (as authorized by the first adjustment method provided by this supplementary regulation), are fair and equitable. He reached this conclusion after carefully weighing the following considerations: First, that an increase of the old selling prices by 3 percent would yield for the industry as a whole earnings meeting the industry earnings standard. Second, that some small firms specializing in the production of certain types of cans are considerably more affected by the recent rise of production costs than others and they would be hard hit if the permissible price increases would be kept to the minimum necessary for the industry as a whole. Third, that the two largest producers and a few of the smaller producers are able under the existing OPS regulations to raise their prices more than 4 percent above their old selling prices.

The second adjustment method provided by this supplementary regulation of increasing the old selling prices by 2.3 percent and making additional increases under GOR 35 has been reached by deducting from the 4 percent increase authorized by the first method that part of it (namely, 1.7 percent) which represents the average effect of the steel price increases on the production costs of metal cans. Thus, in effect, the second method of adjustment differs from the first in permitting metal can manufacturers to use their actual, individual pass-throughs as authorized by GOR 35 instead of an average pass-through of 1.7 percent which is included in the 4 percent adjustment under the first method.

In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the provisions of this supplementary regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In particular, the Director has consulted at several meetings with the Industry Advisory Committee with respect to the trade practices and the coverage of this regulation.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, and means or aids of distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Optional character of the ceiling price adjustments under this supplementary regulation.
4. Adjustments barring further adjustments under GOR 35.
5. Adjustments permitting further adjustments under GOR 35.
6. Determination of ceiling prices by order.
7. Incorporation of CPR 22 provisions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SEC. 1. *What this supplementary regulation does.* This supplementary regulation provides two optional methods for adjusting ceiling prices determined under Ceiling Price Regulation (CPR) 22 or any supplementary regulation thereto, for sales by manufacturers of metal cans. The first method authorizes ceiling prices 4 percent above the highest selling prices in effect during the period January 1, 1952 to June 30, 1952, and bars further adjustments under General Overriding Regulation (GOR) 35. The second method authorizes ceiling prices 2.3 percent above the highest selling prices in effect during the period January 1, 1952 to June 30, 1952 and permits additional adjustments as provided by GOR 35.

NOTE: Supplementary Regulation (SR) 2 to GOR 35 provides that a metal can manufacturer may not adjust his ceiling prices under GOR 35 except in conjunction with ceiling prices adjusted under section 5 of this supplementary regulation or under the corresponding section 5 of SR 126 to the GCPR.

SEC. 2. *Coverage.* This supplementary regulation applies to you if: (a) You are a manufacturer of cans made in whole or in part of tin plate, terne plate or black plate, and

(b) CPR 22 or any supplementary regulation thereto was applicable to you immediately before the effective date of this supplementary regulation.

SEC. 3. *Optional character of the ceiling price adjustments under this sup-*

plementary regulation. Sections 4 and 5 provide alternative methods for the adjustment of your ceiling prices. Both methods are optional and you may, if you wish, continue to use your current ceiling prices or establish new ceiling prices under other OPS regulations (other than GOR 35) applicable to you, such as SR 2, SR 17 or SR 18 to CPR 22. However, if and when you elect to establish ceiling prices under section 4 or 5 you must establish ceiling prices by the same method for all sales covered by this regulation and you may not thereafter alter your election. You must simultaneously adjust by the same method the ceiling prices for all sales made by all plants owned by you or your wholly owned subsidiaries.

SEC. 4. *Adjustments barring further adjustments under GOR 35.* (a) You may adjust your ceiling prices by increasing by 4 percent the highest prices at which you regularly delivered your products to your largest buying class of purchaser during the period January 1, 1952 to June 30, 1952, inclusive.

(b) The ceiling prices adjusted under paragraph (a) of this section may not be further adjusted under GOR 35.

SEC. 5. *Adjustments permitting further adjustments under GOR 35.* (a) You may adjust your ceiling prices by increasing by 2.3 percent the highest prices at which you regularly delivered your products to your largest buying class of purchaser during the period January 1, 1952 to June 30, 1952, inclusive.

(b) The ceiling prices adjusted under paragraph (a) of this section may be further adjusted as authorized by GOR 35.

SEC. 6. *Determination of ceiling prices by order.* (a) If you are unable to adjust your ceiling prices under this supplementary regulation, upon your request, the Director of Price Stabilization may establish your ceiling prices by order in line with the level of ceiling prices adjusted under this supplementary regulation.

(b) Your application should be addressed to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and should contain your trade name and address, a description of the products for which you request a ceiling price including material, form and size, your proposed ceiling price or pricing method, and a statement of the basis upon which you determined your proposed ceiling price or pricing method, such as the use of a similar pricing method with respect to your other products or by your competitors.

(c) The Director of Price Stabilization may approve or disapprove the proposed ceiling price or pricing method by order, or request further information. You may not sell your products at a price exceeding your ceiling price otherwise established until the Director of Price Stabilization issues an order establishing your ceiling price or pricing method.

(d) The Director of Price Stabilization may, at any time, modify the ceiling prices or pricing methods established by order so as to bring them in line with the level of ceiling prices adjusted under this supplementary regulation.

SEC. 7. *Incorporation of CPR 22 provisions.* If you are subject to this supplementary regulation you are also subject to all provisions of CPR 22 not inconsistent with this supplementary regulation.

Effective date. This supplementary regulation is effective November 25, 1952.

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

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12504; Filed, Nov. 20, 1952; 4:00 p. m.]

[Ceiling Price Regulation 30, Amdt. 41]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

CLARIFICATION OF SECTION 3 (D)

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment 41 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATION

This amendment revises the language of section 3 (d) of CPR 30 in order to make it clear that those manufacturers who apply for revision of their published list prices pursuant to that section must have undertaken such revision primarily for the purpose of changing differentials in their discount structures.

Amendment 33 to CPR 30 established procedures for the approval of revised published list prices and discount structures provided such revisions were in process before June 24, 1950, and put into effect before January 25, 1951. That action was taken in conjunction with Amendment 8 to CPR 67 solely for the purpose of permitting resellers of the commodities covered by CPR 30, who because of changes in discounts would be barred by the language incorporated in section 3 of CPR 67 from using their manufacturers' published list prices, to use such list prices even though discounts are not identical to those in effect in the CPR 67 base period (April 1–June 24, 1950), Amendment 33, was not intended to provide a device whereby manufacturers may increase their selling prices above established ceilings. On the contrary, it was intended that the changes in discounts and list prices approved under section 3 (d) will not result in a rise in the general level of ceiling prices established under CPR 30 or the supplementary regulations thereto. In view of the foregoing this action has been taken to obviate any misinterpretation.

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

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is hereby amended in the following respects:

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

(d) Notwithstanding any of the foregoing provisions of this section, if you were in the process of revising your published list prices for use by resellers before June 24, 1950, primarily for the purpose of changing differentials in your discount structures, and if you actually issued and made effective these new published list prices and discounts on or before January 25, 1951, you may apply to the Director of Price Stabilization for approval of these list prices and discounts in accordance with the provisions of this paragraph, provided no substantial changes in the general level of your or your resellers ceiling prices are effected thereby. Your application must be filed by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information:

(1) Your business name and address.

(2) A copy of your published list prices before and after revision and a copy of your published list prices showing any increases you have made in these list prices to reflect increases in your selling prices determined in accordance with the Ceiling Price Regulation 30 or any appropriate supplementary regulation thereto.

(3) A copy of your discount schedule if any, before and after revision.

(4) A statement by a responsible officer of your company that this provision was actually in process before June 24, 1950, and that the revised list prices and discount schedules were made effective on or before January 25, 1951.

You may not use the revised published list prices reported pursuant to this paragraph or certify to your resellers that these published list prices have been approved until the Director of Price Stabilization has approved your application in writing.

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

Effective date. This amendment to Ceiling Price Regulation 30 shall become effective November 25, 1952.

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

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12501; Filed, Nov. 20, 1952; 10:50 a. m.]

[Ceiling Price Regulation 31, Supplementary Regulation 1]

CPR 31—IMPORTS

SR 1—CEILING PRICES FOR BALER AND BINDER TWINES MANUFACTURED IN CANADA

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

10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

Baler and binder twines manufactured in Canada from sisal and henequen fibres are identical with such twines manufactured in the United States, and to the extent that they are sold in the United States, have always been sold on a directly competitive basis with and at the same prices as domestic twines.

Jobbers and wholesalers of baler and binder twines have customarily not distinguished between such twines manufactured in Canada and domestic twines, either as to identity for filling orders or as to price, and these twines are normally commingled in warehouses.

Domestic twines are covered by Supplementary Regulation 89 to the General Ceiling Price Regulation. Twines manufactured in Canada are covered by Ceiling Price Regulation 31 with respect to sales by importers and wholesalers. Due to the different techniques of these two regulations, ceiling price differentials may be created between Canadian and domestic twines due to fluctuations in cost, resulting in differences in markups.

In an industry where customarily no distinction is made between Canadian and domestic twines, a difference in markup by operation of ceiling price regulation constitutes an inducement to the seller in the United States to tend to favor one source of supply or the other. Where the commodity involved is an important one in our economy, the resulting distortion of normal channels of distribution may tend to aggravate a condition of short supply. It is desirable, therefore, that sellers of Canadian and domestic twines should be able to follow their customary practices of commingling the twine and selling both twines at the same prices.

This will operate to relieve possible inequities and to prevent an unnecessary burden of bookkeeping and warehouse segregation, according to the place of manufacture, of what is essentially the same commodity.

This supplementary regulation to CPR 31 establishes the ceiling prices for domestic twines as the ceiling prices for similar twines manufactured in Canada. (This action does not affect sales of sisal and henequen fibres, which are presently covered by CPR 31.)

Due to the nature of this action, formal consultation with the industry representatives, including representatives of trade associations, has not been practicable. However, there have been numerous consultations with individual members of the industry and consideration has been given to their recommendations.

