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Washington, Thursday, December 11, 1952

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10417A

EXCUSING FEDERAL EMPLOYEES FROM DUTY ON FRIDAY, DECEMBER 26, 1952

By virtue of the authority vested in me as President of the United States, it is hereby ordered that the several executive departments, independent establishments, and other governmental agencies in the metropolitan area of the District of Columbia, including the General Accounting Office, the Government Printing Office, and the Navy Yard and Naval Stations, shall be closed all day on Friday, December 26, 1952, the day following Christmas Day; and all employees in the Federal service in the metropolitan area of the District of Columbia, and in the field service of the executive departments, independent establishments, and other agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty on that day.

HARRY S. TRUMAN

THE WHITE HOUSE,
*December 6, 1952.*

[F. R. Doc. 52-13097; Filed, Dec. 9, 1952; 12:55 p. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

**Subchapter E—Account Servicing**

[Administration Letter 292 (462)]

PART 371—SECURITY SERVICING AND LIQUIDATION: OPERATING LOANS

SUBPART A—GENERAL SECURITY SERVICING

LIEN WAIVERS IN CONNECTION WITH COMMODITY CREDIT CORPORATION LOANS ON COTTON

Section 371.8, Title 6, Code of Federal Regulations (13 F. R. 9451), is amended:

NOTICE

*The National Archives Building will be officially closed on Monday, December 15, 1952, between 8:45 a. m. and 2:00 p. m. Notice is hereby given that no documents will be filed with the Federal Register Division, or made available for public inspection, during those hours.*

1. To revise subparagraph (a) (4) to include authority for executing lien waivers in connection with Commodity Credit Corporation loans on cotton when the requirements of the present subparagraph (a) (4) of said section cannot be met.

2. To add a new subparagraph (b) (2) to set forth additional procedures and routines for handling certain lien waivers in connection with Commodity Credit Corporation loan on cotton.

Subparagraph (a) (4) of § 371.8 is revised, and paragraph (b) (2) is added to read as follows:

§ 371.8 *Waivers of liens (other than liens on real estate) for borrowers receiving loans under Commodity Credit Corporation Program.* * * *

(a) *Authority.* * * *

(4) When the amount of the commodity loan is less than the market value of the crop pledged, the borrower has paid or will pay from the Commodity Credit Corporation loan the amount due on debts owed the Farmers Home Administration for the crop year (including any delinquencies); except that in connection with Commodity Credit Corporation loans on cotton, when the loan value of the cotton is not sufficient to pay the amount due on debts owed the Farmers Home Administration for the crop year and is less than the market value of the cotton, the lien waivers may nevertheless be executed, provided the conditions and requirements of subparagraph (b) (2) of this section also are met.

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FEDERAL REGISTER

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(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (i), 60 Stat. 1066; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (i))

(b) *Routines for handling lien waivers.* * * *

(2) When the loan value of the cotton is not sufficient to pay the amount due on debts owed the Farmers Home Administration for the crop year and is less than the market value of the cotton, the following additional conditions and requirements must be met:

(i) The borrower must show his address on CCC Cotton Form A as the mailing address of the Farmers Home Administration County Office responsible for servicing his account.

(ii) The borrower must agree on Form FHA–936, "Borrower's Agreement," for the Farmers Home Administration County Supervisor to receive and open all correspondence mailed to him by the Commodity Credit Corporation or its custodian at the mailing address of the Farmers Home Administration County Office, and that such mailing address will not be changed except with the consent of and under conditions established by the Farmers Home Administration; that before the Commodity Credit Corporation loan is received, he will instruct the lending agent and custodian of the Commodity Credit Corporation that if he should ever redeem the cotton, the warehouse receipts are to be delivered to the Farmers Home Administration County Office Supervisor; that before the Commodity Credit Corporation loan is received, he will notify the Production and Marketing Administration County Office that if any CCC Cotton Form AA is ever executed by him as producer in connection with a proposed transfer of his equity in the cotton, such form is to be delivered to the Farmers Home Administration County Supervisor; that he will not redeem the cotton or sell, transfer, or assign his equity therein except with the consent of and under conditions established by the Farmers Home Administration; and, that if he does not redeem the cotton or transfer his equity therein and the cotton is subsequently sold, purchased, or pooled by the Commodity Credit Corporation, he will apply on his Farmers Home Administration account secured by the cotton his share of the sales proceeds or so much thereof as is necessary to pay such account.

(iii) The borrower must execute Form FHA–935, "Request for Delivery of Warehouse Receipts or CCC Cotton Form AA to FHA." The original will be stapled to CCC Cotton Form A and an executed copy will be stapled to the Production and Marketing Administration County Office copy thereof. One copy will be retained in the Farmers Home Administration County Office and another copy will be furnished to the borrower.

(iv) The Farmers Home Administration County Supervisor will receive and open mail sent to the borrower at the County Office address and will inform the borrower of the contents of any mail requiring his attention.

(v) If the borrower expresses a desire to redeem the cotton, the County Supervisor will agree for this to be done provided there is an agreement between the borrower, the County Supervisor, and the custodian that the warehouse receipts will be delivered to the Farmers Home Administration upon repayment of the Commodity Credit Corporation loan. It is the responsibility of the County Supervisor to make arrangements to obtain possession of the warehouse receipts, after receiving notice from the custodian that such receipts are available. After the warehouse receipts are received, the County Supervisor will agree for the cotton to be sold upon the condition that the sales check will be made payable jointly to the borrower and the Farmers Home Administration. All agreements in connection with this paragraph may be oral.

(vi) If the borrower expresses a desire to transfer his equity in the cotton, the Production and Marketing Administration County Office will deliver to the County Supervisor CCC Cotton Form AA which will be executed by the borrower at that time. The County Supervisor will make arrangements for accepting delivery of the CCC Cotton Form AA and will release the executed CCC Cotton Form AA to the transferree (purchaser) in exchange for a check made payable jointly to the borrower and the Farmers Home Administration covering the borrower's equity in the cotton, provided the purchase price is equal to the current fair market value of the borrower's interest in the cotton or the amount owed the Farmers Home Administration which was secured by the cotton. In such case, the check will be for the amount of the proceeds of the sale of the cotton less the amount necessary for the purchaser to redeem the cotton from the Commodity Credit Corporation loan.

(vii) All checks received by the Farmers Home Administration pursuant to the procedure set forth in subdivision (vi) of this subparagraph will be handled in the same manner as other remittances in accordance with the applicable provisions of Part 362 of this chapter and subject to the release authorities contained in this subpart.

(viii) If the borrower repays in full his indebtedness to the Farmers Home Administration and still has an equity in the cotton pledged to the Commodity Credit Corporation, the County Supervisor will deliver to the borrower all items mailed to him at the address of the County Office and will notify the Production and Marketing Administration County Office for the county in which the cotton was produced to change the borrower's address.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (i), 60 Stat. 1066; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (i))

DECEMBER 3, 1952.

[SEAL] DILLARD B. LASSE
*Administrator,*
*Farmers Home Administration.*

Approved: December 8, 1952.

CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 52–13059; Filed, Dec. 10, 1952; 8:50 a. m.]

# TITLE 7—AGRICULTURE

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

### PART 725—BURLEY AND FLUE-CURED TOBACCO

EDITORIAL NOTE: In F. R. Doc. 52–12016, appearing at page 10134 of the issue for Saturday, November 8, 1952, §§ 725.403 and 725.404 are redesignated §§ 725.405 and 725.406. Sections 725.403 and 725.404 appearing at 17 F. R. 7613, 7614 remain in effect.

# TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Bureau of Animal Industry, Department of Agriculture

[B. A. I. Order 373, Amdt. 7]

### PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS [REVISED]

DESIGNATION OF COUNTRIES WHERE RINDERPEST OR FOOT-AND-MOUTH DISEASE EXISTS; IMPORTATIONS PROHIBITED; ISLAND OF MARTINIQUE

Pursuant to the authority vested in the Secretary of Agriculture by section 306 of the Tariff Act of 1930 (sec. 306, 46 Stat. 689, 19 U. S. C. 1306) and by section 2 of the act of February 2, 1903, as amended (sec. 2, 32 Stat. 792, as amended, 21 U. S. C. 111), § 94.1 of the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease (avian pneumoencephalitis) (9 CFR, 1951 Supp. 94.1), is hereby amended by inserting the words "Island of Mar-

tinique;" before the words "all of the countries of South America" in the first sentence thereof.

The above action is taken because the Secretary of Agriculture has determined that foot-and-mouth disease now exists on the Island of Martinique and so notified the Secretary of the Treasury. The primary effect of the amendment is to prohibit the importation of cattle, sheep, other domestic ruminants and swine, and fresh, chilled, or frozen beef, veal, mutton, lamb, or pork, from the Island of Martinique, and to prohibit or restrict the importation of meat and meat products of wild ruminants and swine, and certain other meats and products.

The protection of the livestock interests of the United States demands that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found, under the said section 4, for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

This amendment shall become effective immediately.

(Sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 111)

Done at Washington, D. C., this 8th day of December 1952.

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

[F. R. Doc. 52-13058; Filed, Dec. 10, 1952; 8:50 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 22]

### PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act, would be impracticable. Part 610 is amended as follows:

1. Section 610.14 *Green civil airway No. 4* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Kansas City, Mo. (LFR). | Liberty, Mo. (LF/RBN). | 2,200 |

2. Section 610.297 *Red civil airway No. 97* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Sault Ste Marie, Mich. (LFR).[1] | Lakehead, Ont., Can. (LFR).[1] | 2,800 |

[1] For that airspace over United States territory.

3. Section 610.6005 *VOR civil airway No. 5* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Nasbville, Tenn. (VOR): | Bowling Green, Ky. (VOR): | |
| Direct | Direct | 2,100 |
| E. alter | E. alter | 2,300 |

4. Section 610.6008 *VOR civil airway No. 8* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Kremmling, Colo. (VOR), Dir. or N. alter. | Denver, Colo. (VOR),[1] Dir. or N. alter. | 16,000 |

[1] 14,000'—Minimum crossing altitude at Denver (VOR), west-bound.

5. Section 610.6009 *VOR civil airway No. 9* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| McComb, Miss. (VOR), Dir. or W. alter. | Jackson, Miss. (VOR), Dir. or W. alter. | 1,800 |

6. Section 610.6015 *VOR civil airway No. 15* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Galveston, Tex. (VOR) | Houston, Tex. (VOR) | 1,300 |
| Houston, Tex. (VOR) | College Station, Tex. (VOR). | 1,600 |

7. Section 610.6021 *VOR civil airway No. 21* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Las Vegas, Nev. (VOR), Via E alter. | Mormon Mesa, Nev. (VOR), Via E alter. | 7,000 |

8. Section 610.6027 *VOR civil airway No. 27* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Paso Robles, Calif. (VOR), Via E alter. | Int. 335° true rad. Paso Robles, Calif. (VOR), and 134° true rad. Salinas, Calif. (VOR). | 5,000 |

9. Section 610.6068 *VOR civil airway No. 68* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Brownsville, Tex. (VOR). | Int. 338° true rad. Brownsville, Tex. (VOR), and 238° true rad. Corpus Christi, Tex. (VOR). | 6,000 |
| Int. 338° true rad. Brownsville, Tex. (VOR), and 238° true rad. Corpus Christi, Tex. (VOR). | Corpus Cbristi, Tex. (VOR): | |
| | East-bound | 2,000 |
| | West-bound | 6,000 |

10. Section 610.6070 *VOR civil airway No. 70* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Palacios, Tex. (VOR) | Int. direct crs. Palacios-Galveston, Tex. (VOR), and 178° true rad. Houston, Tex. (VOR). | 2,000 |
| Int. direct crs. Palacios-Galveston, Tex. (VOR), and 178° true rad. Houston, Tex. (VOR). | Galveston, Tex. (VOR). | 1,500 |
| Galveston, Tex. (VOR). | Int. direct crs. Galveston, Tex. (VOR), and Lake Charles, La. (VOR), and 103° true rad. Houston, Tex. (VOR). | 1,500 |
| Int. direct crs. Galveston, Tex. (VOR), and Lake Cbarles, La. (VOR), and 103° true rad. Houston, Tex. (VOR). | Int. direct crs. Galveston, Tex. (VOR), and Lake Cbarles, La. (VOR), and 173° true rad. Beaumont, Tex. (VOR). | 4,500 |
| Int. direct crs. Galveston, Tex. (VOR), and Lake Cbarles, La. (VOR), and 173° true rad. Beaumont, Tex. (VOR). | Lake Cbarles, La. (VOR). | 2,000 |

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

These rules shall become effective December 16, 1952.

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

[F. R. Doc. 52-13067; Filed, Dec. 10, 1952; 8:52 a. m.]

# TITLE 26—INTERNAL REVENUE

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

### Subchapter A—Income and Excess Profits Taxes

[T. D. 5950; Regs. 111, 130]

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

### PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

CHANGES IN CORPORATION INCOME TAX AND EXCESS PROFITS TAX RATES

*Correction*

In F. R. Doc. 52-12933, appearing at page 11091 of the issue for Saturday, December 6, 1952, the bracket heading should read as set forth above.