In the judgment of the Director of the Office of Price Stabilization, this supplementary regulation is generally fair and equitable and will effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Applicability.
2. Sales by importers and wholesalers.
3. Definitions.
4. Miscellaneous.

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

SECTION 1. *Applicability.* This supplementary regulation applies to all sales by importers and wholesalers in the United States of imported baler and binder twines manufactured in Canada from sisal and henequen fibres which are otherwise covered by CPR 31.

SEC. 2. *Ceiling prices.* The ceiling prices of importers and wholesalers for sales covered by this supplementary regulation shall be the same as their ceiling prices for sales of similar twines of the same grade which are manufactured in the United States.

SEC. 3. *Definitions.* The term "wholesaler" and "wholesale customer" is defined in section 18 of CPR 31. For the purpose of this supplementary regulation, a sale by a wholesaler to a farmer is considered to be a sale to a wholesale customer.

SEC. 4. *Miscellaneous.* Except as herein modified, all the provisions of CPR 31 remain in effect with reference to sales made under this supplementary regulation.

Effective date. This supplementary regulation to CPR 31 shall become effective on November 25, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52–12505; Filed, Nov. 20, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 126]

GCPR, SR 126—METAL CANS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 126 to General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation (GCPR) provides two optional methods to adjust ceiling prices for sales by manufacturers of cans made of tin plate, terne plate or black plate.

All the provisions of this supplementary regulation are identical with those of Supplementary Regulation (SR) 39 to CPR 22 which is being issued simultaneously with this supplementary regulation, except that this supplementary regulation applies to manufacturers' sales covered by the GCPR.

The considerations explained in the Statement of Considerations of SR 39 to CPR 22 also apply to this supplementary regulation. This includes the statements relative to industry consultations, and to the possible effect of the supplementary regulation on business practices.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Optional character of the ceiling price adjustments under this supplementary regulation.
4. Adjustments barring further adjustments under GOR 35.
5. Adjustments permitting further adjustments under GOR 35.
6. Determination of ceiling prices by order.
7. Incorporation of GCPR provisions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides two optional methods for adjusting ceiling prices for sales by manufacturers of metal cans determined under the General Ceiling Price Regulation (GCPR). The first method authorizes ceiling prices 4 percent above the highest selling prices in effect during the period January 1, 1952 to June 30, 1952, and bars further adjustments under GOR 35. The second method authorizes ceiling prices 2.3 percent above the highest selling prices in effect during the period January 1, 1952 to June 30, 1952 and permits additional adjustments as provided by GOR 35.

NOTE: Supplementary Regulation (SR) 2 to GOR 35 provides that a metal can manufacturer may not adjust his ceiling prices under GOR 35 except in conjunction with ceiling prices adjusted under section 5 of this supplementary regulation or under the corresponding section 5 of SR to CPR 22.

SEC. 2. *Coverage.* This supplementary regulation applies to you if:

(a) You are a manufacturer of cans made in whole or in part of tin plate, terne plate or black plate, and

(b) General Ceiling Price Regulation was applicable to you immediately before the effective date of this supplementary regulation.

SEC. 3. *Optional character of the ceiling price adjustments under this supplementary regulation.* Sections 4 and 5 provide alternative methods for the adjustment of your ceiling prices. Both methods are optional and you may, if you wish, continue to use your current ceiling prices or establish new ceiling prices under other OPS regulations (other than GOR 35) applicable to you such as GOR 20, GOR 21, CPR 22 or SR 2, SR 17 or 18 to CPR 22. However, if and when you elect to establish ceiling prices under section 4 or 5 you must establish ceiling prices by the same method for all sales covered by this regulation and you may not thereafter alter your election. You must simultaneously adjust by the same method the ceiling prices for all sales made by all plants owned by you or your wholly owned subsidiaries.

SEC. 4. *Adjustments barring further adjustments under GOR 35.* (a) You may adjust your ceiling prices by in-

creasing by 4 percent the highest prices at which you regularly delivered your products to your largest buying class of purchaser during the period January 1, 1952 to June 30, 1952, inclusive.

(b) The ceiling prices adjusted under paragraph (a) of this section may not be further adjusted under GOR 35.

SEC. 5. *Adjustments permitting further adjustments under GOR 35.* (a) You may adjust your ceiling prices by increasing by 2.3 percent the highest prices at which you regularly delivered your products to your largest buying class of purchaser during the period January 1, 1952 to June 30, 1952, inclusive.

(b) The ceiling prices adjusted under paragraph (a) of this section may be further adjusted as authorized by GOR 35.

SEC. 6. *Determination of ceiling prices by order.* (a) If you are unable to adjust your ceiling prices under this supplementary regulation, upon your request, the Director of Price Stabilization may establish your ceiling prices by order in line with the level of ceiling prices adjusted under this supplementary regulation.

(b) Your application should be addressed to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and should contain your trade name and address, a description of the products for which you request a ceiling price, including material, form and size, your proposed ceiling price or pricing method, and a statement of the basis upon which you determine your proposed ceiling price or pricing method, such as the use of a similar pricing method with respect to your other products or by your competitors.

(c) The Director of Price Stabilization may approve or disapprove the proposed ceiling price or pricing method by order, or request further information. You may not sell your products at a price exceeding your ceiling price otherwise established until the Director of Price Stabilization issues an order establishing your ceiling price or pricing method.

(d) The Director of Price Stabilization may, at any time, modify the ceiling prices or pricing methods established by order so as to bring them in line with the level of ceiling prices adjusted under this supplementary regulation.

SEC. 7. *Incorporation of GCPR provisions.* If you are subject to this supplementary regulation you are also subject to all provisions of the GCPR not inconsistent with this supplementary regulation.

Effective date. This supplementary regulation is effective November 25, 1952.

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

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12506; Filed, Nov. 20, 1952; 4:00 p. m.]

[General Overriding Regulation 4, Amdt. 11 to Revision 1]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

EXEMPTION OF WOMEN'S MILLINERY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 11 to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 4, Revision 1, adds women's millinery to the commodities exempted from price control.

The selling prices of women's millinery generally depend not upon the costs of direct labor and materials, but upon originality of design, merchandising practices, reputation of the seller and other elements of indirect cost which make standard pricing methods difficult of application. For the bulk of this industry, the determination of prices is a highly subjective matter for both the buyer and the seller. While many firms tend to produce certain price lines, the prices for particular items are not necessarily closely related to their direct costs; in many cases the direct cost for an individual item can only be determined by establishment of burdensome and detailed cost accounting system. Furthermore, in a period where materials and labor are plentiful and competition flourishes, this business is an unusually risky one in which the manufacturer is forced to take a high markup on his most accepted numbers in order to recover his losses on numbers which find no wide acceptance. Therefore, establishment of uniform markups over direct cost for these manufacturers tends to limit their merchandising capacity to an extent which makes operations difficult in a competitive market situation. The technique of determining prices for millinery by comparison with other millinery is also inappropriate and impracticable as a means of price control, since comparison in this industry is far too subjective to result in any acceptable degree of accuracy.

Price data on millinery are generally not available because of the lack of standards of comparison from period to period. It is generally recognized, however, that millinery prices are not being subjected to any inflationary pressures.

Were price pressures of sufficient intensity in the millinery industry to require price controls, there would be sufficient justification for requiring that the industry continue to use cost and pricing methods necessary for the effectuation of such controls. In the absence of such pressures nothing is gained by the insistence upon use of methods not normal to the industry.

In view of these considerations, it is the judgment of the Director of Price Stabilization that price controls over women's millinery under present circumstances involve administrative burdens, both upon the industry and the Office of Price Stabilization, which are disproportionate to any benefits which can be realized from these controls.

No general increase in the millinery price level is expected to result from this action, nor is it expected that this action will result in any diversion of materials or manpower from industries remaining under control.

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

AMENDATORY PROVISIONS

Section 2 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraph:

(k) *Women's millinery.* (1) The term "women's" refers to sizes or types of millinery commonly designated in the industry as women's millinery. Sizes or types of millinery commonly designated as "girls" or "children's" millinery are not included.

(2) The term "millinery" includes all headwear designed for street or dress wear, but excluding the following: Uniform hats and caps, rainwear, and any headwear designed for use in industrial, institutional, commercial, or agricultural occupations.

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

Effective date. This amendment shall become effective November 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12502; Filed, Nov. 20, 1952, 10:50 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 12]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

SUSPENSION OF BOTTLED SOFT DRINKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order Number 2, this Amendment 12 to Revision 1 of the General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, suspends the provisions of the General Ceiling Price Regulation (GCPR) and Supplementary Regulation (SR) 43 thereto insofar as these regulations are applicable to bottled soft drinks. This suspension action, applicable to all levels of distribution, is in accordance with the agency's general policy of relaxing price controls when such action is consistent with the purposes of the Defense Production Act of 1950, as amended.

Ceiling prices for bottled soft drinks were originally established by the issuance of the General Ceiling Price Regulation on January 26, 1951. This action brought to a halt an upward movement of prices which had begun in 1946.

When ceilings were imposed approximately 56 percent of the volume of soft drinks in 6- to 12-ounce bottles (which constitute over 90 percent of the sales of the industry) were selling at 80 cents per case at wholesale and at five cents per bottle at retail. These prices had been established several decades ago and had been maintained despite increases in ingredient and labor costs. All available evidence indicated that the typical bottler could not operate profitably at these prices. For this reason, the Office of Price Stabilization issued Supplementary Regulation 43 on July 23, 1951. That regulation allowed bottlers of 6- to 12-ounce sizes to increase their pre-Korean prices by 16 cents to a maximum of 96 cents per case of 24 bottles. As a result, the allowable ceiling price of the vast majority of bottlers became 96 cents per case. This was the first price above the traditional 80 cent price which would allow the customary 50 percent spread at the retail level for sales of the individual bottles.