[T. D. 5954, Regs. 111, 130]

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

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

TAXATION OF MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, AND COOPERATIVE BANKS FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

On July 1, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5909) conforming Regulations 111 (26 CFR Part 29) to sections 313 and 346 of the Revenue Act of 1951, approved October 20, 1951, and conforming Regulations 130 (26 CFR Part 40) to section 313 of the Revenue Act of 1951. After consideration of all such relevant matter as was presented by interested persons relating to the rules proposed, the amendments to Regulations 111 and 130, set forth below, are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.101 (2)–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Mutual savings banks.* Section 101 (2) (relating to exemption from tax of mutual savings banks) is hereby repealed.

* * * * *

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

PAR. 2. Section 29.101 (2)–1 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.101 (2)–1 *Mutual savings banks; taxable years beginning prior to January 1, 1952.* * * *

(B) By inserting immediately preceding the first sentence thereof the following new sentence: "The provisions of this section shall be applicable only to taxable years beginning prior to January 1, 1952. For taxable years beginning after December 31, 1951, see § 29.101 (2)–2."

PAR. 3. There is inserted immediately preceding § 29.101 (3)–1 the following new section:

§ 29.101 (2)–2 *Mutual savings banks; taxable years beginning after December 31, 1951.* (a) For taxable years beginning after December 31, 1951, a mutual savings bank not having capital stock represented by shares is subject to both normal tax and surtax as in the case of other corporations. Such a bank is, however, not subject to excess profits tax. For special rules governing the taxation of a mutual savings bank conducting a life insurance business, see section 110 and the regulations prescribed thereunder.

(b) While the general principles for determining the net income of a corporation are applicable to a mutual savings bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such a bank. See § 29.23 (k)–5 for special rules concerning additions to reserves for bad debts. See also § 29.23 (r)–1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, depositors as dividends. Furthermore, in determining the normal tax net income of such a mutual savings bank, the credit for dividends received provided in section 26 (b) shall not be applicable to dividends which were deductible in computing the net income of the distributing corporation under section 23 (r).

(c) The taxable year (fiscal year or calendar year, as the case may be) of a mutual savings bank not having capital stock represented by shares shall be determined without regard to the fact that the taxpayer may have been exempt from tax during any prior period. See sections 41 and 48 and the regulations thereunder. Similarly, in computing net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42, and 43, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1951. For the purpose of determining the method of accounting of the mutual savings bank under section 41, a method of accounting recognized under section 41 and under the regulations prescribed thereunder, and utilized in the return of such a bank filed for the first taxable year beginning after December 31, 1951, shall be deemed to constitute the method of accounting regularly employed by the mutual savings bank. The method selected shall be subject to the approval of the Commissioner upon the examination of the return. Any change in the method so selected and so approved may be made only if permission is obtained from the Commissioner under § 29.41–2 to change to another recognized method. For the purpose of computing, under section 122, the net operating loss deduction provided in section 23 (s), the terms "preceding taxable year" and "preceding taxable years", as used in section 122, shall not include any taxable year for which the mutual savings bank was exempt from tax. Thus, if the mutual savings bank was exempt from tax for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed from a taxable year beginning prior to January 1, 1952.

PAR. 4. There is inserted immediately preceding § 29.101 (4)–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Building and loan associations and cooperative banks.* Section 101 (4) (relating to exemption from tax of building and loan associations and cooperative banks) is hereby amended to read as follows:

(4) Credit unions without capital stock organized and operated for mutual purposes and without profit; and corporations or associations without capital stock organized prior to September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of, shares or deposits in—

(A) Domestic building and loan associations,

(B) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(C) Mutual savings banks not having capital stock represented by shares;.

* * * * *

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

PAR. 5. Section 29.101 (4)–1 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.101 (4)–1 *Building and loan associations and cooperative banks; taxable years beginning prior to January 1, 1952.* * * *

(B) By inserting immediately preceding the first sentence of paragraph (a) thereof the following: "The provisions of this section shall be applicable only to taxable years beginning prior to January 1, 1952. For taxable years beginning after December 31, 1951, see § 29.101 (4)–2."

PAR. 6. There are inserted immediately preceding § 29.101 (5)–1 the following new sections:

§ 29.101 (4)–2 *Building and loan associations and cooperative banks; taxable years beginning after December 31, 1951.* (a) For taxable years beginning after December 31, 1951, a building and loan association and a cooperative bank not having capital stock represented by shares are subject to both normal tax and surtax as in the case of other corporations. Such institutions are, however, not subject to excess profits tax.

(b) While the general principles for determining the net income of a corporation are applicable to a building and loan association and a cooperative bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such institutions. See § 29.23 (k)–5 for special rules concerning additions to reserves for bad debts. See also § 29.23 (r)–1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, holders of withdrawable accounts as dividends. Furthermore, in determining the normal tax net income of a building and loan association and a cooperative bank, the credit for dividends received provided in section 26 (b) shall not be applicable to dividends which were deductible in computing the net income of the distributing corporations under section 23 (r).

(c) The taxable year (fiscal year or calendar year, as the case may be) of a building and loan association and a cooperative bank not having capital stock represented by shares shall be determined without regard to the fact that the taxpayer may have been exempt from tax during any prior period. See sections 41 and 48 and the regulations

thereunder. Similarly, in computing net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42, and 43, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1951. For the purpose of determining the method of accounting of the building and loan association or cooperative bank under section 41, a method of accounting recognized under section 41 and under the regulations prescribed thereunder and utilized in the return of such institution filed for the first taxable year beginning after December 31, 1951, shall be deemed to constitute the method of accounting regularly employed by the institution. The method selected shall be subject to the approval of the Commissioner upon the examination of the return. Any change of the method so selected and so approved may be made only if permission is obtained from the Commissioner to change to another recognized basis in accordance with § 29.41–2. For the purpose of computing, under section 122, the net operating loss deduction provided in section 23 (s), the terms "preceding taxable year" and "preceding taxable years", as used in section 122, shall not include any taxable year for which the building and loan association and cooperative bank were exempt from tax. Thus, if the building and loan association and cooperative bank were exempt from tax for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed from a taxable year beginning prior to January 1, 1952.

§ 29.101 (4)–3 *Credit unions and mutual insurance funds.* Credit unions (other than Federal credit unions which are exempt under section 101 (15)) without capital stock organized and operated for mutual purposes and without profit are exempt from tax under section 101 (4). Corporations or associations without capital stock organized prior to September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for and insurance of shares or deposits in:

(a) Domestic building and loan associations as defined in section 3797 (a) (19),

(b) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(c) Mutual savings banks not having capital stock represented by shares,

are exempt from tax under section 101 (4).

PAR. 7. There is inserted immediately preceding § 29.23 (k)–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(e) *Bad debt reserves.* Section 23 (k) (1) (relating to deduction from gross income of bad debts) is hereby amended by adding at the end thereof the following: "In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, the reasonable addition to a reserve for bad debts shall be determined with due regard to the amount of the taxpayer's surplus or bad debt reserves existing at the close of December 31, 1951. In the case of a taxpayer described in the preceding sentence, the reasonable addition to a reserve for bad debts for any taxable year shall in no case be less than the amount determined by the taxpayer as the reasonable addition for such year; except that the amount determined by the taxpayer under this sentence shall not be greater than the lesser of (A) the amount of its net income for the taxable year, computed without regard to this subsection, or (B) the amount by which 12 per centum of the total deposits or withdrawable accounts of its depositors at the close of such year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year."

* * * * *

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

PAR. 8. Section 29.23 (k)–5 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.23 (k)–5 *Reserve for bad debts—*(a) *Taxpayers other than mutual savings banks, building and loan associations and cooperative banks.* * * *

(B) By redesignating paragraphs (a) and (b) as subparagraphs (1) and (2) of paragraph (a).

(C) By inserting at the end thereof the following new paragraph:

(b) *Mutual savings banks, building and loan associations, and cooperative banks—*(1) *In general.* For taxable years beginning after December 31, 1951, a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may, as an alternative to a deduction from gross income for specific debts which become worthless in whole or in part deduct amounts credited to a reserve for bad debts in the manner and under the circumstances prescribed in this section. In the case of such an institution the selection of either of the alternative methods for treating bad debts may be made by the taxpayer in the return for its first taxable year beginning after December 31, 1951. The method selected shall be subject to the approval of the Commissioner upon examination of the return. Any change in the method so selected and approved may be made only if permission is granted as provided in § 29.23 (k)–1 (a).

(2) *Definitions.* When used in this paragraph:

(i) The term "institution" means either a mutual savings bank not having capital stock represented by shares, a domestic building and loan association as defined in section 3797 (a) (19), or a cooperative bank without capital stock organized and operated for mutual purposes and without profit.

(ii) "Surplus, undivided profits, and reserves" means the amount by which the total assets of an institution exceed the amount of the total liabilities of such an institution. For this purpose the term "total assets" means the sum of money, plus the aggregate of the adjusted basis of the property other than money held by an institution. Such adjusted basis for any asset is its adjusted basis for determining gain upon sale or exchange for Federal income tax purposes. (See, in general, section 113 and the regulations prescribed thereunder. For special rules with respect to adjustments to basis for prior taxable years during which the institution was exempt from tax, see § 29.113 (b) (1)–4.) The determination of the total assets of any taxpayer shall conform to the method of accounting employed by such taxpayer in determining net income and to the rules applicable in determining its earnings and profits. The term "total liabilities" means all liabilities of the taxpayer, which are fixed and determined, absolute and not contingent, and includes those items which constitute liabilities in the sense of debts or obligations. The total deposits or withdrawable accounts, as defined in subdivision (iv) of this subparagraph, shall be considered a liability. In the case of a building and loan association having permanent nonwithdrawable capital stock represented by shares, the paid-in amount of such stock shall also be considered a liability. Reserves for contingencies and other reserves, however, which are mere appropriations of surplus are not liabilities.

(iii) The term "surplus or bad debt reserves existing at the close of December 31, 1951" means the amount of surplus, undivided profits, and reserves accumulated by the institution prior to January 1, 1952, and in existence at the close of December 31, 1951.

(iv) The term "total deposits or withdrawable accounts" means the aggregate of (*a*) amounts placed with an institution for deposit or investment and (*b*) earnings outstanding on the books of account of the institution at the close of the taxable year which have been credited as dividends upon such accounts prior to the close of the taxable year, except that in the case of a building and loan association, such term does not include permanent nonwithdrawable capital stock represented by shares, or earnings credited thereon.

(3) *Institutions with surplus, reserves, and undivided profits in an amount less than 12 percent of total deposits or withdrawable accounts.* Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year, there is allowable as a deduction from gross income as an addition to a reserve for bad debts any amount determined by the taxpayer not exceeding the lesser of:

(i) The amount of the net income of such institution for the taxable year

computed without regard to section 23 (k) (1) or,

(ii) The amount by which 12 percent of the total deposits or withdrawable accounts at the close of the taxable year exceeds the sum of the institution's surplus, undivided profits, and reserves at the beginning of the taxable year.

Bad debt losses sustained during the taxable year shall be charged against the bad debt reserve. Recoveries of debts charged against the bad debt reserve during a prior taxable year in which the institution was subject to tax under this chapter shall be credited to the bad debt reserve. The establishment of such reserve and all adjustments made thereto must be reflected on the regular books of account of the institution at the close of the taxable year, or as soon as practicable thereafter. For the purpose of this paragraph minimum amounts credited in compliance with Federal or State statutes, regulations, or supervisory orders, to reserve or similar accounts, or additional amounts credited to such reserve or similar accounts and permissive under such statutes, regulations, or orders, against which charges may be made for the purpose of absorbing losses sustained by an institution will be deemed to have been credited to the bad debt reserve authorized under this paragraph.

*Example (1).* On January 1, 1952, and on December 31, 1952, Institution A, which keeps its books on the basis of the calendar year, has total deposits or withdrawable accounts of $10,000,000, all of which amount is insured by an agency of the Federal government. The surplus, reserves, and undivided profits of Institution A at the opening of business on January 1, 1952, total $800,000. A regulation of a Federal agency requires that at the close of the taxable year an amount equal to 0.3 percent of the value of the insured accounts at the beginning of the year be credited by Institution A to a Federal insurance reserve for the sole purpose of absorbing losses. A statute of the State having jurisdiction over Institution A requires that not less than 5 percent of the net profits of Institution A, computed before provisions for dividends, be credited at the close of the year to a "reserve fund" for the purpose of absorbing losses. The credit to such reserve fund of additional amounts in excess of 5 percent of net profits is permissive under such statute, provided that the total amounts credited do not exceed 25 percent of net profits. It is assumed for the purpose of determining the amount to be credited to the State reserve fund that "not less than 5 percent of the net profits" of Institution A, computed under State law before provisions for dividends for the taxable year 1952 amounts to $17,500.

Prior to the taxable year Institution A did not maintain a reserve for bad debts. During 1952 Institution A sustained bad debt losses of $5,000. The net income of Institution A for the taxable year 1952, computed under chapter 1 after taking into account all applicable deductions (including the deduction for dividends provided in section 23 (r) (1)) except the deduction provided in section 23 (k) (1) is $200,000.

The books of account of Institution A show credits for the taxable year 1952 to the following reserves:

| | |
|---|---|
| Federal insurance reserve | $30,000 |
| State reserve fund | 25,000 |
| Bad debt reserve | 45,000 |
| Miscellaneous reserves | 15,000 |

There is allowable as a deduction under section 23 (k) (1) $100,000 ($45,000 credited to the bad debt reserve, $30,000 credited to the Federal insurance reserve, and $25,000 representing a permissive amount less than 25 percent of net profits under the State statute, credited to the State reserve fund).

Assuming that Federal income taxes for 1952 amount to $46,500 on the net income of $100,000, the amount credited to the surplus account for 1952 will be $38,500, that is, $53,500 ($100,000 minus $46,500) less the $15,000 credited to miscellaneous reserves for which no bad debt deduction is allowable. Consequently, the surplus, undivided profits, and reserves of Institution A, amounting to $800,000 at the close of December 31, 1951, as increased by amounts credited to these accounts for 1952 will total $948,500 at the close of December 31, 1952, computed as follows:

| | |
|---|---|
| Surplus, reserves, and undivided profits at close of Dec. 31, 1951 | $800,000 |
| Amount credited to miscellaneous reserve accounts for 1952 | 15,000 |
| Amount credited to State reserve fund for 1952 | 25,000 |
| Amount credited to Federal insurance reserve for 1952 | 30,000 |
| Amount credited to surplus for 1952 | 38,500 |
| Bad debt reserve at close of Dec. 31, 1951 | 0 |
| Amount credited to reserve for bad debts for 1952 | 45,000 |
| Less: Bad debt losses sustained during 1952 | 5,000 |
| Bad debt reserve at close of Dec. 31, 1952 | 40,000 |
| Surplus, undivided profits and reserves existing at close of Dec. 31, 1952 | 948,500 |

*Example (2).* The net income of Institution B for the taxable year 1952, computed under chapter 1 after all deductions including the deduction for dividends, but before the deduction provided in section 23 (k) (1), is determined to be $250,000. Such $250,000 is credited by Institution B to the bad debt reserve as provided in section 23 (k) (1) and § 29.23 (k)-5 (b) (3). The amount by which 12 percent of the total deposits or withdrawable accounts of Instiution B at the close of the taxable year exceeds the sum of such Institution's surplus, undivided profits and reserves at the beginning of the taxable year is $500,000.

During 1954, upon examination of the return of income filed by Institution B for 1952, it is determined that the net income of such institution, properly computed, without regard to section 23 (k) (1) is $275,000. Assuming that Institution B credits the additional $25,000 to its bad debt reserve, there is allowable as a deduction from gross income for such Institution for the taxable year 1952, $275,000.

(4) *Institutions with surplus, reserves, and undivided profits equal to or in excess of 12 percent of deposits or withdrawable accounts.* Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year is equal to or less than the sum of such institution's surplus, undivided profits and reserves at the beginning of the taxable year, there may be allowable as a deduction from gross income a reasonable addition to the reserve for bad debts determined under the general provisions of paragraph (a) of this section. In making such determination there will be taken into account (i) surplus, or bad debt reserves existing at the close of December 31, 1951, and (ii) changes in the surplus, undivided profits, and reserves of the institution from December 31, 1951, until the beginning of the taxable year. Deductions for additions to the reserve for bad debts, in addition to the deductions allowed, if any, under subparagraph (3) of this paragraph will be authorized in those cases where the institution proves to the satisfaction of the Commissioner that the bad debt experience of the institution warrants the maintenance of a bad debt reserve in excess of that provided in subparagraph (3) of this paragraph.

PAR. 9. There is inserted immediately after § 29.113 (b) (1)-3 the following new section:

§ 29.113 (b) (1)-4 *Adjusted basis: Mutual savings banks, building and loan associations, and cooperative banks.* (a) The adjustments to the cost or other basis of property provided in section 113 (b) and § 29.113 (b) (1)-1 to § 29.113 (b) (1)-3, inclusive, are applicable in the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, although such institutions were exempt from tax for taxable years beginning prior to January 1, 1952. Proper adjustment must be made under section 113 (b) for the entire period since the acquisition of property. Thus, adjustment to basis must be made for depreciation allowable for all prior taxable years although such institution may have been exempt from tax during such period. Similarly, in the case of tax exempt and partially taxable bonds purchased at a premium and subject to amortization under section 125, proper adjustment to basis must be made to reflect amortization with respect to such premium from the date of acquisition of the bond.

*Example.* On January 1, 1952, Z, a mutual savings bank, which keeps its books on a calendar year basis, owns a tax-exempt $1,000 noncallable bond maturing on January 1, 1962. Such bond was acquired by Z on January 1, 1932, for $1,300. It was sold by Z on December 31, 1952, for $1,250. The yearly rate of amortization of the premium, determined by dividing the total premium of $300 by the life of the bond (30 years) is $10. Z realizes a gain of $60 from such sale computed as follows:

| | |
|---|---|
| (1) Cost of bond | $1,300 |
| (2) Amount of bond premium attributable to years 1942 through 1951, during which Z was exempt from tax ($10 times 10 years) | 100 |
| (3) Amount of bond premium amortized from Jan. 1, 1952, through Dec. 31, 1952 ($10 times 1 year) | 10 |
| (4) Total amount of adjustments to basis (aggregate of (2) and (3)) | 110 |
| (5) Adjusted basis of bond at close of 1952 ((1) reduced by (4)) | 1,190 |
| (6) Gain realized upon sale. Excess of sale price over adjusted basis ($1,250 minus $1,190) | 60 |

The basis of a fully taxable bond purchased at a premium shall be adjusted from the date of the election to amortize

such premium in accordance with the provisions of section 125, except that no adjustment shall be allowable for such portion of the premium, attributable to the period prior to the election.

(b) In the case of a mortgage purchased, acquired, or originated at a premium, where the principal of such mortgage is payable in installments, adjustments to the basis of the premium must be made for all taxable years (whether or not the institution was exempt from tax during such years) in which installment payments are received. Such adjustments may be made on an individual mortgage basis or on a composite basis by reference to the average period of payments of the mortgage loans of such institution. For the purpose of this adjustment, the term "premium" includes the excess of the acquisition value of the mortgage over its maturity value. The acquisition value of the mortgage is the cost including buying commissions, attorneys' fees or brokerage fees, but such value does not include amounts paid for accrued interest.

PAR. 10. There is inserted immediately after § 29.23 (q)–1 as amended by Treasury Decision 5924, approved August 4, 1952, the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(f) *Dividends paid to depositors.* Section 23 (r) (relating to the deduction from gross income of certain dividends paid by banking corporations) is hereby amended to read as follows:

(r) *Dividends paid by banking corporations.* (1) In the case of mutual savings banks, cooperative banks, and domestic building and loan associations, amounts paid to, or credited to the accounts of, depositors or holders of accounts as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw.

(2) For deduction of dividends paid by certain other banking corporations, see section 121.

* * * * *

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

§ 29.23 (r)–1 *Dividends paid by mutual savings banks, building and loan associations, and cooperative banks.*—(a) *In general.* (1) A mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may deduct from gross income amounts which during the taxable year are paid to or credited to the accounts of depositors or holders of accounts, as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw.

(2) The deduction provided in section 23 (r) (1) is applicable to the taxable year in which amounts credited as dividends become withdrawable by the depositor or holder of account subject only to customary notice of intention to withdraw. Thus, amounts credited as dividends as of the last day of the taxable year which are not withdrawable by depositors or holders of accounts until the business day next succeeding are deductible under this section in the year subsequent to the taxable year in which they were credited. A deduction under this section will not be denied by reason of the fact that amounts credited as dividends, otherwise deductible under this section, are subject to the terms of a pledge agreement between the institution and the depositor or holder of account. In the case of a building and loan association having nonwithdrawable capital stock represented by shares, no deduction is allowable under this section for amounts paid or credited as dividends on such shares.

(b) *Serial associations, bonus plans, etc.* In the case of a building and loan association which operates in whole or in part as a serial association, which maintains a bonus plan, or which issues shares subject to fines, penalties, forfeitures, or other withdrawal fees, there is deductible under section 23 (r) (1) the total amount credited as dividends upon such shares, credited to a bonus account for such shares, or allocated to a series of shares for the taxable year, notwithstanding that as a customary condition of withdrawal—

(1) Amounts invested in, and earnings credited to, series shares must be withdrawn in multiples of even shares, or

(2) Such association has the right, pursuant to by-law, contract, or otherwise, to retain or recover a portion of the total amount invested in, or credited as earnings upon, such shares, such bonus account or series of shares, as a fine, penalty, forfeiture or other withdrawal fee.

In any taxable year in which the right referred to in subparagraph (2) of this paragraph is exercised, there is includible in the gross income of such association for such taxable year, amounts retained or recovered by the association pursuant to the exercises of such right.

§ 29.23 (r)–2 *Dividends paid by certain banking corporations other than mutual savings banks, building and loan associations, and cooperative banks.* For deduction of dividends paid by certain banking corporations other than mutual savings banks, building and loan associations, and cooperative banks, see section 121.

PAR. 11. There is inserted immediately after § 29.23 (bb)–1, as added by Treasury Decision 5873, approved December 7, 1951, the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(g) *Deduction for repayment of certain loans.* Section 23 (relating to deductions from gross income) is hereby amended by adding at the end thereof the following:

(dd) *Repayment by mutual savings banks, etc., of certain loans.* In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid by the taxpayer during the taxable year in repayment of loans made prior to September 1, 1951, by (1) the United States or any agency or instrumentality thereof which is wholly owned by the United States, or (2) any mutual fund established under the authority of the laws of any State.

* * * * *

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

§ 29.23 (dd)–1 *Repayment of certain loans by mutual savings banks, building and loan associations, and cooperative banks.* For taxable years beginning after December 31, 1951, there shall be deductible under section 23 (dd) from the gross income of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid by such institutions during the taxable year in repayment of loans made prior to September 1, 1951, by the United States or any agency or instrumentality thereof which is wholly owned by the United States, and amounts paid to a mutual fund established under the authority of the laws of any State. For example, amounts paid by such institution in repayment of loans made by the Reconstruction Finance Corporation prior to September 1, 1951, are deductible under this section. Section 23 (dd) is not applicable, however, in the case of amounts paid to an agency or instrumentality not wholly owned by the United States.

PAR. 12. There is inserted immediately preceding § 29.104–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(h) *Definition of bank.* Section 104 (a) (relating to definition of bank) is hereby amended by inserting at the end thereof the following: "Such term also means a domestic building and loan association."

* * * * *

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

PAR. 13. There is inserted immediately preceding § 29.3797–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(i) *Definition of domestic building and loan association.* Section 3797 (a) (relating to definitions for the purpose of the Internal Revenue Code) is hereby amended by adding at the end thereof the following new paragraph:

(19) *Domestic building and loan association.* The term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, and a Federal savings and loan associations, substantially all the business of

which is confined to making loans to members.

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

PAR. 14. There is inserted immediately preceding § 29.111–1 the following:

SEC. 346. LIFE INSURANCE DEPARTMENTS OF MUTUAL SAVINGS BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Computation of tax.* Supplement A of chapter 1 is hereby amended by adding at the end thereof the following new section:

SEC. 110. MUTUAL SAVINGS BANKS CONDUCTING LIFE INSURANCE BUSINESS.

(a) *Alternative tax.* In the case of a mutual savings bank not having capital stock represented by shares, authorized under State law to engage in the business of issuing life insurance contracts, and which conducts a life insurance business in a separate department the accounts of which are maintained separately from the other accounts of the mutual savings bank, there shall be levied, collected, and paid, in lieu of the taxes imposed by sections 13 and 15, or section 117 (c) (1), a tax consisting of the sum of the partial taxes determined under paragraphs (1) and (2):

(1) A partial tax computed upon the net income determined without regard to any items of gross income or deductions properly allocable to the business of the life insurance department, at the rates and in the manner as if this section has not been enacted; and

(2) A partial tax computed upon the net income (as defined in section 201 (c) (7)) of the life insurance department determined without regard to any items of gross income or deductions not properly allocable to such department, at the rates and in the manner provided in Supplement G with respect to life insurance companies.

(b) *Limitations of section.* The provisions of subsection (a) shall be applicable only if the life insurance department would, if it were treated as a separate corporation, qualify as a life insurance company under section 201 (b).

* * * * *

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

§ 29.110–1 *Mutual savings bank conducting life insurance business*—(a) *Scope of application.* Section 110 is applicable in the case of a mutual savings bank not having capital stock represented by shares which conducts a life insurance business, if:

(1) The conduct of such business is authorized under State law.

(2) The life insurance business is carried on in a separate department of the bank,

(3) The books of account of the life insurance business are maintained separately from other departments of the bank, and

(4) The life insurance department of the bank, were it separately incorporated, would qualify as a life insurance company under section 201 (b).

(b) *Computation of tax.* In the case of a mutual savings bank conducting a life insurance business to which section 110 is applicable, the tax upon such bank consists of the sum of the following:

(1) A partial tax computed under sections 13 and 15 upon the net income of the bank determined without regard to any items of income or deduction properly allocable to the life insurance department.

(2) A partial tax upon the net income of the life insurance department determined without regard to any items of income or deduction not properly allocable to such department at the rates and in the manner provided in Supplement G with respect to life insurance companies.