Data available from a survey of the same 56 cities as are surveyed monthly by the Bureau of Labor Statistics and covering the seven largest brands indicate clearly that there was no appreciable trend toward this higher level of ceiling prices after SR 43 was issued. Because of competitive factors, fewer than one-fifth of those bottlers who were eligible to increase their ceiling prices under SR 43 have done so. Also, a small number of bottlers with ceiling prices above 96 cents reduced their prices during 1952. Consequently, a large percentage of all 6- to 12-ounce bottles are selling below ceilings and the weighted average selling price for all bottlers of this size is approximately 8 percent below the weighted average ceiling price.

The intense competition of the industry, coupled with the sharp responsiveness of volume to increases in selling prices, apparently has thwarted any general price increases. It is anticipated that this general stability will continue in the coming months although there may be some price rises in a few scattered areas. Those few increases may result from wage pressures applicable to all bottlers in an area or from efforts to readjust prices as among bottle sizes in those instances where they have become distorted. Inasmuch as the soft drink industry is local in nature (due to the franchise system under which many bottlers operate) such increases will not materially affect the overall average spread between selling prices and ceiling prices.

Consideration has also been given to the fact that there is a plentiful supply of ingredients and packaging materials. Also it has been recognized that the industry normally operates at considerably less than capacity even in the peak summer months. The Director of Price Stabilization has concluded, therefore, that ceiling prices on soft drinks are not presently needed to achieve the purposes of the Defense Production Act of 1950, as amended, and they are by this action suspended. This suspension will be terminated if prices of soft drinks in a substantial proportion of areas exceed the ceiling prices presently in effect and the Director, in any event, may terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program.

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

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended by the addition of the following section to Article III:

SEC. 13. *Suspension of controls applicable to soft drinks.* (a) On and after November 20, 1952, the application of all ceiling price regulations, except Ceiling Price Regulations 11 and 134, heretofore or hereafter issued by the Office of Price Stabilization, to sellers of soft drinks is suspended. If, however, you are a seller of soft drinks and were required by any regulation heretofore issued to which this section 13 is applicable, to keep, prepare, or preserve any records concerning soft drinks, you shall continue to preserve and make available for examination by the OPS, in the manner and for the period set forth in that regulation, all such records which you were required to have on November 19, 1952. In addition, the Director of Price Stabilization or his authorized representative may, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, request or require you to submit data pertaining to prices charged for soft drinks and to changes made in the prices of soft drinks after November 20, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

(b) For purposes of this section 13, "soft drinks" means non-alcoholic beverages in bottles, whether flavored or unflavored, carbonated or uncarbonated. The term does not include, however, bottled water which is neither flavored nor carbonated, fresh milk drinks, or drinks consisting of fruit juices or vegetable juices where at least 85 percent by weight of the drink is fruit juice or vegetable juice or a mixture of both.

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

Effective date. This amendment is effective November 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12503; Filed, Nov. 20, 1952; 10:50 a. m.]

[General Overriding Regulation 35, Supplementary Regulation 2]

GOR 35—PASS THROUGH FOR STEEL, PIG IRON, COPPER AND ALUMINUM COST INCREASES

SR 2—METAL CANS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 2 to General Overriding Regulation 35, is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to General Overriding Regulation (GOR) 35 bars metal can manufacturers from adjusting their ceiling prices under GOR 35 except in conjunction with ceiling prices adjusted under section 5 of Supplementary Regulation (SR) 39 to Ceiling Price Regulation (CPR) 22 or section 5 to SR 126 to the General Ceiling Price Regulation (GCPR), both of which are being issued simultaneously with this supplementary regulation. It also bars metal can manufacturers from using ceiling prices which they have adjusted under GOR 35 before the effective date of this supplementary regulation. In addition, this supplementary regulation grants to a manufacturer who uses metal cans as a manufacturing material a pass-through equal to 1.7 percent of the supplier's previous selling price or the maximum pass-through under GOR 35 on metal cans (depending on the method by which the supplier adjusted his ceiling prices), even though the supplier may have been selling in the past or may be selling currently below ceiling. Metal can manufacturers are required by this supplementary regulation to notify their customers of the customer's pass-through.

Supplementary Regulation 39 to CPR 22 and SR 126 to the GCPR referred to above afford manufacturers of metal cans two optional methods by which they may adjust their ceiling prices. The first method of adjustment is provided in section 4 of SR 39 to CPR 22 and section 4 of SR 126 to the GCPR. It authorizes ceiling prices 4 percent above the selling prices in effect in the period January 1, 1952, to June 30, 1952 and bars further adjustments under GOR 35. The second method of adjustment is stated in section 5 of SR 39 to CPR 22 and section 5 of SR 126 to the GCPR. It authorizes ceiling prices 2.3 percent above the selling prices in effect in the same period and permits additional adjustments as provided by GOR 35. In effect, the second method of adjustment differs from the first method in permitting metal can manufacturers to use their actual, individual pass-throughs as authorized by GOR 35 instead of an average pass-through of 1.7 percent which is included in the 4 percent adjustment of the first method.

The Director of Price Stabilization has determined the ceiling price adjustments described above to be fair and equitable and to take proper account of the historical price structure of the industry.

The reasons for this determination are explained in the Statement of Considerations of SR 39 to CPR 22.

As metal can manufacturers may thus establish ceiling prices which are fair and equitable from all points of view after taking the recent steel price increases into account, the metal can industry is no longer in need of the temporary relief measure which GOR 35 was intended to provide, except in conjunction with ceiling prices adjusted by the second method described above which explicitly permits additional adjustments under GOR 35. Accordingly, this supplementary regulation prohibits metal can manufacturers from adjusting their ceiling prices under GOR 35 (with the exception just stated) and from using ceiling prices adjusted under GOR 35 before the effective date of this supplementary regulation.

The reasons for the pass-through and notification provisions of this supplementary regulation are as follows: Metal can manufacturers have established ceiling prices under various OPS regulations which permit adjustments for certain cost increases up to different cut-off dates and by different techniques. Actually, until recently, the industry in general continued to sell at GCPR prices. The result is that the existing ceiling prices do not reflect the historical and actual price structure of the industry. For instance, the ceiling prices of the two largest producers for the same standard products differ from each other by 1.2 percent despite the fact that these companies have maintained identical selling prices within the same geographical areas for many years. This distorted ceiling price structure of the metal can industry produces GOR 35 pass-throughs which bear little or no relationship to the cost increases caused by the increased steel prices and which vary from manufacturer to manufacturer because the pass-through is based on the excess of current selling prices above the previous ceilings. This disturbs the pricing policies of the metal can manufacturers and creates inequities among them as well as among their customers. This supplementary regulation enables the producers of metal cans to reduce these inequities in conjunction with adjusting their ceiling prices under the new supplementary regulations to CPR 22 or the GCPR. Thus, from the point of view of the pass-through the historical competitive position of metal can manufacturers and their customers may be re-established.

Nothing is said in this supplementary regulation about the notification which a distributor of metal cans must give his purchaser at the latter's request. In this respect the provision of section 13 (b) of GOR 35, applied to the amount specified in this supplementary regulation, appears to be satisfactory.

In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

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

In particular, the Director has consulted at several meetings with the Industry Advisory Committee with respect to the trade practices and the coverage of this regulation.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, and means or aids of distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161 Sept. 9, 1950, 15 F. R. 6105; CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation bars, under certain conditions, metal can manufacturers from adjusting their ceiling prices under General Overriding Regulation 35. In addition, under certain conditions it grants to manufacturers using metal cans as manufacturing material substantially equal "pass-throughs" on substantially similar cans bought from different sources. It also modifies the notification requirement of GOR 35 accordingly.

SEC. 2. *Coverage.* (a) This supplementary regulation applies to you if:

(1) You are a manufacturer of metal cans; and

(2) Your sales are covered by the General Ceiling Price Regulation or Ceiling Price Regulation 22 or any supplementary regulation to either of them.

(b) Section 5 of this supplementary regulation applies to you if you use metal cans as manufacturing material.

(c) The term "metal can" as used in this supplementary regulation refers to can made in whole or in part of tin plate, terne plate or black plate.

SEC. 3. *Metal can manufacturers barred from adjustments.* If you are a manufacturer of metal cans you may not adjust your ceiling prices under GOR 35, except in conjunction with ceiling prices adjusted under section 5 of SR 126 to the GCPR or section 5 of SR 39 to CPR 22. You may not use ceiling prices adjusted under GOR 35 before the effective date of this supplementary regulation.

SEC. 4. *Notification by metal can manufacturers.* If you are a metal can manufacturer, the first time you deliver a metal can after the effective date of this supplementary regulation you must notify your purchaser of the following amount:

(a) If you have adjusted your ceiling prices under section 4 of SR 39 to CPR 22 or section 4 of SR 126 to the GCPR, the amount in the notification shall be equal to 1.7 percent of your previous selling prices to which you added the 4 percent adjustment provided by the sections of the supplementary regulations just referred to.

(b) If you have adjusted your ceiling prices under section 5 of SR 39 to CPR 22 or section 5 of SR 126 to the GCPR the amount in the notification shall be the maximum adjustment which you may make under GOR 35 even though you may have been selling in the past or may currently sell at prices below ceilings.

SEC. 5. *Adjustments by users of metal cans as manufacturing material.* If you use metal cans as manufacturing material you may reflect in your ceiling price adjustments under GOR 35 the cost increases on metal cans of which your suppliers have notified you pursuant to section 4 of this supplementary regulation.

SEC. 6. *Definitions.* "Manufacturing material." This term is defined in section 5 (a) of GOR 35.

"Metal can." This term is defined in section 2 (c) of this supplementary regulation.

SEC. 7. *Incorporation of GOR 35 provisions.* If you are subject to this supplementary regulation you are also subject to all provisions of GOR 35 not inconsistent with this supplementary regulation.