PAR. 15. There is inserted immediately preceding § 29.13–1, the following:

SEC. 346. LIFE INSURANCE DEPARTMENTS OF MUTUAL SAVINGS BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.* Section 13 (relating to normal tax on corporations) is hereby amended by adding at the end thereof the following new subsection:

(f) *Mutual savings banks conducting life insurance business.* For special tax, in lieu of the taxes imposed by this section see section 15, in the case of a mutual savings bank conducting a life insurance business, see section 110.

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

PAR. 16. Section 29.22 (b) (4)–2 (a) is hereby amended as follows:

(A) By inserting immediately following the second sentence thereof which sentence begins with "Section 7 of the Federal Reserve Act" the following: "Section 13 of the Federal Home Loan Bank Act (47 Stat. 725, 12 U. S. C. 1946 ed., 1433) provides that the Federal Home Loan Bank including its franchise, its capital, reserves, and surplus, its advances, and its income shall be exempt from all taxation except taxes upon real estate."

(B) By inserting in the fourth sentence thereof, after "Federal land banks, national farm-loan associations" the following: "Federal home loan banks,".

PAR. 17. There is inserted immediately preceding § 40.454–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(c) *Exemptions from excess profits tax.* Section 454 (corporations exempt from the excess profits tax) is hereby amended by adding at the end thereof the following:

(h) Any mutual savings bank not having capital stock represented by shares, any domestic building and loan association (as defined in section 3797 (a) (19)), and any cooperative bank without capital stock organized and operated for mutual purposes and without profit.

* * * * *

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

PAR. 18. Section 40.454–1 is amended by striking from the first sentence of paragraph (e) thereof the words "or (g)" and by inserting in lieu thereof the words "(g), or (h)."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

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

Approved: December 8, 1952.

THOMAS J. LYNCH,
*Acting Secretary of the Treasury.*

[F. R. Doc. 52–13069; Filed, Dec. 10, 1952; 8:53 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter XVIII—United States Court of Military Appeals

### PART 1800—RULES OF PRACTICE AND PROCEDURE

#### ORAL ARGUMENT

Section 1800.44 of the revised Rules of Practice and Procedure of the United States Court of Military Appeals prescribed pursuant to authority contained in Article 67 of the Uniform Code of Military Justice, act of May 5, 1950 (64 Stat. 129), and appearing at 17 F. R. 2046, is amended as follows:

§ 1800.44 *Oral argument.* Oral argument will be heard after briefs have been filed in accordance with §§ 1800.39, 1800.40, or 1800.41.

(a) *Presentation.* The appellant shall be entitled to open and close the argument; in the event both parties desire a review of a decision of a board of review, the accused shall be entitled to open and close.

(b) *Number of counsel.* Not more than two counsel for each side shall be heard in oral argument unless the Court otherwise orders.

(c) *Time.* Not more than thirty minutes on each side shall be allowed for oral argument unless the time is extended by leave of Court.

(d) *Failure of counsel to appear.* If counsel fail to appear at the time set for oral argument the Court may consider the case as having been submitted without argument or, in its discretion, continue the case until a later date.

(e) *Failure of counsel for one party to appear.* If counsel for one party fails to appear the Court may hear oral argument from the counsel appearing or, in its discretion, continue the case until a later date.

(f) *Waiver of oral argument.* A case may be submitted on briefs without oral argument with permission of the Court.

(Art. 67, 64 Stat. 129; 50 U. S. C. 654)

This amendment shall be effective December 1, 1952.

ROBERT E. QUINN,
*Chief Judge.*
GEORGE W. LATIMER,
*Judge.*
PAUL W. BROSMAN,
*Judge.*

[F. R. Doc. 52–13103; Filed, Dec. 10, 1952; 8:55 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 2, Revision 1, Amdt. 4]

### GOR 2—Sales to United States, Its Agents and Suppliers

COMMODITIES DESTINED FOR EXPORTATION BY THE UNITED STATES GOVERNMENT AND SALES TO THE BUREAU OF MINES, UNITED STATES DEPARTMENT OF THE INTERIOR OF HELIUM-BEARING NATURAL GAS

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

STATEMENT OF CONSIDERATIONS

This Amendment 4 to General Overriding Regulation 2, Revision 1, (GOR 2, Rev. 1) authorizes persons selling commodities destined for exportation by the United States Government to be reimbursed for special packaging, marking, and handling charges incurred by them as a result of export requirements. This Amendment also exempts from ceiling price regulation sales to the Bureau of Mines, United States Department of the Interior, of helium-bearing natural gas and the right to extract helium from such gas.

Until now, persons selling commodities destined for exportation by the United States or one of its agencies have not generally been allowed to add to their ceiling price special packaging, marking, and handling expenses incurred by them in order to meet export requirements, although regulations covering certain commodities do permit it. Since these expenses often are substantial, and in some cases constitute more than half of the total cost, this amendment permits any seller to add to his ceiling price certain exportation expenses incurred by him in connection with such sales.

The Bureau of Mines is the sole producer of helium in the United States, pursuant to the Act of September 1, 1937 (50 Stat. 885; 50 U. S. C. 161–166). At its plants, helium is extracted from helium-bearing natural gas obtained by the Bureau of Mines under long term contracts with natural gas producing companies.

Demands for helium are increasing and it is necessary for the Bureau of Mines to obtain additional supplies of helium-bearing natural gas, in some cases at higher prices. Some of it must come from new sources whose normal operations are not subject to ceiling price regulation.

Contracts for the extraction of helium from natural gas are not contracts for the purchase and sale of natural gas. The conditions are quite different from those in ordinary gas sales transactions. Consequently, the prevailing market price for natural gas is not always a fair criterion for the determination of the price to be paid for these rights. Of the cost of helium to the ultimate consumer, less than five percent is for the helium-bearing gas. No foreseeable change in the prices paid by the Bureau of Mines under these contracts could have any significant effect on the price of helium. On the other hand, the continuance of ceiling price regulation over these contracts would tend to impede the Bureau of Mines in its efforts to obtain additional supplies of helium-bearing gas and would involve an administrative burden disproportionate to its contribution to the Stabilization program.

In the formulation of this amendment there has been consultation with the Bureau of Mines and other Government agencies and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Article I of General Overriding Regulation 2, Revision 1, entitled "Exemptions" is amended by adding at the end thereof the following new section:

SEC. 10. *Helium and helium-bearing gas sold to the Bureau of Mines.* No price regulation shall apply to the sale of helium-bearing natural gas to the Bureau of Mines, United States Department of the Interior or the right to extract helium from such gas.

2. Article IV of General Overriding Regulation 2, Revision 1, entitled "Alternative Ceiling Prices," as amended, is amended by adding at the end thereof the following new section:

SEC. 44. *Commodities destined for exportation by the United States Government.* Notwithstanding the provisions of any other price regulation, you may add to your domestic ceiling price the costs of exportation incurred by you on sales of any commodity destined for exportation by the United States or any agency thereof. (The terms "exportation" and "costs of exportation" are defined in section 74.)

3. Section 74 of General Overriding Regulation 2, Revision 1, entitled "Definitions" is amended in the following respects: a. The letters of the alphabet (i. e., (a), (b), (c), etc.), which precede the various definitions are hereby deleted. b. The following definitions are inserted in alphabetical order:

"Costs of exportation" means the following costs (other than sales commissions) actually incurred in or in connection with the sale of a commodity destined for exportation, over and above those incurred and included in the applicable domestic ceiling price if the commodity were sold for domestic consumption:

(a) Export packaging and marking, (b) local drayage, including waiting time at the dock, loading and unloading, tollage, switching, dumping and trimming, lighterage and wharfage, (c) inland freight, (d) and other similar charges which you are required to pay by the Government procurement agency.

"Exportation" means the delivery or shipment of a commodity from the United States or a Territory or Possession of the United States.

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

*Effective date.* This Amendment 4 shall become effective December 10, 1952.

JOSEPH H. FREEHILL,
*Acting Director of Price Stabilization*

DECEMBER 10, 1952.

[F. R. Doc. 52–13120; Filed, Dec. 10, 1952; 11:10 a. m.]

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## Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–82, Direction 1—Revocation]

### M–82 — Distribution of Brass Mill Products to Distributors

DIR. 1—PLACEMENT OF ORDERS BY DISTRIBUTORS FOR ADDITIONAL BRASS MILL PRODUCTS PRIOR TO OCTOBER 1, 1952

Direction 1 (17 F. R. 7693) to NPA Order M–82 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to M–82, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

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

This revocation is issued December 10, 1952.

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

[F. R. Doc. 52–13139; Filed, Dec. 10, 1952; 11:33 a. m.]

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[NPA Order M–89, Direction 1—Revocation]

### M–89—Distribution of Controlled Materials to Retailers

DIR. 1—FLOOD-DAMAGED AREA RELIEF

REVOCATION

Direction 1 (17 F. R. 4238) to NPA Order M–89, as amended, is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to NPA Order M–89, as amended, nor deprive any person of any rights received or accrued under that direction prior to the effective date of this revocation.

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

This revocation shall take effect December 10, 1952.

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

[F. R. Doc. 52–13138; Filed, Dec. 10, 1952; 11:33 a. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (a) of § 1.11, entitled *Firearms, etc.*, is amended to read as follows:

(a) Explosives, traps, seines, nets (except landing nets following the capture of fish by the authorized rod and hook-and-line), and loaded or assembled firearms, including air pistols and rifles and blow guns using $CO_2$ gas cartridges, bows and arrows or cross bows, and other implements designed to discharge missiles capable of destroying animal life, are prohibited within the parks and monuments, except upon the written permission of the superintendent, or his authorized representative, unless they are adequately sealed, cased, broken down, or otherwise packed in such a way as to prevent their use while in the areas: *Provided, however,* That visitors entering the parks and monuments, or traveling through them to places beyond, shall, at entrance, report all such objects in their possession and, if required to do so in the interest of special park protective measures, surrender them to the first park or monument officer whom they encounter. Such objects as may be surrendered will be returned to the owners upon their departure from the area. The park or monument officers are not authorized to accept the responsibility or custody of any other property for the convenience of visitors.

2. Paragraph (e) of § 1.14, entitled *Mountain summit climbing,* is amended to read as follows:

(e) No individual will be permitted to start or continue alone for the summit of Mount McKinley, Mount Rainier, or any major peak in Grand Teton National Park, or Devils Tower, or beyond the toe of the talus slope in Mount Rushmore National Memorial.

3. Paragraph (f) of § 1.48, entitled *Lights,* is amended to read as follows:

(f) The use of red lighting devices of any character on the front of any vehicles, except highway patrol cars, ambulances, fire trucks, and snow plows, is prohibited.

4. Subparagraph (7), entitled *Fort Jefferson National Monument, Florida,* of paragraph (a), § 1.61 *Aircraft,* is redesignated as subparagraph (6).

(39 Stat. 535; 16 U. S. C. 3)

Issued this 5th day of December 1952.

VERNON D. NORTHROP,
*Under Secretary of the Interior.*

[F. R. Doc. 52–13050; Filed, Dec. 10, 1952; 8:48 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF LABOR

### Office of the Secretary

### [ 41 CFR Part 202 ]

MINIMUM WAGE DETERMINATIONS

DETERMINATION OF PREVAILING MINIMUM WAGE FOR TEXTILE INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. 35), as amended by the Defense Production Act Amendments of 1952 (sec. 310, P. L. 429, 82d Cong.), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," and known as the Walsh-Healey Public Contracts Act.

The Secretary of Labor, in a minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act and made effective November 16, 1948 (13 F. R. 6083), determined the minimum wage for persons employed in the textile industry in the performance of contracts with agencies of the United States Government subject to the act to be not less than 87 cents per hour. This determination also authorized employment of learners in specified occupations at rates not less than 80 cents an hour for a learning period not longer than 240 hours. This determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F. R. 4634).

The Textile Workers Union of America, CIO, submitted a petition dated January 23, 1952, for determination of a minimum wage of $1.135 an hour in the textile industry with a wage escalator provision of one cent quarterly adjustment for each 1.32 rise in the Consumer's Price Index (Old Series) beginning with February 15, 1951, and urged retention of the currently effective definition of the industry.

The United Textile Workers Union, AFL, submitted a petition, dated March 4, 1952, for determination of a minimum wage of $1.13 an hour with an escalator clause and the other so-called fringe benefits of vacations with pay and holiday and shift premiums as provided in its collective bargaining agreements.

Representations in these petitions with respect to current wage rates provided in collective bargaining agreements and other wage data reported from time to time by textile manufacturing establishments and associations indicated that the 87-cent rate now in effect may not reflect the prevailing minimum wages in the textile industry. This proceeding was, therefore, initiated for the purpose of consideration of an amendment to the current determination which will reflect the minimum wages now prevailing.

An informal panel conference was held on March 4, 1952, at which representatives of the Department of Labor met with representatives of management and labor in the textile industry and discussed various matters concerning the textile industry, including questions of definition of the industry and the obtaining of adequate wage information.

*General.* Notice of a hearing in this matter to be held on September 4, 1952, was published in the FEDERAL REGISTER on July 26, 1952 (17 F. R. 6871). Copies of the notice and a press release announcing the hearing were mailed to trade associations, unions, and to individual companies in the industry. In addition, the press release was distributed to newspapers and trade publications.