Effective date. This regulation is effective November 25, 1952.

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

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52–12508; Filed, Nov. 20, 1952; 4:00 p. m.]

[General Overriding Regulation 35, Amdt. 1]

GOR 35—PASS THROUGH FOR STEEL, PIG-IRON, COPPER AND ALUMINUM COST INCREASES

INCREASE FACTORS FOR CERTAIN MANUFACTURING USERS; EXCLUSION OF CERTAIN MANUFACTURERS

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 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds Appendixes C and D to GOR 35 and makes corresponding changes in the body of the regulation.

Appendix C lists commodities whose manufacturers are precluded from using this regulation to pass on steel, aluminum, copper and pig-iron cost increases. This executes the intent of section 18 of the regulation which provides that manufacturers subject to tailored regulations which include the metals increase adjustment may be denied the privilege of applying GOR 35. Appendix D lists commodities made in whole or part from GOR 35 metals and indicates the amount of cost increase purchasers using these commodities as manufacturing materials may use in adjusting their ceiling prices. This appendix also is a substitute for the requirement that manufacturers of the listed commodities notify their purchasers of the amount of the increase for the metals.

When OPS, pursuant to an industry earnings survey, adjusts the level of ceiling prices for an industry, it will, in appropriate situations, include in its provision for increases in labor and materials, the metals listed in GOR 35. In such cases, the "pass-through" for the products containing the listed metals may be specifically identified so that a manufacturing user may, in turn, adjust his own ceiling prices. This will relieve members of the surveyed industry of the burden of individual calculation and report of the "pass-through" figure. Their customers need simply refer to the new Appendix D of GOR 35 to find this figure.

In establishing an adjustment for the crown closure industry, OPS has computed the increase in the cost of metals to be one-quarter of one cent per gross, as herewith listed in Appendix D. Consequently, crown closure manufacturers are precluded from using GOR 35. They are, at the same time, relieved of the responsibility of notifying their purchasers who will find in Appendix D the amount of increase in metals cost which they may use in adjusting their ceiling prices. However, this amendment does permit a purchaser who had been given individual notification by his supplier previous to the date listed in Appendix D to elect either to use the amount of increase provided in the Appendix or the amount of which he was so notified.

Changes in the body of the regulation implement the use of the appendixes. Sections 1 and 13 are amended to eliminate the notification requirements for manufacturers of commodities listed in Appendix D; section 5 is amended to exclude from the regulation manufacturers whose metal cost increase adjustments have been effected in separate tailored ceiling price regulations; section 6 provides how purchasers who are not notified by their suppliers may determine their cost increases.

Due to the nature of this amendment, special circumstances have made general consultation with industry representatives, including trade association representatives, impracticable. However, consultation with representatives of the crown closure industry were held prior to the issuance of the supplementary regulation which includes an adjustment for metals cost increases.

AMENDATORY PROVISIONS

General Overriding Regulation 35 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* This is an adjustment regulation. It permits manufacturers to adjust their ceiling prices in order to "pass through" increases in cost resulting from ceiling price increases for steel, pig-iron, copper and aluminum. Adjustments may be made by primary processors as well as by manufacturers at subsequent stages of processing.

Primary processors calculate their adjustments on the basis of the increases authorized for steel-mill products by Revision 1 of SR 100 to the GCPR, and by parallel action for steel producers under the voluntary agreement; for aluminum products by SR 113 to the GCPR; for pig-iron by SR 116 to the GCPR; for brass-mill products by Amendment 1 to CPR 68; and for copper-mill products by Amendment 1 to CPR 110. These ceiling prices increases are listed in Appendix A.

Subsequent processors calculate their adjustments on the basis of increases which their suppliers obtain and pass on to them under this regulation. Subsequent processors are to be notified of the increases made by their suppliers, except that manufacturers of commodities listed in Appendix D of this regulation need not notify their purchasers of such increases. Appendix D lists the specific amount which purchasers who use those commodities as manufacturing materials may employ in adjusting their ceiling prices.

The adjustment provisions of this regulation do not apply to distributors since increases in manufacturers' prices may be passed through under the provisions of the applicable distribution regulation. However, manufacturers may request their distributors to notify them of the increases taken on commodities covered by this regulation.

2. Section 5, paragraph (b) is amended by adding at the end thereof the following new subparagraph (4):

(4) *Manufacturers of commodities listed in Appendix C.* No adjustments may be made under this regulation by manufacturers of any commodity listed in Appendix C of this regulation. Adjustments for such manufacturers have been effected in separate regulations tailored to the needs of the manufacturers listed. A manufacturer who has adjusted his ceiling prices under this regulation prior to the issuance of a tailored regulation covering his commodities listed in Appendix C must recalculate his ceiling prices in accordance with the tailored regulation and may not use this GOR.

3. Section 6 is amended by redesignating paragraph (c) thereof as paragraph (d) and by inserting the following new paragraph (c):

(c) *Purchases from manufacturers who are not required to notify.* Appendix D lists the authorized cost increases for commodities manufactured from metals listed in Appendix A supplied by manufacturers who have been excused from notifying their purchasers of the amount of the increase in costs for those metals. If you purchase any of the commodities listed in Appendix D for use as a manufacturing material you may use the amount provided in the Appendix to calculate your ceiling price adjustments under this regulation. You may not put these adjustments into effect, however, until the effective date specified in the appendix for the manufacturing material you use, except that if prior to such effective date you have adjusted your ceiling prices pursuant to notice from your supplier of the amount of the increase passed through to you, you may continue to use such adjusted ceiling prices or you may recalculate your adjustments using the amounts indicated in Appendix D.

4. Section 13 is amended by adding at the end thereof the following new paragraph (c):

(c) *Exceptions.* If you are a manufacturer of commodities listed in Appendix D of this regulation you are excused from the foregoing provisions of this section 13.

5. Section 18 is amended by adding at the end thereof the following new unnumbered paragraph:

Appendix C of this regulation lists those commodities whose manufacturers have been given appropriate metals cost increase adjustments in separate regulations tailored to meet the needs of their industry. Manufacturers of these commodities may not employ the provisions of this regulation.

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

Effective date. This Amendment 1 to General Overriding Regulation 35 is effective November 25, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

APPENDIX C

Manufacturers of commodities listed in this appendix are those who may not employ the provisions of GOR 35. "Pass-through" adjustments for such manufacturers have been effected in the separate tailored regulations indicated.

Commodity	*Regulation*
Crown closures	SR 123 to the GCPR

APPENDIX D

This appendix lists the amount of increase in the cost of commodities manufactured from steel, aluminum, copper and pig-iron which may be used by manufacturing users in calculating their adjusted ceiling prices under this regulation. The permissible adjustment date is the earliest date on which such adjusted ceiling prices may be put into effect, except for the election provided in

section 6 (c) of GOR 35 (where the manufacturing user has already adjusted his ceiling price pursuant to prior notice of his individual factor from a supplier of the commodity).

Commodity	Amount of increase	Permissible adjustment date
Crown closures	$0.0025 per gross.	Nov. 25, 1952

[F. R. Doc. 52-12507; Filed, Nov. 20, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 5, Amdt. 2]

GSSR 5—Compensation of Sales Employees

ADJUSTMENTS IN COMMISSION EARNINGS AND COMMISSION RATES

STATEMENT OF CONSIDERATIONS

The Salary Stabilization Board has determined that an extension of the provisions of section 9 (a) of this regulation beyond 1952 will not have any unstabilizing effect. This amendment has, therefore, been adopted to extend the provisions of such section to the calendar year 1953.

AMENDATORY PROVISION

Section 9 (a) of General Salary Stabilization Regulation 5, as amended, is hereby amended to read:

Sec. 9. *Adjustments of commission earnings.* (a) Notwithstanding any other provision of this regulation, an employer may, during each of the calendar years 1952 and 1953, make adjustments in the compensation paid to employees compensated in whole or in part on a commission basis in an amount up to, but not exceeding fifteen (15) percent of the aggregate commission payments made to all such employees during the calendar year 1950. Proportionate adjustments may be made for increases and shall be made for decreases in the number of employees compensated in whole or in part on a commission basis.

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

Adopted by the Salary Stabilization Board, November 10, 1952.

Justin Miller,
Chairman.

Approved:
Roger L. Putnam,
Economic Stabilization Administrator.

[F. R. Doc. 52-12517; Filed, Nov. 20, 1952; 11:35 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-16, as Amended November 20, 1952]

M-16—Distribution of Copper Raw Materials

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries has been rendered impracticable because the order affects a large number of different trades and industries.

EXPLANATORY

NPA Order M-16, as amended June 19, 1952, and as further amended by Amendment 1 of August 5, 1952, is still further amended by adding a definition of "receipts"; by revising section 3, "Acceptance of delivery of copper raw materials," so as to limit the receipt of refined copper to the period for which an authorization has been issued; by providing for self-authorization for certain foundries; by setting forth the frequency with which each type of copper raw materials user shall apply for authorization to receive such materials; and by providing for the segregation of nickel-bearing copper-base alloy scrap.

This amended order embodies the substance of Amendment 1 of August 5, 1952. Direction 1 as amended October 1, 1952, is not affected by these amendments and remains in force.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Acceptance of delivery of copper raw materials.
4. Self-authorization for certain foundries.
5. Restrictions on disposal of scrap.
6. Restrictions on inventory accumulations.
7. Restrictions on toll agreements.
8. Authorizations and directives.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

Authority: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

Section 1. *What this order does.* The purpose of this order is to regulate the acceptance, delivery, and distribution of all copper raw materials (whether on toll agreements or otherwise) so as to provide an equitable distribution of such materials. It sets forth the classes of persons who may receive such materials without specific authorization from the National Production Authority and the types of copper raw materials such persons may so receive, and provides for application by all other persons to the National Production Authority for specific written authorization. It also limits toll agreements covering scrap and prohibits undue accumulation of scrap.

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

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Copper" means unalloyed copper, including electrolytic copper, fire-refined copper, and all unalloyed copper in any form.

(c) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It includes fired and demilitarized cartridge and artillery cases, and all copper-base alloy in any form. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

(d) "Scrap" means all copper or copper-base alloy materials or objects which are the waste or byproduct of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason.

(e) "Copper wire mill product" means uninsulated or insulated wire and cable, whatever the outer protective coverings may be, made from copper or copper-base alloy, and also copper-clad steel wire containing over 20 percent copper by weight, regardless of end use. All copper wire mill products should be measured in terms of pounds of copper content.

(f) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip, in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs after June 30, 1952).
Cups (except brass military ammunition cups after June 30, 1952).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(g) "Foundry product" means cast copper or copper-base alloy shapes and forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner or outer diameter, or both, before delivery to a customer. Castings include anodes cast in a foundry or by an ingot maker).

(h) "Powder mill products" means copper or copper-base alloy in the form of granular or flake powder.

(i) "Copper raw materials" as used in this order includes the following materials as defined below:

(1) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powder mill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products.

(2) "Domestic refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication from ores, concentrates, scrap, or other copper-bearing material which has been mined, processed, generated, or recovered within the United States or its possessions.

(3) "Blister copper"—High-grade crude copper in any form produced from converter operations and from which nearly all the oxidizable impurities have been removed by slagging and volatilization.

(4) "Brass mill scrap"—Uncontaminated scrap which is the waste or by-product of the production or industry fabrication of brass mill products or copper wire mill products. It includes uncontaminated fired and demilitarized cartridge and artillery cases.

(5) "Other copper-base alloy scrap"—Alloyed copper scrap other than brass mill scrap. It includes contaminated fired and demilitarized cartridge and artillery cases.

(6) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(7) "Fired and demilitarized cartridge and artillery cases"—Fired and demilitarized cartridge and artillery cases which have been manufactured from brass mill products and are not contaminated.

(8) "Brass mill casting"—A copper-base alloy casting, from which brass mill or intermediate shapes may be rolled, drawn, or extruded, without remelting.

(9) "Copper-base alloy ingot"—A copper-base alloy used in remelting, alloying, or deoxidizing operations.

(10) "Copper or copper-base alloy shot and waffle"—Shot or waffle produced from copper or copper-base alloy, and to be used in remelting, alloying, deoxidizing, or chemical operations.

(11) "Intermediate shape"—Any product which has been rolled, drawn, or extruded, from refined copper or brass mill castings, and which will be rerolled, redrawn, insulated, or further processed into finished brass mill or copper wire mill products by other producers of copper or copper-base alloy controlled materials.

(12) "Copper precipitates (or cement copper)"—Copper metal precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

(j) "Receive" or "accept delivery" means the acquisition of title to copper raw materials or the charging of such materials to a person's account (in accordance with that person's standard accounting practice), whichever first occurs; or, in the instance of transfer of materials between departments, plants, or mills of one company, the actual physical acquisition of copper raw materials by such department, plant, or mill, or the charging of such materials to its account (according to the company's standard accounting practice), whichever first occurs.

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

SEC. 3. *Acceptance of delivery of copper raw materials.* (a) No person, other than a railroad which receives copper raw materials by virtue of conversion from railroad engine bearings and car journal bearings in accordance with the last sentence of section 7(b) of this order, and other than the users specified in paragraph (e) of this section and section 4 of this order, may accept delivery of any copper raw materials even if such materials were processed for him pursuant to a toll, conversion, or other similar agreement in accordance with section 7 of this order unless the receipt of such copper raw materials has been specifically authorized in writing by NPA: *Provided, however,* That insofar as any person performs the function of a refiner or scrap dealer, as defined in item 1 or 2 of column (A) of the table which appears at the end of this section, he may accept delivery of the copper raw materials specified in the corresponding item of column (B) of the table without such specific written authorization.

(b) Any person listed in items 3 through 9 of the table which appears at the end of this section who desires to apply for written authorization to accept delivery of copper raw materials shall, except as provided in section 4 of this order, complete and file Form NPAF–83 in accordance with the instructions which accompany the form, on or before the dates set forth for such persons in column (C) of the table which appears at the end of this section. Authorization to receive copper raw materials will not be granted to any of the persons listed in items 10 through 12 of the table which appears at the end of this section.

(c) An authorization to accept delivery of copper raw materials may specify quantities of domestic refined copper or other refined copper which may be accepted, and may also specify the period during which the person to whom such an authorization has been issued may receive domestic refined copper or other refined copper. Without the specific written approval of NPA, no person who has been authorized to accept delivery of copper raw materials may accept delivery of a greater quantity of either domestic refined copper or other refined copper than he has been authorized to receive. An authorization to receive domestic refined copper or other refined copper is valid only during the period of time described in that authorization unless NPA has specifically authorized in writing the receipt of copper raw materials pursuant to an authorization which has expired.

(d) Any person who receives written authorization from NPA to accept delivery of copper raw materials shall furnish to his supplier a signed certification in substantially the following form:

> The undersigned certifies, subject to statutory penalties, that acceptance of delivery of the copper raw materials herein ordered is permitted pursuant to NPA Authorization No. ____.

This certification constitutes a representation by the purchaser to the seller, and to NPA, that delivery of the copper raw materials may be accepted by the purchaser pursuant to the indicated written authorization.

(e) Notwithstanding the provisions of paragraph (a) of this section, a person may, during each calendar quarter, receive copper raw materials without specific authorization of NPA, provided:

(1) That his total receipts of all copper raw materials from all sources during that calendar quarter are either not in excess of 300 pounds copper content, or if in excess of 300 pounds, then not in excess of his average quarterly receipts of copper raw materials during the period July 1, 1951, to June 30, 1952, or 1,500 pounds copper content, whichever is less.

(2) That he furnishes to the person who supplies the material a signed certification in substantially the following form:

> The undersigned hereby certifies; subject to statutory penalties, that receipt of the copper raw materials herein ordered in the calendar quarter requested will not bring his total receipts during that quarter above the quantity of such material which he may receive pursuant to section 3 (e) of NPA Order M–16.

This certification shall constitute a representation by the purchaser to the seller, and to NPA, that delivery of such copper raw materials may be accepted by the purchaser pursuant to this paragraph.

(f) Except with the written permission of NPA, (1) no refiner, scrap dealer, jobber dealer, ingot maker, or other person dealing in copper raw materials, may deliver any copper raw materials to a refiner or scrap dealer, except the type of copper raw materials that such refiners or scrap dealers are permitted to receive without authorization pursuant to paragraph (a) of this section; and (2) no person shall deliver copper raw materials to any person other than a refiner or scrap dealer without first having received from such person the certification set forth in paragraph (d) or paragraph (e) of this section.

(g) The provisions of this section apply not only to acceptance of delivery by a person from other persons, including affiliates and subsidiaries, but also to acceptance of delivery by a branch, division, or section of a single enterprise which produces copper raw materials or copper controlled materials from a branch, division, or section of the same or any other enterprise under common ownership or control which does not produce copper controlled materials.

(A)	(B)	(C)
(1) Refiner—Any person who produces refined copper. This includes any person who converts copper-clad or copper-base, or copper-base alloy-clad steel scrap into refined copper.	(1) Blistor copper, copper concentrates, other unalloyed copper scrap, and other copper-base alloy scrap for use in the production of refined copper, and refined copper for resale without change in form.	(1) For any purpose other than that set forth in column (B), file Form NPAF-83 before the tenth day of the month preceding the month for which authorization is sought.
(2) Scrap dealer—Any person regularly engaged in the business of buying and selling scrap, but who does not melt such scrap.	(2) Other unalloyed copper scrap;[1] other copper-base alloy scrap;[1] brass mill scrap;[1] contaminated fired and demilitarized cartridge and artillery cases.[1]	(2) Need not file.
(3) Jobber dealer—Any person who receives refined copper, copper-base alloy ingot, or copper or copper-base alloy shot, and sells or holds the same for sale without change in form.	(3) None.	(3) Form NPAF-83 to be filed before the tenth day of the month preceding the month for which authorization is sought.
(4) Exporter—Any person who exports copper raw materials.	(4) None.	(4) Same as in (3) above (also, export license number must be furnished).
(5) Brass mill—Any person who produces brass mill products, brass mill castings, or intermediate shapes.	(5) None.	(5) Same as in (3) above.
(6) Copper wire mill—Any person who produces copper wire mill products or intermediate shapes.	(6) None.	(6) Same as in (3) above.
(7) Brass and bronze foundry—Any person who produces foundry copper or copper-base alloy products.	(7) None.[2]	(7) (a) Foundries which require less than 10,000 pounds of copper raw materials per month (see section 4 of this order.) (b) Foundries which require 10,000 pounds or more but less than 100,000 pounds of copper raw materials per month shall file Form NPAF-83 for a quarterly authorization by the tenth day of the month preceding the calendar quarter for which authorization is sought. (c) Foundries which require 100,000 pounds or more of copper raw materials shall file Form NPAF-83 for a monthly authorization by the tenth day of the month preceding the month for which authorization is sought.
(8) Ingot maker—Any person who produces copper-base alloy ingot for delivery as such.	(8) None.[2]	(8) (a) Ingot makers who require less than 100,000 pounds of copper raw materials per month shall file Form NPAF-83 for a quarterly authorization by the tenth day of the month preceding the calendar quarter for which authorization is sought. (b) Ingot makers who require 100,000 pounds or more of copper raw materials per month shall file Form NPAF-83 for a quarterly authorization of all materials other than refined copper by the tenth day of the month preceding the calendar quarter for which authorization is sought. For monthly authorizations to receive refined copper, they shall file Form NPAF-83 by the tenth day of the month preceding the month for which the authorization is sought.
(9) Miscellaneous producer—Any person, not falling in one of the classes described above, who requires copper raw materials in his regular production operation. Examples: Chemical plants, iron foundries, aluminum foundries, electrotypers, producers of copper and copper-base alloy powder.	(9) None.	(9) (a) Miscellaneous producers who require less than 10,000 pounds of copper raw materials per month shall file Form NPAF-83 for a 6-month allocation before January 10 and July 10 of each year. (b) Miscellaneous producers who require 10,000 pounds or more but less than 100,000 pounds of copper raw materials per month shall file Form NPAF-83 for a quarterly authorization by the tenth day of the month preceding the calendar quarter for which authorization is sought. (c) Miscellaneous producers who require 100,000 pounds or more of copper raw materials shall file Form NPAF-83 for a monthly authorization before the tenth day of the month preceding the month for which authorization is sought.
(10) Scrap generator—Any person, other than a scrap dealer, who in his normal operations generates or accumulates scrap or copper-clad or copper-base alloy-clad steel scrap, but who is not in the business of producing copper raw materials, copper wire mill products, brass mill products, powder mill products, or foundry copper or copper-base alloy products.	(10) None.	(10) See section 3 (h).
(11) Agent—Any person who is engaged by a buyer or seller of copper raw materials to locate supplies or customers, and who works for his principal for a salary, commission, or fee.	(11) None.	(11) See section 3 (h).
(12) Broker—Any person not the agent of any one party who arranges a sale of copper raw materials and assists in negotiating contracts of sale between buyers and sellers of such material for a commission or fee.	(12) None.	(12) See section 3 (b).
(13) All other persons.	(13) None.	