This notice and release advised interested persons of the time and place at which they could appear and offer testimony: (1) As to what are the prevailing minimum wages in the textile industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners, beginners, and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the propriety of the present definition of the industry as set out in the notice of hearing. The notice stated that "The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness; (1) the number of workers covered in the presentation; (2) the number and location of establishments; (3) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these employees are found; (4) the entrance rate for learners, beginners or probationary workers, the length of such learning or probationary period, and the number of workers paid such entrance rates; and (5) the product or products made by the establishments included." The notice further stated that "To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis."

A notice of change of the hearing date and place to 10 a. m. September 3, 1952, in Conference Room A of the Departmental Auditorium in Washington, D. C., was published in the FEDERAL REGISTER on August 8, 1952 (17 F. R. 7255) and was given the same informal distribution to the press and interested employer and employee organizations as the original notice.

The hearing was held on September 3, 4 and 5, 1952, pursuant to the notice and the rules of practice for Minimum Wage Determinations under the Walsh-Healey Public Contracts Act (17 F. R. 7944). Representatives of employees and employers appeared at the hearing to present evidence and testimony, and the record was kept open for a specified pe-

riod beyond the close of the hearing for receipt of additional data and briefs.

Management appearances at the hearing included representatives of the National Cotton Manufacturers Association, the American Cotton Manufacturers Institute, the Association of Cotton Textile Merchants of New York and of several textile establishments. Labor appearances included representatives of the Textile Workers Union of America (CIO) and the United Textile Workers Union (AFL).

In addition letters, statements and briefs were filed by interested parties both at the hearing and following the close of the hearing. All such material has been made part of the record herein. The hearing record was closed as of October 29, 1952.

*Definition.* The currently effective definition proposed for adoption in the notice of hearing reads as follows:

(a) *Definition.* For the purpose of this determination the term "textile industry" means:

(1) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in subparagraphs (7) and (8) of this paragraph; except the chemical manufacturing of synthetic fiber, and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(2) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in subparagraph (1) of this paragraph;

(3) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(4) The processing of any textile fabric, included in this definition of this industry, into any of the following products: Bags, bandages and surgical gauze, bath mats and related articles, bedspreads, blankets, diapers, dishcloths, scrubbing cloths and wash-cloths, sheets and pillow cases, tablecloths, luncheloths, napkins, towels, window curtains, shoelaces and similar laces;

(5) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(6) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(7) The manufacturing or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in subparagraph (1) of this paragraph, containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(8) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in subparagraph (1) of this paragraph, with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(9) The manufacturing, dyeing, finishing or processing of rugs, or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

The definition as proposed in the notice of hearing is that contained in the determination now in effect for the industry.

At the hearing there were introduced into the record letters from five concerns recommending that the proposed definition be modified to exclude "varnished fabrics" on the grounds that these products are not generally made in plants making the other products included in the definition and further that the industrial processes required and the wages paid differ from those in the Textile Industry generally. In this connection, Mr. Verl E. Roberts, Assistant Administrator of the Wage and Hour and Public Contracts Divisions, stated for the record that the Divisions have ruled that the present definition does not cover varnished cloth, artificial leather, oil cloth, window shade cloth, linoleum, felt-base floor covering, dental floss, buckram, waxed cloth, and plastic-treated cloth.

The representative of the Textile Workers Union of America argued that coating and impregnating are normal parts of the dyeing and finishing industry. However, it appears from a later statement of this representative and from the Census of Manufactures, 1947, that while dyeing and finishing plants do, to some extent, perform such coating and impregnating operations, the greater proportion of these operations are performed in plants which specialize in this field.

On the basis of the record, therefore, I find that the definition of this industry should continue to exclude such coated or impregnated textile products as varnished cloth, artificial leather, oil cloth, window shade cloth, linoleum, felt base floor covering, dental floss, buckram, waxed cloth and plastic-coated cloth.

The National Association of Wool Manufacturers, in a letter accepted for the record, argued that the definition of the industry should be modified to exclude any product presently included which contains any proportion of wool or man-made fibers (other than rayon or acetate). Moreover, the Association recommended, as it had previously at the public hearing In the Matter of the Redetermination of the Prevailing Minimum Wages in the Woolen and Worsted Industry, held on May 15, 1952, that these products, that is, products containing any proportion of wool of man-made fibers (other than rayon or acetate), should be included in the definition of the woolen and worstead industry. The adoption of this proposal would have the effect of removing from the definition of the textile industry a great variety of items made from mixtures containing minor proportions of wool or any proportion of man-made fibers (other than rayon or acetate) which are normally manufactured by firms engaged primarily in the production of cotton or synthetic rather than woolen or worsted textiles.

The present lines of demarcation between the textile industry, and the woolen and worsted industry and the knitting, knitwear and woven underwear industry, which would also be affected if the proposal were adopted, are based on traditional industry concepts which have been recognized by the Bureau of the Budget, the Bureau of the Census and in the administration of the Fair Labor Standards Act and the Public Contracts Act. While there is an indication of certain trends which may in time justify a reevaluation of these dividing lines, it does not appear that such shifts as have occurred would warrant a change at this time. Consequently, I find that the request of the National Association of Wool Manufacturers should be denied at this time and that the present definition should not be changed in this regard.

With the exception of the two points mentioned above the only other proposals with respect to the definition were made by the petitioners and three independent unions in the textile field all of whom recommended that the present definition of the textile industry be retained. The other parties present made no proposals either for or against the retention of the present definition. As indicated below, adequate wage data are available in this proceeding only for the cotton, silk, and synthetic textile branch of the textile industry and I am proposing at this time a redetermination of the prevailing minimum wage only for this branch, which is defined at the conclusion of this proposed determination.

*Nature of available wage data.* As a part of its regular program of conducting wage surveys of important industries, the Bureau of Labor statistics made a study of earnings and related wage practices in the cotton and synthetic textile industries. These surveys which relate to a payroll period in March 1952 covered a large number of firms and employees in the textile industry and constitute the primary data upon which a determination of prevailing minimum wages in this industry can be based.

The first of these surveys relates to establishments in the following categories: Broad woven fabric mills primarily engaged in weaving cotton fabrics over 12 inches in width; cotton yarn mills primarily engaged in spinning, twisting, winding or spooling cotton yarn; and cotton thread mills. The second survey includes establishments in the following categories: Broad woven fabric mills primarily engaged in weaving fabrics of spun or filament silk, rayon, nylon or other synthetic fabrics over 12 inches in width; yarn mills primarily engaged in manufacturing spun yarns from silk, rayon, nylon or other synthetic staple fiber products; yarn throwing mills engaged in rewinding, twisting, plying and packaging of filament silk, rayon, nylon or other synthetic fibers; and thread

mills manufacturing thread from silk, rayon, nylon or other synthetic fibers. In addition to workers engaged in producing these items, the surveys cover other workers in these establishments engaged in producing fabricated textile products and in dyeing and finishing operations.

The Bureau of Labor Statistics published the results of these surveys in separate releases for cotton and for silk and synthetic textiles. Subsequently, the Bureau prepared additional tabulations at the request of the Wage and Hour and Public Contracts Divisions. The original releases plus these additional tabulations are contained in Government Exhibits 18 through 24. After the hearing a need arose for additional tabulations and the Bureau of Labor Statistics prepared a series of supplementary tabulations which were also based on information contained in the two surveys. These latter Bureau of Labor Statistics tabulations are hereby made a part of the record and are available to any interested party for examination and comment. For purposes of reference these tables are identified as Supplementary Government Exhibits A–1 through A–8.

The American Cotton Manufacturers Institute employed a statistical agency to conduct a mail questionnaire survey of firms manufacturing textiles and related products. However, the Institute was unwilling to present for the record more than a fragment of the tabulations which had been prepared from the survey and which the Department had been given to understand would be available. The data offered for the record include a tabulation by county of average minimum wages, weighted by number of establishments, for each county in its survey from which two or more establishments submitted replies to the questionnaire, except where such minima were identical. Subsequent to the hearing, the Institute presented a similar tabulation showing county averages weighted by number of employees. These data include watchmen and others of the custodial group not covered by the act. In addition, they include the earnings of workers engaged in the manufacture of products not included in the definition of the textile industry. Even if these limitations were not present, however, it is evident from the data that the ACMI approach would inevitably lead to illogical and inequitable variations in the determined minimum wage from one community or county to another. For example, the Institute's survey reported an average minimum wage weighted by employees for Tallapoosa County, Alabama, of 101.3 cents an hour. The comparable rates for four nearby counties, three of which are contiguous and one of which is one county removed, were as follows: Chambers, 92.1 cents; Lee, 89.7 cents; Elmore, 99.7 cents; and Talladega, 102.7 cents. It is clear also that whatever separation might be made within the counties, on a community basis, or however the communities or counties were aligned, equally disparate results would ensue.

The Textile Workers Union of America and the United Textile Workers of America submitted copies of a number of collective bargaining agreements and lists showing the names and locations of plants in the industry, the type of products manufactured, employment and minimum wages paid. These lists include both union and nonunion establishments and cover a large proportion of the industry.

In addition, information on average hourly earnings from the Bureau of Labor Statistics, employment and production figures from the Census of Manufactures and copies of collective bargaining agreements on file with the Bureau of Labor Statistics were available to the Department.

*Locality.* In each of the three previous wage determinations for this industry under the Public Contracts Act a single wage was recognized as the prevailing minimum wage in the industry throughout the United States. At the hearing before the Examiner in the present proceeding arguments were presented with regard to whether recognition of a single nation-wide rate for this industry would be consistent with the statutory language and intent of the Public Contracts Act. It was argued by counsel representing the ACMI and a number of other textile manufacturers that the "locality" language of section 1 (b) of the act[1] requires that minimum rates be established by small geographic areas such as communities in which textiles are produced. The ACMI suggested that in some situations a county or even groups of counties could be considered as a locality. It further suggested that the "locality" comprised of groups of counties need not be confined within State lines but might run through more than one State depending on the various factors and circumstances which might be present. In presenting these arguments no attempt was made to list or otherwise define the factors or circumstances which should be taken into account in determining the limits of such localities and, in fact, it was conceded by counsel that neither they nor the firms they were representing were prepared to offer any concrete criteria which might be applied in delineating such localities.

The National Association of Cotton Manufacturers and both of the unions participating in the hearing presented arguments and data in support of a single minimum wage for the industry. A post-hearing brief filed by the NACM presented a number of arguments to show that the statutory language and the purpose and intent of the Public Contracts Act require a construction which would permit recognition of an industry-wide minimum, and that all of the factors present in the textile industry require that a single industry minimum be recognized in this case.

I have carefully weighed all of the arguments presented and I have considered in detail all of the voluminous data contained in the record in attempting to arrive at a proper determination of these questions. Before undertaking a discussion and analysis of the wage data the legal aspects of the arguments presented on the locality question should be dealt with.

It is abundantly evident from the legislative history of the act that its purpose was to prevent the flow of Government business into the hands of firms that pay substandard wages and maintain low employment standards. Its purpose was, in short, to bring about a situation where employers paying fair and reasonable wages would not lose out on Government business to low-paying firms. Under the system of competitive bidding adhered to by the Government, the various contracting agencies must accept the lowest responsible bid. Obviously, in an industry which utilizes standard equipment and has approximately the same raw material costs, any substantial differences in wages would be reflected in bids submitted on Government work. In recognition of this fact and in order to encourage the maintaining of fair wage standards Congress enacted the Public Contracts Act.

With this Congressional purpose in mind, the specific language of the act must be construed. Any construction of the locality language which would result in freezing the lows and the highs in wages would certainly not carry out the purpose of the act. In other words, if the dominant plant or plants in community A were paying substantially lower wages than plants in community B, the recognition of community A and community B, as separate localities would mean that plants in A could continue to underbid plants in B and the situation would be frozen at that level.

The legislative history of the act indicates clearly that Congress gave serious and lengthy consideration to the possible approaches to the problem of arriving at appropriate minimum wages. In recognition of the difficulties inherent in this field, Congress decided to vest in the Secretary of Labor the administrative function of carrying out the minimum wage provisions of the law and established certain criteria to guide the Secretary of Labor in such functions. The factors which have a bearing on minimum wages present such a pattern of diversity from industry to industry as to render any single formula for determining prevailing wages impractical. Consequently, Congress wisely allowed a degree of administrative discretion to be followed by the Secretary of Labor in applying the criteria laid down in the act. The statute, accordingly, directs the Secretary of Labor to determine prevailing minimum wages in accordance with three distinct standards, namely, the prevailing minimum wages for persons employed (1) on similar work or (2) in the particular or similar industries or (3) in groups of industries currently

[1] Section 1 (b) reads as follows: "That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract;".

operating in the locality in which the contract is to be performed. In the context of the act it seems proper to conclude that the phrase "currently operating in the locality" was intended to qualify only groups of industries and does not limit "similar work" or "particular or similar industries."

It is clear, then, considering the broad administrative powers provided throughout the act, that it was the Congressional intent to give the Secretary of Labor substantial latitude in regard to determining prevailing minimum wages and to apply any one or combination of the criteria enunciated in the act in order to properly carry out the purposes of the act.

The evidence in the record discloses certain predominant characteristics of the textile industry as follows: The industry is principally located in three sections of the country—New England, the Middle Atlantic States and the South. Competition in the industry is nation-wide in scope and marketing of the products of the industry is similarly on a national scale. Only in rare instances is there found a situation where a mill markets its product within a limited geographic area. Most textile producers maintain sales representatives or agents in the textile center known as Worth Street in New York City and the vast bulk of textiles are sold through such center. Producers of textiles in such widely separated areas as Maine and Alabama compete for the same business in the Worth Street market. It is not uncommon for mills in different sections of the country to perform different production operations on a given lot of textile fabric. For example, textile gray goods woven in South Carolina may be shipped to New Jersey or Rhode Island for finishing operations consisting of bleaching, dyeing, printing, etc. The goods are then sold on the New York market and may be shipped to customers in Maine, California, Florida, or any other place in the United States, or elsewhere in the world.

The record shows also that Government purchases of textiles are not confined within any geographic limits. In the normal case the Government invites bids from firms located in every textile producing area and bids are received from mills in widely separated regions. Pursuant to a single invitation to bid, contracts for a particular item may be awarded to mills in a number of different States. In some instances various steps in the processing of textiles required under a Government contract will take place in different States and different regions. A single firm bidding on Government contracts will frequently be found to have a number of different mills located in different States or areas. In no instance is it possible for a Government contracting agency to have any knowledge of the locus of production prior to receipt of bids and awards of contracts. In other words, there is no way of ascertaining in advance where a proposed Government textile award may be carried out.

From all of the facts referred to above, it is evident that the predominant factors in the textile industry do not point toward any regional or geographic differences in terms of industry characteristics, and that, in an economic sense, the locality of the industry is very broad. Based upon these considerations, I have concluded that the factors present here do not warrant application of the last of the three criteria contained in section 1 (b) of the act, namely, the minimum wages for persons employed in "groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract."

It is my considered judgment, moreover, that even if the "locality" language of the act is construed as limiting the entire wage determination function, it is not necessary to impose a narrow geographic connotation on such language in such a manner as to frustrate the entire purpose for which the statute was enacted. While it is true that the term locality is commonly used to denote a geographic locus or unit the term possesses sufficient flexibility in meaning to convey a broad or narrow sense depending upon the context in which it is used. The word must, therefore, be construed within the context of the act and consistent with the intent and purpose of the act. As I have previously stated, I believe it would be illogical to select this word out of the act and give it a meaning which would cancel out the entire purpose for which the act was conceived. Furthermore, since the time the Public Contracts Act was enacted minimum wage determinations under this act for numerous industries have recognized a single nation-wide minimum wage. In only a few industries smaller localities were recognized. It is reasonable to assume that if this construction of the act did not comport with the Congressional intent, Congress would have acted to alter the construction. The fact that Congress, over a period of 16 years, did not alter the statutory language, even after repeated requests, warrants a conclusion that the construction placed on such language by the Department of Labor conforms with the Congressional purpose. Consequently, even on this basis, and considering the record of this proceeding, I find that the locality in which the products of the textile industry are to be manufactured or furnished under Government contracts is coextensive with the entire area in which the industry operates, and that the rate determined herein for the textile industry is the rate prevailing in such locality.

Within the framework of these considerations, I have analyzed the available wage data to arrive at a proper determination of prevailing minimum wages in this industry.

*Analysis of wage data.* In the surveys of the cotton and synthetic (and silk) textile industries, the Bureau of Labor Statistics tabulated returns from 467 establishments, employing 289,923 employees. The surveys were limited to plants with 21 or more employees. For plants in this size group, the Bureau's returns covered 40.8 percent of the establishments employing 55.7 percent of the workers. The Census of Manufactures for 1947, the latest available period, indicates that plants with 21 or more employees in these two branches of the textile industry had 99.5 percent of all workers in these branches. The returns were weighted in accordance with generally accepted statistical procedures to represent all the plants and employment in plants with 21 or more workers in the branches surveyed.

As noted above, the Bureau of Labor Statistics surveys were limited to plants primarily engaged in spinning or throwing yarn or thread and related operations or in weaving broad woven fabrics. However, since a number of these plants also produced fabricated products such as sheets, pillow cases, towels, and wash cloths and performed dyeing and finishing operations, wages of workers manufacturing these fabricated items and performing dyeing and finishing operations in such establishments are included in the survey and reflected in the tabulations. A letter received from Maxwell R. Conklin, Chief, Industry Division, Bureau of the Census, dated November 6, 1952, states that in the year 1947, 64 percent of all sheets and pillow cases and 95 percent of all towels and wash cloths were produced in integrated establishments, i. e., establishments engaged in spinning and weaving but also producing fabricated items. The information from Mr. Conklin also indicates that only 22 percent of all bedspreads and bedsets and only 2 percent of such textile house furnishings as laundry bags, blankets, pillows and slip covers (other than sheets, pillow cases, towels, wash cloths, bedspreads and bedsets) were produced in integrated establishments. For purposes of reference the letter received from Mr. Conklin is hereby made part of the record and is identified as Supplementary Government Exhibit B.

A number of wage reductions occurred in New England plants between the date of the survey and the date of the hearing, but these changes did not affect the surveys' data for intervals below $1.06½. With this exception, no question as to the adequacy and accuracy of the surveys was raised by either of the petitioners or the National Association of Cotton Manufacturers. However, representatives of the American Cotton Manufacturers Institute raised a number of questions relating to the sampling procedures used by the Bureau in making the survey and questioned the method followed by the Bureau in obtaining the information on plant minimum entrance rates and plant minimum job rates. With respect to the sampling methods used, it is clear from the testimony of Harry M. Douty, Chief, Division of Wages and Industrial Relations, Bureau of Labor Statistics, that the Bureau, in making these surveys, followed professionally-accepted statistical practices. It is also clear from the testimony that the objections raised with respect to the sampling procedures show an unfamiliarity on the part of the Institute representatives with these standard statistical procedures. There is no question from the evidence in the record that the Bureau of Labor Statistics gave proper weight to both large and small plants,

took into account the different types of products included in its surveys and adequately covered all parts of the country. It is also clear from the record that the sample obtained by the Bureau was more than sufficient to assure adequate coverage and results.

I conclude, therefore, that the surveys are properly representative of all establishments included within the scope of the definitions of the cotton and synthetic (and silk) textile industries used by the Bureau.

I also conclude that the Bureau of Labor Statistics wage data adequately reflect wages of workers producing sheets, pillow cases, towels and wash cloths but contain insufficient information on workers producing bedspreads, bedsets and other textile house furnishings. Moreover, these data do not provide a basis upon which a finding can be made as to the prevailing minimum wages for certain other products and operations now included in the definition of the textile industry, namely, batting, wadding and filling; the processing of waste; narrow fabrics (fabrics 12 inches or less in width); bags; bandages and surgical gauze; bath mats and related articles; diapers; braid and lace; cordage, rope and twine; and carpets and rugs.

The American Cotton Manufacturers Institute also offered testimony of one witness and telegrams and letters from four companies, designed to show that the Bureau of Labor Statistics had excluded certain low-paid workers from the survey. The witness was Robert K. Argo, Personnel Manager of the Alabama Mills, Inc., who testified with respect to his conversation with the field representative of the Bureau who obtained information from the Clanton, Alabama, plant of the company.

Mr. Argo stated that the Bureau's field representative did not obtain any information with respect to employees whose wages were below $1.015 per hour in the Clanton plant, although according to his recollection at the time of the survey the plant had about 15 employees paid 97 cents, the only rate below $1.015 paid in the plant. Mr. Argo also testified that the field agent told him specifically that in accordance with instructions, no data for custodial employees were being recorded.

There has been received in the record a deposition made by Harry M. Douty clarifying portions of the testimony at the hearing regarding Mr. Argo's statement. This deposition shows clearly that, under the instructions given to the Bureau's representatives, wages of custodial employees were to be excluded only in connection with information obtained on minimum plant entrance rates and minimum job rates. With respect to all other information, however, the instructions were specific that the Bureau's representatives were to survey the earnings of all workers in the plant, including custodial employees. Consequently, the earnings of employees earning less than the plant minimum job rate are included in all tables except Tables 4, 5, and 6 of Government Exhibits 18, 19, and 20, both with respect to the Clanton plant of Alabama Mills, Inc., and with respect to all other mills included in the survey. The deposition states the Bureau's original schedule for the Clanton plant showed 14 workers earning 97 cents; eight of these were reported as janitors and properly excluded from Tables 4, 5, and 6, under the Bureau's instructions. All 14 of these workers were included in the other tables. The six workers, other than janitors, reported by the Bureau to be paid 97 cents were not employed in any of the selected occupations for which specific information was obtained. I cannot conclude from the record that these six workers should have been included in Tables 4, 5, and 6. It is obvious, however, that Mr. Argo's contention that no workers in the Clanton plant paid less than $1.015 per hour were included in the Bureau's survey is without merit.

As noted above, four companies submitted statements in the form of telegrams dealing with this general subject. The Summerville Manufacturing Company, Summerville, Georgia, stated that the minimum wage in that plant was 96.5 cents an hour, a rate paid on the following jobs: Scrubbers, yardmen, and cotton truckers. The deposition by Mr. Douty shows that the Bureau reported this plant as paying a minimum job rate of 96.5 cents. This rate was also reported as the minimum entrance rate. The Bureau's record also shows that 16 employees were classified as janitors, three of whom were paid 96.5 cents. The other 13 janitors were paid in excess of this figure. The other three companies, the Pacolet Manufacturing Company, Pacolet, South Carolina, Julia Cade Mills, Inc., Albertville, Alabama, and Whittier Mills Company, Chattahoochee, Georgia, also in telegrams read at the hearing and in later letters supplied information as to minimum wages paid and the occupations to which these rates apply. Mr. Douty's deposition shows that four plants of Pacolet Manufacturing Company were included in the original sample for the survey. The plants were visited by the Bureau representatives, but in each case the company declined to furnish information. The Bureau in consequence substituted other mills of the same general characteristics in accordance with well-established statistical sampling procedures. With respect to Julia Cade Mills, and Whittier Mills, neither was included in the sample for the survey and no Bureau of Labor Statistics information is available.

It should be noted from the letters received from these companies that with the exception of plants No. 3 and 5 of the Pacolet Company, the lowest rate in the plant is paid to sweepers or scrubbers, which occupations were classified by the Bureau of Labor Statistics for the purpose of this survey in the janitorial category.

On the basis of the evidence, I find that the data in the Bureau's tables showing minimum job rates were accurately collected and compiled and may properly be used in evaluating the prevailing minimum wage practices in the cotton, silk, and synthetic branch of the industry.

As indicated heretofore, one of the bases which may be used by the Secretary of Labor in determining prevailing minimum wages is that of "similar work".

With respect to this criterion, evidence in the record points particularly to three occupations which are substantially the same in job content, are common to most firms in the cotton, silk, and synthetic textile branch of the textile industry, and are generally the lowest paid occupations. These occupations are: Janitors (excluding machinery cleaners); battery hands; and hand truckers (including bobbin boys). These occupations were included within the list of "selected occupations" for which the Bureau of Labor Statistics reported separate data. This list, together with the job descriptions applicable thereto, were developed as a result of the Bureau's extensive experience in making surveys of the industry and in consultation with representatives of labor and management. The definitions were designed to permit comparisons between occupations having similar work content in various plants or groups of plants in the industry, regardless of variations from plant to plant in actual nomenclature. There was no criticism in the record that these occupations individually did not have in fact similar content. In consequence, from the record as a whole, it is clear that prevailing minimum wages for "similar work" can be determined by examining data for these individual occupations.

The three occupations are defined by the Bureau as follows:

Janitor (day porter, sweeper, charwoman, janitress): Cleans and keeps in an orderly condition factory working areas and washrooms, or premises of an office, apartment house, or commercial or other establishment. Duties involve a combination of the following: Sweeping, mopping and/or scrubbing, and polishing floors; removing chips, trash and other refuse; dusting equipment, furniture, or fixtures; polishing metal fixtures or trimmings; providing supplies and minor maintenance services, cleaning lavatories, showers, and rest rooms. Workers who specialize in window washing are excluded.

Battery hand: Transfers or loads quills or bobbins of filling to the battery or loading hopper of automatic looms. May convey filling to looms by means of a hand truck.

Trucker, hand (including bobbin boy): Pushes or pulls hand trucks, cars or wheelbarrows used for transporting goods and materials of all kinds about a warehouse, manufacturing plant, or other establishment, and usually loads or unloads hand trucks or wheelbarrows. May stack materials in storage bins, etc., and may keep records of materials moved.

Exhibits at the hearing introduced by the Government include wage data on these three occupations in Exhibits 18, 19, 20, 23, and 24. The area tabulations contained in the last two mentioned exhibits include data for approximately 85 percent of the workers included in the survey. Supplementary Government Ex-

hibits A–1 through A–8 throw additional light on the prevailing minimum wages in the three occupations.