See footnotes at end of table.

[1] See also section 6 (b) of this order.

[2] Foundries and ingot makers may exchange among themselves, and with each other, copper-base alloy ingot on an equivalent copper content basis without charging such receipts against their authorization.

SEC. 4. *Self-authorization for certain foundries.* (a) Commencing with the fourth calendar quarter of 1952, any person who requires less than 10,000 pounds of copper raw materials per month for the production of foundry products to fill authorized controlled material orders which he has accepted from his customers, is authorized to accept delivery of copper raw materials pursuant to this section without the necessity of filing Form NPAF-83 as required by section 3 of this order. Any such person may place orders for delivery in any calendar month of a quantity of copper raw materials not in excess of 10,000 pounds or the minimum quantity which he requires to fill all of the authorized controlled material orders which he has accepted from his customers for the production of foundry products during that month, whichever is less, and may accept delivery of such copper raw materials in the calendar month for which such delivery orders were placed: *Provided, however,* That he may not accept delivery of any

quantity of domestic refined copper pursuant to such orders in any month in excess of 1,500 pounds or the quantity of domestic refined copper which he received in the month of September 1952, whichever quantity is greater.

(b) Any person who, pursuant to section 3 of this order and prior to the effective date of this amended order, applied for and received written authorization from NPA to receive copper raw materials for the manufacture of foundry products for both the fourth calendar quarter of 1952 and the first calendar quarter of 1953, may, for any calendar month prior to April 1, 1953, elect to receive delivery of copper raw materials pursuant to that written authorization rather than pursuant to paragraph (a) of this section, but not pursuant to both authorizations.

(c) Orders placed pursuant to the authorization granted by this section shall be certified as provided in paragraph (d) of section 3 of this order, except that where such certification provides for setting forth an authorization number the words "section 4 of NPA Order M–16" shall be inserted.

SEC. 5. *Restrictions on disposal of scrap.* (a) No person other than establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots, or a person who is in the business of producing copper raw materials (such as refineries, ingot makers, copper wire mills, brass mills, or foundries), or a person who qualifies as a "Miscellaneous producer" as listed in Column A under section 3 of this order, shall melt or process any scrap or copper-base alloy-clad steel scrap generated in his plant through fabrication, or accumulated in his operations through obsolescence, except as specifically authorized in writing by NPA nor shall he dispose of such materials in any way other than by delivery to a person authorized by this order to accept delivery.

(b) No person shall dispose of any material, the delivery of which he accepted as scrap, other than as scrap, except with the specific authorization of NPA: *Provided, however,* That scrap dealers and brokers may sell in each month as usable material a quantity of material that was acquired as scrap and does not in the aggregate exceed 1,000 pounds (copper content).

(c) Nothing contained in this order shall prohibit any public utility from using "as is," in its own operation, copper wire or cable which has become scrap by obsolescence.

(d) Each person who in the process of manufacturing any product or material generates 5,000 pounds or more copper-base alloy scrap per month shall segregate from all such scrap any copper-base alloy scrap which contains 4 percent or more of nickel by weight. Copper-base alloy scrap which has been thus segregated shall be transferred or sold only in segregated form.

(e) Any scrap dealer who receives copper-base alloy scrap which contains 4 percent or more of nickel by weight and which has been segregated shall maintain such scrap as segregated scrap, and shall sell or transfer that scrap only in segregated form.

SEC. 6. *Restrictions on inventory accumulations.* (a) Unless specifically authorized by NPA, no person who generates scrap in his operations through fabrication, manufacture, or obsolescence shall keep on hand more than 30 days' accumulation of scrap or copper-clad or copper-base alloy-clad steel scrap unless such accumulation aggregates less than 2,000 pounds.

(b) No scrap dealer may accept delivery of any kind, grade, or type of scrap if his total inventory of scrap (including inventory not physically located in the dealer's yard or plant) is, or by such receipt would become, in excess of the weight of his total deliveries of scrap during the preceding 60-day period.

(c) The provisions of paragraph (a) of this section shall not apply to the establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots: *Provided, however,* That such establishments shall report to NPA by August 10, 1951, with respect to July, and by the tenth day of each month thereafter with respect to the preceding month, the quantity and type of scrap at each such location.

SEC. 7. *Restrictions on toll agreements.* (a) Commencing on December 18, 1950, and unless the person delivering or owning the scrap, or the person for whose benefit the conversion, remelting, or other processing of the scrap will be effected, has received the approval of NPA, no person shall deliver scrap, and no person shall accept such scrap, for converting, remelting, or other processing into electrolytic or fire-refined copper under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the scrap remains vested in the person delivering or owning the scrap, or pursuant to which unalloyed copper in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement as described in this paragraph.

(b) Commencing on July 15, 1951, and unless the person delivering or owning the refined copper or scrap, or the person for whose benefit the conversion, remelting, or other processing of the refined copper or scrap will be effected, has received the written approval of NPA, no person shall deliver refined copper or scrap, and no person shall accept same, for converting, remelting, or other processing into copper wire mill products, brass mill products, foundry products, copper-base alloy ingot, or other miscellaneous products under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the refined copper or scrap remains vested in the person delivering or owning the refined copper or scrap, or pursuant to which copper wire mill products, brass mill products, foundry products, copper-base alloy ingot, or other miscellaneous products in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the refined copper or scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement hereinabove described. Nothing contained in this paragraph shall prohibit railroads from converting or having converted for them, railroad engine castings and car journal bearings for their own use.

(c) Persons requesting such approval shall file with NPA a letter setting forth the names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the refined copper or scrap involved; the tonnage of the refined copper or scrap and the estimated tonnage of the electrolytic or fire-refined copper, copper wire mill products, brass mill products, foundry products, copper-base alloy ingot, or other miscellaneous products resulting; the estimated rate and dates of delivery of such copper or copper products; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such copper or copper products are to be used; and such other information as the applicant may wish to submit.

SEC. 8. *Authorizations and directives.* NPA may issue authorizations or directives from time to time with respect to the delivery, disposal, and conversion of copper raw materials. Such authorizations and directive shall be complied with by the recipients thereof.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the

originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

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

(c) Any person who uses or processes copper or copper-base alloy in his operations and who falls within the general classification set forth in Column A of the table at the end of this paragraph shall complete and return the Bureau of Mines form identified in the corresponding section of Column B of the table to the address specified on the form, in the number of copies specified on the form, on or before the twentieth day of July 1951 with respect to such use or processing during June 1951, and on or before the fifteenth day of each succeeding month with respect to such use or processing during the preceding month except that the form indicated under item 5 in the table at the end of this paragraph shall be filed on or before February 28, 1952, with respect to operations during the year 1951.

(A)	(B)
(1) Brass ingot makers and miscellaneous remelters	6–1115–M.
(2) Brass mills and copper wire mills	6–1115–MS.
(3) Primary smelters	6–1045–M.
(4) Primary refiners	6–1046–M.
(5) Brass mills,[1] copper wire mills,[1] miscellaneous users, and foundries	6–1115–AS.

[1] Except those required to file Form 6–1115–MS.

(d) Commencing December 17, 1951, any person other than a refiner, custom smelter, scrap dealer, or scrap generator, who deals in refined copper or who owns, melts, or otherwise uses in his operations, electrolytic or fire-refined copper, unalloyed copper in any form (including scrap), copper-base raw materials in any form (including ingot and scrap), or intermediate brass or copper wire mill shapes, shall complete and return Form NPAF–83 to the National Production Authority, Washington 25, D. C., Ref: M–16, in the number of copies specified on that form. Such reports shall be filed monthly in accordance with the reporting procedure specified on the form, except in those cases where the form indicates a quarterly report should be filed. The provisions of this paragraph do not apply to any person who owns less than 500 pounds of the forms of copper enumerated in this paragraph, or who melts or otherwise uses less than 500 pounds of such forms of copper per month.

(e) Commencing December 17, 1951, any person who produces copper or copper-base alloy controlled materials (brass mill products, copper wire mill products, foundry products, or powder mill products as defined in section 2 of this order), shall complete and return Form NPAF–84 to the National Production Authority, Washington 25, D. C., Ref: M–16, in the number of copies specified on that form. Such report shall be filed monthly in accordance with the reporting procedure specified on the form, except in those cases where the form indicates that a quarterly report should be filed.