With respect to janitors, Table 3A of Government Exhibit 20 shows 9,299 janitors, slightly less than 2 percent of all of the workers covered by the survey, with an average wage of $1.00 an hour. As Supplementary Government Exhibits 5 and 7 indicate, slightly more than one-fourth of the establishments represented in the survey had no workers whose duties consisted primarily of janitorial services. The absence of reported janitors is particularly conspicuous in northern establishments where more than half of the reporting establishments represented included no workers whose functions were primarily of this type. In such plants the janitorial services made up part of the work of other employees; for example, sweeping around machines in order to permit a continuation of production (work subject to the Walsh-Healey Public Contracts Act) was performed as an incidental part of duties of other production workers.

Supplementary Government Exhibits A–1, A–5, and A–7 provide information as to the lowest rate paid janitors in establishments reporting such workers; and the lowest job rate in establishments which did not report such workers. Altogether 1,120 establishments either reported janitors or reported no janitors but gave information as to the lowest established job rate. Of these establishments, 562 or 50.2 percent either reported $1.00 or more as the minimum rate for janitors or having no janitors, reported $1.00 or more as the lowest job rate. These 562 establishments employ 52.5 percent of the production workers in the industry. In addition, Supplementary Government Exhibit A–1 indicates that over two-fifths of the janitors earn from $1.00 to $1.05, vastly more than are found in any other five-cent interval.

Government Exhibits 23 and 24 indicate the importance of the five-cent interval beginning with $1.00 for janitors in each of the various producing areas reporting separately. Thus, for example, in Alabama and in South Carolina most of the janitors are reported within this range and in North Carolina and Georgia a far larger proportion of the janitors are employed in this interval than in any other. Supplementary Government Exhibit A–7 shows that for establishments having no janitors the rate of $1.00 an hour is by far the most important lowest job rate in the range between 90 cents and $1.05; in this range, almost twice as many establishments reported a minimum job rate of $1.00 as reported any other figure and a similar conclusion is reached on the basis of the number of workers.

From the above it is concluded that $1.00 an hour represents the prevailing minimum wage for janitorial services in the cotton, silk, and synthetic textile branch of the textile industry.

As previously noted, somewhat less than 2 percent of the workers included in the survey are classified as janitors. It is also clear from the record that many of the workers reported as janitors are performing work of types not directly enough connected with production activities to be covered by the Walsh-Healey Public Contracts Act. It is impossible from the record to determine what proportion of janitors are performing such work and the questionnaire returns of the Bureau of Labor Statistics would not yield such information.

There are, however, two other low-paying occupations about which there can be no doubt that the work is of the type covered by the act. These occupations are hand truckers (including bobbin boys) and battery hands. Except for janitors, these two occupations have the lowest reported average hourly earnings. These occupations combined include 33,500 workers, or 6.9 percent of all production workers covered by the surveys.

Supplementary Government Exhibit A–1 as well as Government Exhibits 23 and 24 underscore the importance of the five-cent interval beginning with $1.00 an hour for each of these two occupations. Thus, for the United States, 29.2 percent of the battery hands received wages between $1.00 and $1.05, as contrasted with 3.9 percent in the 95–99.9-cent interval, and as further contrasted with 10.6 percent in all intervals below $1.00. Similarly a total of 27.2 percent of the hand truckers (including bobbin boys) earned between $1.00 and $1.05 as contrasted with 11.4 percent in the preceding five-cent interval. A total of 26.9 percent of the hand truckers (including bobbin boys) received earnings of less than $1.00.

Supplementary Government Exhibits A–4 and A–6 show that most of the establishments reporting either hand truckers or battery hands or both pay a minimum wage to these workers of at least $1.00 an hour and these establishments employ most of the production workers in the industry. It may also be noted that in the South more establishments pay a minimum of $1.00 an hour to either battery hands or hand truckers than pay minimum wages to these workers at any other rate in the range between 90 cents and $1.05. Supplementary Government Exhibit A–6 indicates that in this range the rates of $1.02 and $1.03 are also important in the South.

Supplementary Government Exhibit A–8 shows data for 211 establishments, primarily located in the North, which reported no workers who primarily performed work included within the description of the occupation of hand truckers (including bobbin boys) or the occupation of battery hands. It will be noted that a majority of these establishments employing a majority of the production workers in such establishments reported the lowest job rate as $1.00 or more. Here again, the rate of $1.00 stands out, with more establishments, employing more workers, reporting a minimum job rate of $1.00 than reported a minimum job rate at any other interval in the range from 90 cents to $1.05. This is true both for the South and for the North.

It is clear therefore that the prevailing minimum wage is $1.00 an hour for the work of hand truckers (including bobbin boys) and for the work of battery hands in the cotton, silk, and synthetic textile branch of the textile industry.

As mentioned above, evidence in the record establishes conclusively that janitors, battery hands, and hand truckers are the lowest paid workers in the cotton, silk, and synthetic textile branch of the textile industry. It is clear, therefore, that a determination of prevailing minimum wages for other occupations would result in rates at least as high, and in most instances higher, than the rate for these three occupations. However, even if detailed occupational wage data were available for every possible duty in a textile mill, it would obviously be undesirable to make a separate determination for each such occupation. The necessity for detailed job descriptions and the overlapping of duties between one job and another would lead to complications and misunderstandings in applying the determinations on the part of the industry and to difficult administrative problems in the proper enforcement of such determinations on the part of the Wage and Hour and Public Contracts Divisions of the Department of Labor. In view of these practical considerations, I therefore conclude that it is entirely proper to apply the minimum rate of $1.00 an hour to all occupations in the cotton, silk, and synthetic textile branch of the textile industry which are covered under the regulations issued pursuant to the Walsh-Healey Public Contracts Act. Work performed in one textile mill is by its very nature similar to work performed in other textile mills. Accordingly, on the basis of the prevailing minimum wages for "similar work" in the industry, I have concluded that $1.00 an hour is the prevailing minimum wage for all occupations in the cotton, silk, and synthetic textile branch of the textile industry as defined herein.

A second basis for a determination under section 1 (b) of the Walsh-Healey Public Contracts Act is wages paid in the particular or similar industries. On this approach, there is special significance to the evidence outlined above that $1.00 is the prevailing minimum rate for janitors, for hand truckers, and for battery hands. Government Exhibits 18, 19, 20, 23 and 24 indicate that these are the lowest paid for the country as a whole of the occupations selected for their particular significance in the industry; and, with rare exceptions, this is true in almost every area. There was no disagreement at the hearing that janitors, including sweepers and scrubbers, generally receive as low a rate as any workers in the cotton, silk, and synthetic textile branch of the industry although there was a difference of opinion as to the extent to which such workers are covered by the act. There was also no disagreement with the Bureau of Labor Statistics' explanation that the "selected" or "key" occupations include a complete range of occupations from the lowest-paid to the highest-paid workers. Workers in these occupations comprise 70.5 percent of all workers covered by the surveys. As noted above, apart from janitors, hand truckers (including bobbin boys) and battery hands generally receive the lowest wage among the "selected" or "key" occupations.

The most important additional lines of evidence as to prevailing minimum

wages in the textile industry consist of Tables 1 and 5 of Government Exhibits 18, 19 and 20. Table 1 of Government Exhibit 20 clearly shows the importance of the 5-cent interval beginning with $1.00 for the earnings of all workers. Thus for the United States, this is the most important single 5-cent interval, with 11.9 percent of the workers receiving wages within this range, almost twice as many as in the preceding interval and almost as many as the total in all ranges below $1.00. In the Southeast the concentration in this interval is even sharper, with one worker in seven (14.4 percent) receiving wages between $1.00 and $1.05.

Many of the lowest paid workers included in Tables 1 and 7 of Government Exhibits 18, 19, and 20 are watchmen, general janitors (as distinguished from those cleaning around the machines), and other types of custodial workers who perform work not covered by the provisions of the act. Because of the limitations of these tables, Table 5 is of added significance. This table reports the rates which the plant officials reported as established minimum job rates for non-custodial workers. Table 5A of Government Exhibit 20 shows that most of the textile mills in the survey with an established minimum job rate reported the rate to be $1.00 an hour or more. These plants employ 51.4 percent of the workers in the industry, as compared with 44.3 percent of the workers in plants reporting established job minimum rates of less than $1.00 and 4.3 percent of the workers in plants reporting no established minimum. In terms of number of establishments, only $1.02 is more important (6.6 percent as compared with 6.4 percent); in terms of number of production workers employed in these establishments, only $1.03½ is more important. Each of these rates however is above the minimum job rate reported by most establishments employing most of the workers. Although janitors and other custodial workers are excluded by the Bureau in obtaining information on established minimum job rates from plant officials, it may be noted that Supplementary Government Exhibit A–2 indicates that in about half of the establishments with minimum job rates the minimum janitor rate was identical with the established minimum job rate and that janitor minimum rates were more frequently above than below the established minimum job rate.

Another line of evidence is contained in the listings of plant minimums provided by the two textile unions. These listings were made a matter of public record at the hearing. It appears clear from the record that a very large proportion of the plants included in these listings also reported information to the American Cotton Manufacturers Institute. However, the minimum rates for only four of the plants listed were challenged. Excluding such plants from the tabulation, it appears that the major proportion of the industry has minimum rates of $1.00 an hour or more in effect.

From all the evidence in the record, therefore, I conclude that $1.00 an hour is the prevailing minimum wage for the cotton, silk, and synthetic textile branch of the textile industry.

As noted above, the March 1952 surveys made by the Bureau of Labor Statistics cover plants primarily engaged in spinning and weaving. There is, however, adequate information from other sources indicating that wages in dyeing and finishing establishments are at least as high as those in spinning and weaving plants.

At the hearing a representative of the United Textile Workers of America testified that minimum wages paid in dyeing and finishing plants are higher than those in spinning and weaving plants. This statement was not contradicted.

The listings of plants in the industry supplied by the petitioners contained 510 dyeing and finishing plants employing in excess of 39,000 workers. In his statement at the hearing, the representative of the Textile Workers Union of America stated that only isolated workers in dyeing and finishing establishments were paid less than $1.05.

In addition, representatives of the Textile Workers Union of America and of the National Association of Cotton Manufacturers stated that average hourly earnings in dyeing and finishing plants traditionally exceed those in spinning and weaving plants. An inspection of such figures published by the Bureau of Labor Statistics bears out these statements. A report published by the Bureau shows that in July 1946 the difference was approximately 10 cents an hour. In July of 1952 the average hourly earnings in dyeing and finishing plants were 16 cents more than those in spinning and weaving plants.

An analysis of collective bargaining agreements on file with the Department of Labor as of 1952 gives information on 410 dyeing and finishing (except wool) establishments with almost 32,000 workers. Ninety-seven percent of these plants with 88 percent of the employees had a minimum job rate of $1.00 an hour or more. These figures cover a very large proportion of the industry as indicated by the fact that for 1947 the Census of Manufactures reported 641 dyeing and finishing (except wool) plants employing 69,000 workers.

In addition, it should be recalled that a number of workers in dyeing and finishing departments are included in the two surveys made by the Bureau of Labor Statistics and, where such workers were included, figures relating to average hourly earnings and minimum job rates covered such workers as well as the workers in the other departments.

On the basis of all of the above I, therefore, determine that the prevailing minimum wage for all employees engaged in dyeing and finishing covered by the definition of this Industry is $1.00 an hour.

*Learners and apprentices.* The notice of hearing invited comment and testimony as to the need for inclusion in any amended determination for a provision covering the employment of learners, beginners, and/or apprentices at subminimum rates. The United Textile Workers of America recommended that learners be permitted at subminimum rates for a period of from 4 to 6 weeks and that the present 3 percent limitation be continued. The record shows that this union recommended that the rates for learners be either 10 cents or $1.00.

The Textile Workers Union of America recommended that there be provision for learners at a rate of not less than $1.03 an hour and further recommended the continuation of the 3 percent tolerance and the learning period presently provided. This latter recommendation was also supported by the Fall River Loomfixers' Union, the Fall River Slasher Tenders' and Helpers Association and the Fall River Drawing-In, Knot-Tiers' and Warp-Twisters' Association. The Soft Fiber Manufacturers' Institute recommended a provision for learners which contained an "adequate" tolerance limitation and an "adequate" learning period. The American Cotton Manufacturers Institute recommended the continuation of the present 3 percent tolerance and the learning period presently provided and that the learner rate should have approximately the same relationship to the prevailing minimum wages as contained in the present determination. No other party made any recommendation with respect to the need for learners.

On the basis of the record, I find that a provision for the employment of learners at subminimum rates should be provided and that the present 3 percent tolerance and learning period for the activities for which the employment of learners at subminimum rates is presently permitted should be continued. I also find that this subminimum rate should reflect the same percentage differential as has previously existed between the industry minimum wage and the learner subminimum wage, namely 8 percent. Accordingly, I find that the wage rate of 92 cents an hour is an appropriate subminimum wage for learners in the cotton, silk, and synthetic textile branch of the textile industry.

No testimony was introduced at the hearing regarding the need for a subminimum rate covering the employment of apprentices. The present determination does not make any provision for the employment of apprentices at subminimum rates. I find that there is no need for a special provision covering the employment of apprentices.

*Handicapped workers.* The regulations permit employment of handicapped workers at subminimum rates on contract work under the act and this authority was not at issue in the proceedings. It appears advisable to include in the determination, however, specific authorization for such employment.