(f) Any scrap dealer or broker whose aggregate end-of-month inventory or aggregate monthly purchases or aggregate monthly sales of scrap averaged 60,000 pounds or more (metal weight) during the first 6 months of 1952, shall complete and return Form NPAF–125 in triplicate not later than August 10, 1952, with regard to his operations during July 1952, and not later than the tenth day of each month thereafter with regard to his operations during each preceding month. All such forms shall be addressed to the Base Metals Branch, Bureau of Mines, Washington 25, D. C.

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

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–16.

SEC. 12. *Violations.* Any person who willfully violates any provision of this order, or any other order or regulation of NPA, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials, or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order as amended shall take effect November 20, 1952.

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

[F. R. Doc. 52–12516; Filed, Nov. 20, 1952; 11:19 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

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

MERCHANT SHIP ANCHORAGES

Pursuant to the authority vested in me by Rules 9 and 11 of Executive Order No. 4314 of September 25, 1925, establishing rules governing the navigation of the Panama Canal and adjacent waters, paragraph (c) of § 4.18 of Title 35 of the Code of Federal Regulations is hereby amended to read as follows:

§ 4.18 *Merchant ship anchorages.*
* * *

(c) *Pacific entrance.* An area bounded as follows: Beginning at a point in position 8°51'50'' N., 79°30'00'' W., marked by an anchorage, lighted, whistle buoy which is painted with alternating black and white horizontal bands and which shows an occulting white light every two seconds, i. e. light 1 second, eclipse 1 second; thence due east to longitude 79°28'00'' W.; thence due north to latitude 8°54'31'' N.; thence due west toward Flamenco Island Light to a point 8°54'31'' N., 79°30'46'' W.; thence southwestward touching the northwest corner of San Jose Rock to position 8°53'27'' N., 79°31'23'' W., marked by canal-entrance lighted buoy No. 2; thence southeastward to the point of beginning.

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318)

Issued at Balboa Heights, Canal Zone, November 10, 1952.

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

Confirmed: November 17, 1952.

W. M. WHITMAN,
Secretary, Panama Canal Company.

[F. R. Doc. 52–12417; Filed, Nov. 20, 1952; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 873]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE JEMEZ CANYON DAM AND RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the construction of the Jemez Canyon Dam and Reservoir Project, New Mexico, under the supervision of the Department of the Army, as authorized by section 203 of the act of June 30, 1948, 62 Stat. 1171, 1175:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 N., R. 3 E.,
Sec. 1, lots 1, 8, 9, and 10, S½NE¼, SE¼NW¼, and NE¼SW¼.

T. 13 N., R. 4 E.,
Sec. 5, lots 1, 2, 3, 4, NW¼NW¼, S½NW¼, SW¼, W½SE¼; lot 5, that part lying north of the east-west-quarter section line;
Sec. 6, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 8, lots 3, 4, and 5, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 17, lots 10 and 11; lot 12, that part lying east of the north-south-quarter section line.

T. 14 N., R. 4 E.,
Sec. 31, SW¼NE¼, NW¼NW¼, S½NW¼, and S½.

The areas described aggregate 2,240.14 acres.

This order shall take precedence over, but not otherwise affect (1) the order of June 12, 1941, of the Secretary of the Interior establishing New Mexico Grazing District No. 1, and (2) the order of July 24, 1944, of the Secretary of the Interior, Power Site Classification No. 363 so far as such orders affect any of the above-described lands.

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

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12418; Filed, Nov. 20, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

UINTAH INDIAN IRRIGATION PROJECT, UTAH

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297), and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 130.77 *Basic water charges* and § 130.77b *Charges for additional delivery points,* of Title 25, CFR, Chapter I, Subchapter L, Part 130, dealing with operation and maintenance assessments against the irrigable lands of the Uintah Indian Irrigation Project, Utah, by increasing the basic water charges from $1.75 per acre to $2.10 per acre per annum.

The revised sections will read as follows:

§ 130.77a *Basic water charges.* Pursuant to the provisions of the acts of June 21, 1906 (34 Stat. 375) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian Irrigation Project, Utah, are apportioned on a per acre basis against the irrigable lands of all units of the project and for the calendar year 1953 and each succeeding year until further order, there shall be collected for each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of $2.10 per acre per annum, where not otherwise established by contract. No bill shall be rendered for less than $4.00.

§ 130.77b *Charges for additional delivery points.* The charges provided in this part are on the basis of one delivery point for each tract of land in contiguous ownership. For each additional delivery point on any tract of land in contiguous ownership, now existing thereon or which may be installed in the future, a service charge of 10 cents per acre shall be assessed annually against each acre of such tract.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Ralph M. Gelvin, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within twenty (20) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] L. L. NELSON,
Acting Area Director.

[F. R. Doc. 52-12420; Filed, Nov. 20, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2709]

ASSISTANT DIRECTOR AND CHIEF COUNSEL

DESIGNATION OF ACTING DIRECTOR AND ACTING ASSISTANT DIRECTOR, NATIONAL PARK SERVICE

NOVEMBER 14, 1952.

SECTION 1. *Acting Director.* (a) In the event of the resignation or death of the Director of the National Park Service, an Assistant Director shall perform the duties of the Director and serve as Acting Director. If more than one Assistant Director is present, the Assistant Director whose existing appointment bears the earliest date shall serve as Acting Director. If no Assistant Director is present, the Chief Counsel shall serve as Acting Director.

(b) In the event of the absence of the Director, other than by resignation or death, he may designate in writing an official to perform his duties and serve as Acting Director. If for any reason no designation is made, the succession provisions of paragraph (a) shall apply.

(c) In the absence of the Director, the Acting Director shall perform the duties of the Director and serve as a member of the National Capital Planning Commission and the Zoning Commission of the District of Columbia.

(d) An official performing the duties of the Director and serving as Acting Director shall sign documents under the title "Acting Director."

SEC. 2. *Acting Assistant Director.* In the event of the absence of an Assistant Director, the Director shall designate an official to perform the duties of the Assistant Director and serve as Acting Assistant Director. The official serving in this capacity shall sign documents under the title "Acting Assistant Director."

SEC. 3. *Revocation.* This order revokes Order No. 2675, dated January 10, 1952.

(Sec. 2, Reorganization Plan No. 3 of 1950; 15 F. R. 3174)

VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52-12419; Filed, Nov. 20, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CARSON AND SANTA FE NATIONAL FORESTS, NEW MEXICO

DESIGNATION OF NORTH LOBATO AND EL PUEBLO TRACTS AS PARTS OF NATIONAL FORESTS

Pursuant to authority vested in the Secretary of Agriculture by Public Law 419, 82d Congress, 2d Session, approved June 28, 1952, and by section 11 of the act of March 1, 1911 (36 Stat. 961), the lands described in section 1, second paragraph, of said Public Law 419, which lands are known as the North Lobato tract, are hereby designated as part of the Carson National Forest; and the lands described in section 1, third paragraph, of said Public Law, which lands are known as El Pueblo tract, are hereby designated as part of the Santa Fe National Forest.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 17th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12427; Filed, Nov. 20, 1952; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HERTHA SCHWARZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Hertha Schwarz, nee Auerbach, Berlin (Western Zone), Germany; Claim No. 42488; $3.72 cash in the Treasury of the United States. All right, title, interest and claim

of any kind or character whatsoever of Hertha Schwartz, also known as Hertha Schwarz, in and to the estate of Ildefons Auerbach, deceased, and in and to the trust created under the will of Ildefons Auerbach, deceased.

Executed at Washington, D. C., on November 17, 1952.

For the Attorney General.

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

[F. R. Doc. 52-12453; Filed, Nov. 20, 1952; 8:47 a. m.]

LOUISE HASSENPFLUG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Louise Hassenpflug, Mittelweg 12/III, Frankfurt/Main, Germany; Claim No. 59818; $772.03 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1952.

For the Attorney General.

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

[F. R. Doc. 52-12454; Filed, Nov. 20, 1952; 8:47 a. m.]

GIUSEPPE ORLANDO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Giuseppe Orlando, Salvatore Orlando, Florence, Italy; Luigi Orlando, Maria Orlando ved. De Bono, Paolo Orlando, Marcella Orlando in Bruno, Milan, Italy; Elisabetta Orlando ved. De Orchi, Rome, Italy; Claim No. 40221; $134.26 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 25 shares, third preferred capital stock, par value $25 per share, Certificate No. 164, and 18 shares, common capital stock, par value $50 per share, Certificate No. 111, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; a one-seventh share each to Giuseppe Orlando, Salvatore Orlando, Luigi Orlando, Maria Orlando ved. De Bono, Paolo Orlando, Marcella Orlando in Bruno, and Elisabetta Orlando ved. De Orchi.

Executed at Washington, D. C., on November 17, 1952.

For the Attorney General.

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

[F. R. Doc. 52-12455; Filed, Nov. 20, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-265]

ACCIDENT OCCURRING AT GREENSBORO, N. C.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-65384 which occurred at Greensboro-High Point Airport, Greensboro, North Carolina, on October 20, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, November 25, 1952, at 9:00 a. m., e. s. t. in the Robert E. Lee Hotel, North Cherry and Fifth Street, Winston-Salem, North Carolina.

Dated at Washington, D. C., November 17, 1952.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 52-12457; Filed, Nov. 20, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on November 12, 1952.

REGION I

Montpelier Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Vermont area, filed 4:31 p. m.

Montpelier Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Vermont area, filed 4:31 p. m.

Montpelier Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Vermont area, filed 4:32 p. m.

Montpelier Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Vermont area, filed 4:32 p. m.

Portland Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, excluding all coastal islands, filed 4:33 p. m.

Portland Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, excluding all coastal islands, filed 4:33 p. m.

Portland Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, excluding all coastal islands, filed 4:33 p. m.

Portland Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, excluding all coastal islands, filed 4:32 p. m.

Hartford Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 4:33 p. m.

Hartford Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 4:34 p. m.

Hartford Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 4:34 p. m.

Hartford Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 4:34 p. m.

REGION II

Syracuse Order II-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Buffalo area, filed 4:35 p. m.

Syracuse Order II-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Buffalo area, filed 4:35 p. m.

Syracuse Order II-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Buffalo area, filed 4:35 p. m.

Syracuse Order II-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Buffalo area, filed 4:35 p. m.

Syracuse Order II-G1-1, Amendment 1, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:38 p. m.

Syracuse Order II-G2-1, Amendment 1, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:37 p. m.

Syracuse Order II-G2-1, Amendment 2, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:38 p. m.

Syracuse Order II-G3-1, Amendment 1, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:38 p. m.

Syracuse Order II-G4-1, Amendment 1, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:38 p. m.

REGION III

Wilmington Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 4:39 p. m.

Wilmington Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 4:39 p. m.

Wilmington Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 4:40 p. m.

Wilmington Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 4:40 p. m.

REGION VI

Cleveland Order 1-G1-2, Amendment 1, changes certain food items for retail sales in several counties in the northeastern Ohio area, filed 4:41 p. m.

Cleveland Order 1-G2-2, Amendment 1, changes certain food items for retail sales in several counties in the northeastern Ohio area, filed 4:41 p. m.

Cleveland Order 1-G3-2, Amendment 1, changes certain food items for retail sales in several counties in the northeastern Ohio area, filed 4:41 p. m.

Cleveland Order 1-G4-2, Amendment 1, changes certain food items for retail sales in several counties in the northeastern Ohio area, filed 4:41 p. m.

Detroit Order 1-G1-2, establishing retail prices for certain dry grocery items sold by retailers in southern Michigan, filed 4:42 p. m.

Detroit Order 1-G2-2, establishing retail prices for certain dry grocery items sold by retailers in southern Michigan, filed 4:42 p. m.

Detroit Order 1–G3–2, establishing retail prices for certain dry grocery items sold by retailers in southern Michigan, filed 4:42 p. m.

Detroit Order 1–G4–2, establishing retail prices for certain dry grocery items sold by retailers in southern Michigan, filed 4:42 p. m.

REGION VIII

Sioux Falls Order 1–G1–1, Amendment 3, changes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

Sioux Falls Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

Sioux Falls Order 1–G4–1, Amendment 3, changes certain food items for retail sales in the Sioux Falls area, filed 4:44 p. m.

Sioux Falls Order 1–G4A–1, Amendment 3, changes certain food items for retail sales in the Sioux Falls area, filed 4:44 p. m.

Sioux Falls Order II–G1–1, Amendment 2, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 4:42 p. m.

Sioux Falls Order II–G2–1, Amendment 2, changes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

Sioux Falls Order II–G3–1, Amendment 2, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

Sioux Falls Order II–G4–1, Amendment 2, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

REGION IX

Omaha Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the eastern and central Nebraska area, filed 4:44 p. m.

Omaha Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the eastern and central Nebraska area, filed 4:44 p. m.

Omaha Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the eastern and central Nebraska area, filed 4:44 p. m.

Omaha Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the eastern and central Nebraska area, filed 4:45 p. m.

REGION X

Dallas Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:45 p. m.

Dallas Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:45 p. m.

Dallas Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:45 p. m.

Dallas Order 1–G3–2, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 4:46 p. m.

Dallas Order 1–G3A–2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:45 p. m.

Dallas Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:46 p. m.

Dallas Order 1–G4–2, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 4:46 p. m.

Dallas Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:46 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–12447; Filed, Nov. 18, 1952; 11:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27546]

PIG IRON FROM ALABAMA TO NEW JERSEY

APPLICATION FOR RELIEF

NOVEMBER 18, 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 schedule listed below.

Commodities involved: Pig iron, carloads.

From: Birmingham, Ala., and points grouped therewith, Alabama City, Attalla, and Gadsden, Ala.

To: Burlington, Florence, and Fish House, N. J.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1136, Supp. 49.

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

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12429; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27547]

CASTOR BEANS BETWEEN POINTS IN MIDWEST, SOUTH, AND SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor beans, in bulk, carloads.

Between: Points in Arkansas, Louisiana (west of the Mississippi River), Oklahoma, Texas, Missouri, and New Mexico.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4039.

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

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12430; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27548]

AMMUNITION BOXES FROM ALABAMA, ARKANSAS, AND MISSISSIPPI TO JOLIET ARSENAL, ILL.

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth-section order No. 16101.

Commodities involved: Ammunition and shell shipping boxes, wooden, carloads.

From: Anniston, Berry, and Tuscaloosa, Ala., Helena, Ark., Columbus, Crystal Springs, and D'Lo, Miss.

To: Joliet Arsenal (Areas 1 and 2), Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

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

upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12431; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27549]

CHLORINATED PHENOL PETROLEUM SOLUTION FROM ST. LOUIS, MO., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Chlorinated phenol petroleum solution (wood preservative liquid), carloads.

From: St. Louis, Mo.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

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

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12432; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27550]

VARIOUS COMMODITIES BETWEEN POINTS IN OFFICIAL TERRITORY AND TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

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

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

Between points in official territory, and from points in official territory to points in southern territory.

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

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

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12433; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27551]

GRAIN FROM POINTS IN KANSAS AND MISSOURI TO PORT ARTHUR, TEX.

APPLICATION FOR RELIEF

NOVEMBER 18, 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: The St. Louis-San Francisco Railway Company for itself and on behalf of the Kansas City Southern Railway Company, Louisiana and Arkansas Railway Company, and St. Louis, San Francisco and Texas Railway Company.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Kansas and Missouri.

To: Port Arthur, Tex., for export.

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

Schedules filed containing proposed rates: StL-SF Ry. tariff I. C. C. No. A-375, Supp. 12.

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

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12434; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27552]

PAPER FROM SOUTHWEST TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Points in southwestern territory.

To: Points in western trunk-line territory.

Grounds for relief: Rail and market competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4038. F. C. Kratzmeir, Agent, I. C. C. No. 4027, Supp. 3.

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

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12435; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27553]

PAPER FROM SOUTHWEST TO MISSOURI, ILLINOIS, AND TENNESSEE

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Points in the Southwest.

To: St. Louis, Mo., East St. Louis, Cairo, and Thebes, Ill., and Memphis, Tenn.

Grounds for relief: Rail and market competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4027, Supp. 3.

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

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12436; Filed, Nov. 20, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP. ET AL.

MEMORANDUM OPINION AND ORDER APPROVING PLAN OF LIQUIDATION

NOVEMBER 17, 1952.

On September 18, 1951, the Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), issued its findings and opinion and order approving a plan of liquidation of Federal Water and Gas Corporation ("Federal"), a registered holding company. Said order reserved jurisdiction to entertain such further proceedings and to make such supplemental findings and orders and to take such further action as the Commission might deem appropriate in connection with the enforcement of section 11 (b) of the act and in connection with the plan, the transactions incident thereto, and the consummation thereof.

Upon application of the Commission the plan was approved by the United States District Court for the District of Delaware by order entered on October 16, 1951, and ordered enforced. The enforcement order of the United States District Court also reserved to the Court jurisdiction to entertain such further proceedings, to make such further findings, to enter such supplemental orders, and to take such further action as it might deem appropriate in connection with the claims asserted against Federal, or in connection with the plan, the transactions incident thereto, and the consummation thereof.

At the time of filing said plan and at the time said orders approving the plan were entered, the principal liability of Federal was with respect to a claim by the United States for unpaid income taxes for the year 1947. In determining the amount of the cash reserve which should be set aside to meet all claims, Federal estimated that there might be due for income taxes for the year 1947, $361,190.75, against which there had been paid at the filing of the return the sum of $93,153.77, leaving $268,036.98 as the maximum claim which, it was estimated, could be asserted against Federal for unpaid income taxes for the year 1947, with interest. At that time, however, Federal took the position that its income taxes due the United States for the year 1947, including interest to December 15, 1951, amounted to $122,785.31, which amount has been paid.

Subsequent to Court enforcement of said plan the Commissioner of Internal Revenue has taken the position that the income taxes due the United States by Federal for the year 1947, including interest to September 15, 1952, amounts to $1,319,703.60 in addition to the amount already paid.

Federal has submitted to the Commissioner of Internal Revenue a proposal to settle its income tax liability for the year 1947 by paying an additional amount of $145,251.67 plus interest, which, computed to September 15, 1952, will amount to $66,844.65.

Federal has now filed an application with the Commission requesting that the Commission determine pursuant to section 11 (e) of the act that the proposed settlement of Federal's income tax liability for the year 1947 is fair and equitable to the parties affected by the settlement and that the Commission apply to the United States District Court for the District of Delaware pursuant to section 11 (e) of the act for an order approving and enforcing said settlement.

Federal's plan provided for the payment of all its liabilities which included, upon its determination, the income tax liability now proposed to be settled. Since upon satisfaction of its liabilities all its remaining assets were to be distributed to the holders of Federal's common stock, its only outstanding security, we found the plan fair, approved it and authorized the payment by Federal of its debts. The proposed settlement of this tax liability in no way affects that finding of fairness, and insofar as our jurisdiction may extend to the instant proposal by Federal to settle and pay its income taxes no further authorization by us is required.[1] If Federal deems it desirable to obtain authorization from the enforcement Court, a request therefor should be addressed to that Court. To the extent that the instant matter is within our reservation of jurisdiction, such jurisdiction is hereby released with respect to the proposed settlement and payment of income taxes.

It is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12363; Filed, Nov. 20, 1952; 8:48 a. m.]

[1] Consideration of the merits of the proposed settlement rests with the Commissioner of Internal Revenue and is not within our special competence.