*Fringe benefits.* The Textile Workers Union of America recommended that a cost-of-living provision be included in the determination reflecting that provided for in its collective bargaining agreements. The United Textile Workers of America recommended the cost-of-living provision and, in addition, all fringe benefits covered in its contracts. The independent Fall River unions supported the recommendation of the Textile Workers Union of America. None of

the other parties took a position with respect to these fringe benefits.

No determination issued under the act provides for cost-of-living increases, shift differentials, paid holidays, insurance or pension plans or any other similar benefits. Provisions of the type listed above would be administratively cumbersome, and for some of them proper enforcement would be impossible. Moreover, there is considerable legal question as to whether such provisions are truly a part of prevailing minimum wages. For these reasons, I conclude that the determination should not contain provisions relating to these fringe benefits.

*Assertion of bias.* Following the hearing in this matter a document entitled "Affidavit of Personal Bias or Disqualification of Officers Participating in Decisions" was addressed to me by W. Glen Harlan, attorney for a group of cotton manufacturing companies who were parties to the proceeding. This document asserted that I had prejudged the issue as to a nation-wide minimum wage in this industry, and further that I and other officials of the Department of Labor have in various ways indicated a prejudice as to the wage to be recognized in the industry. The document accordingly requested that I and such other officials of the Department be disqualified to act further in this matter or participate in any decisions to be rendered herein.

The question of bias was initially raised at the hearing by Mr. Harlan and he at that time requested that certain files of the Department of Labor be produced for the purpose of ascertaining whether they contained any evidence to support a charge of bias. A similar request was submitted to me on two separate occasions following the hearing. In each instance I denied the request on the ground that the material requested had no relevance to the proceeding. My ruling in this regard was based upon two primary considerations, first, that the decision which I am required to make in this proceeding must be based solely upon the record, and, consequently, the record should contain only data which relates to the subject matter of the proceeding, namely, prevailing minimum wages in the textile industry; secondly, it is my view that the mere assertion of a captious or frivolous challenge for bias does not warrant a wholesale disclosure of material in the Department files.

It is my duty under the law to make an objective decision based upon all of the evidence and data in the record. I have endeavored to arrive at such a decision with due regard to the purposes of the act and my obligations as an administrative officer of the United States. It is my belief and conviction that all other individuals in the Department of Labor who participated in any way in this proceeding have been similarly guided. I therefore find that the assertion of bias submitted herein is completely without merit.

*Proposed decision.* Notice is hereby given that, in accordance with all of the considerations expressed herein, I propose to issue a decision in this matter as set forth below. Interested parties may submit, within 15 days from publication of this proposed decision in the FEDERAL REGISTER any exceptions to the proposed decision or any data intended either in rebuttal or in support of any of the tabulations or data received as part of the record following the close of the hearing.

The minimum wage determination for the textile industry contained in § 202.43 of this part (41 CFR Part 202) is amended as follows:

1. Section 202.43 (b) is amended to read as follows:

§ 202.43 *Textile industry.* * * *

(b) *Minimum wage.* (1) The minimum wage for persons employed in the manufacturing or furnishing of the products of the cotton, silk, and synthetic textile branch of the textile industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 an hour arrived at either on a time or piece-rate basis. The cotton, silk, and synthetic textile branch includes the manufacturing, processing, bleaching, dyeing, printing or other finishing of any of the following items which are within the scope of the textile industry, as defined herein, and are made primarily of cotton, silk, or synthetic fiber or mixtures of these fibers: Yarn; thread; broad-woven fabrics more than 12 inches in width); sheets and pillow cases; towels; and wash cloths and scrubbing cloths.

(2) The minimum wage for persons employed in the manufacturing or furnishing of the products of the textile industry, other than the products of the cotton, silk, and synthetic textile branch of the industry, under contracts subject to the Walsh-Healey Public Contracts Act shall be 87 cents an hour, arrived at either on a time or piece-rate basis.

2. Section 202.43 (c) is amended to read as follows:

(c) *Subminimum wages authorized.* (1) Learners may be employed subject to the following terms and conditions:

(i) Learners may be employed in the occupations of machine operating, machine tending, machine fixing, and jobs immediately incidental thereto;

(ii) In the performance of contracts for the products of the cotton, silk, and synthetic textile branch of the industry learners may be paid a subminimum rate of 93 cents an hour unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings, based upon those piece rates, if such earnings are in excess of 93 cents an hour. In the performance of contracts for products of the textile industry, other than the products of the cotton, silk, and synthetic textile branch of the industry, learners may be paid a subminimum rate of 80 cents an hour unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings, based upon those piece rates, if such earnings are in excess of 80 cents an hour;

(iii) The length of the learning period shall be 240 hours unless the learner has had previous experience in the industry in which case the number of hours of such experience must be deducted from the 240 hour learning period.

(iv) The number of learners may not exceed 3 percent of the total number of machine operators, machine tenders, machine fixers and persons engaged in jobs immediately incidental thereto except where, upon application to the Administrator of the Wage and Hour and Public Contracts Divisions or his authorized representative, a special certificate has been issued authorizing employment of learners in excess of 3 percent to meet a plant's abnormal situation created by establishment of new plants, expansion of production or plant facilities, and the like. Such special certificates will not be issued where it appears that experienced workers are available to the employer within the area from which he customarily draws his supply of labor, or that the issue of a special certificate will create unfair competitive labor cost advantages, or will impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

(2) Handicapped workers may be employed at wages below the applicable minimum wages specified in this section upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to different acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

Signed at Washington, D. C., this 5th day of December 1952.

MAURICE J. TOBIN,
*Secretary of Labor.*

[F. R. Doc. 52-13064; Filed, Dec. 10, 1952; 8:51 a. m.]

## ATOMIC ENERGY COMMISSION

### [ 10 CFR Part 80 ]

GENERAL RULES OF PROCEDURE ON APPLICATIONS FOR DETERMINATION OF REASONABLE ROYALTY FEE, JUST COMPENSATION, OR GRANT OF AWARD FOR PATENTS, INVENTIONS OR DISCOVERIES

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1946, as amended (P. L. 585, 79th Cong.; 66 Stat. 755 ff) and to section 4 (a) of the Administrative Procedures Act of 1946 (P. L. 404, 79th Cong.) and in accordance with § 80.5 of Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "General Rules of Procedure on Applications for Determination of Rea-

sonable Royalty Fee, Just Compensation or Grant of Award for Patents, Inventions or Discoveries", promulgated on June 18, 1948, and published in the FEDERAL REGISTER for May 8, 1948 (13 F. R. 2487), proposed changes in the general rules are set forth hereunder.

A. There is to be added to the general provisions of the rules a new section designated as § 80.6 to read as follows:

§ 80.6 *Records of Board.* The records of the Board in cases filed before it, including the application, the response, the transcript and any other portion of the record, shall be open to public inspection unless (a) the Board otherwise directs upon a determination that opening of the records to public inspection would be contrary to the public interest or, (b) opening of the records is not in accord with security regulations and requirements of the Commission.

B. There is to be added to the general provisions of the rules a new section designated as § 80.7 to read as follows:

§ 80.7 *Motions.* Motions may be made before the Board upon reasonable notice to the other parties.

C. Paragraph (b) of § 80.44 is to be revised to read as follows:

§ 80.44 *Oral arguments; proposed findings; written arguments.* * * *

(b) The Board may, at its discretion, announce at the hearing a reasonable period within which either party may submit to the Board proposed findings and a proposed recommendation. Such proposals shall be in writing, in quintuplicate, and copies shall be served on the opposing party.

D. Paragraph (a) of § 80.60 is to be revised to read as follows:

§ 80.60 *Final action.* (a) Upon the expiration of the period prescribed in § 80.51, the Board shall proceed to a final consideration of the application on the basis of the entire record, including any exceptions, and the briefs in support filed by either party. The Board shall resolve questions of fact by what it deems to be the greater weight of the evidence and shall make its decision on the entire record. Its findings as to the facts shall be supported by reliable, probative and substantial evidence. The Board shall enter an appropriate order, together with a statement of its reasons or basis, determining as the case may be a reasonable royalty fee, the amount of just compensation, or the amount of an award, or such other disposition as its determination requires.

Interested persons are hereby given an opportunity to submit their views or other relevant information with respect to the proposed changes in the rules in writing to the Atomic Energy Commission, Washington 25, D. C., Attention: Chief, Patent Branch, Office of the General Counsel, within thirty (30) days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

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

WALTER J. WILLIAMS,
*Deputy General Manager.*

[F. R. Doc. 52-13042; Filed, Dec. 10, 1952; 8:45 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ARIZONA

STOCK DRIVEWAY WITHDRAWAL NO. 56, ARIZONA NO. 2, REDUCED

DECEMBER 2, 1952.

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300), and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

The order of the Secretary of the Interior dated August 19, 1941, modifying and defining Stock Driveway No. 56, Arizona No. 2, is hereby modified by excluding therefrom the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 2 E.,
Sec. 34, E½E½, W½SE¼, SE¼SW¼, SW¼NE¼.

The areas described aggregate 320.00 acres.

Most of the lands described above were classified as set out in Arizona Small Tract Classification Order No. 22, dated August 31, 1950 (15 F. R. 6050), subject to valid existing rights and the provisions of existing withdrawals, as suitable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a). These lands are not subject to disposition under any other non-mineral public land law. The remainder of the land is under consideration for similar classification, and is not suitable for homestead or desert land use.

Inquiries concerning the disposition of these lands under the Small Tract Act of June 1, 1938, as amended, shall be addressed to the Manager, U. S. Land and Survey Office, 100 U. S. Courthouse, Phoenix, Arizona.

E. R. SMITH,
*Regional Administrator.*

[F. R. Doc. 52-13068; Filed, Dec. 10, 1952; 8:52 a. m.]

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[Group 262 E]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

DECEMBER 4, 1952.

Notice is given that the plat of survey accepted February 28, 1950, of T. 4 S., R. 5 W., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land and Survey Office at Phoenix, Arizona, effective at 10:30 a. m. on the 35th day after the date of this notice.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 5 W.,
Lots 1, 2, 3, 4, E½W½, E½ (All), Sec. 31;
All Sec. 32.

The area described aggregates 1,252.16 acres.

All Sec. 31, T. 4 S., R. 5 W., was withdrawn by the Assistant to the Secretary of the Interior on October 18, 1918, for reclamation purposes in connection with the Sentinel Project.

All Sec. 31, and the SW¼NW¼, SW¼, and SW¼SE¼, Sec. 32, T. 4 S., R. 5 W., are included in Power Site Classification No. 402, approved June 6, 1949.

No application for the remainder of these lands, N½N½, SE¼NW¼, S½NE¼, N½SE¼, and the SE¼SE¼, Sec. 32, T. 4 S., R. 5 W., may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

Available data indicates that the land is rocky and gravelly, except for the land in the southwest part of Section 31 which is nearly level bottom land of the Gila River, and is a sandy loam.

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

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All

applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

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

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

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

ELLEN W. KIRSCH,
*Acting Manager.*

[F. R. Doc. 52-13043; Filed, Dec. 10, 1952; 8:45 a. m.]

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ALASKA

ORDER OF TRANSFER OF JURISDICTION OF INTEREST

DECEMBER 3, 1952.

Whereas, the Office of Territories, Department of the Interior, made application, Anchorage 019599, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the lands hereinafter described, for a public works project (Kodiak Water and Sewer System), which was approved under section 4 of the act, and

Whereas, notice of the proposed transfer of jurisdiction was published in the FEDERAL REGISTER, October 28, 1952 (17 F. R. 9706), and no protest to the transfer was filed within the time allowed.

Now, therefore, by virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949, *supra*, and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the Office of Territories, Department of the Interior:

Beginning at Corner Number 2 (the Northwest Corner) of United States Land Survey No. 2538–A Government Reserve; the point of beginning, go South 34° 34′ East, 1,990.56 feet to a point; thence South 5° 27′ West, 1,089.23 feet to a point; thence South 36° 16′ West, 210.63 feet to a point; thence South 58° 09′ West 357.25 feet to a point; thence South 53° 37′ West, 1,152.91 feet to a point; South 41° 06′ West, 379.13 feet to a point; thence South 64° 33′ West, 945.28 feet to a point; thence South 59° 27′ West, 425.64 feet to a point; thence South 74° 26′ West, 1,410.0 feet to a point; thence South 61° 33′ West, 1,443.61 feet to a point; thence North 5° 05′ 30″ West, 670 feet plus or minus, to a point, which point is common with the Northeast Corner of the United States Naval Reservation, United States Survey Number 2539; thence North 34° 34′ West, 4,250 feet, plus or minus, to a point; thence North 55° 21′ East, 10,868.88 feet to a point; thence South 34°39′ East, 2,627 feet, plus or minus, to a point; thence South 55° 21′ West, 4,300 feet, plus or minus, to the point of beginning; thereby comprising a tract of land containing 1,063 acres, more or less.

Any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, *supra*, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all fissionable source materials in the land, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (4) a right-of-way for roads, highways, tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (5) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

LOWELL M. PUCKETT,
*Regional Administrator.*

[F. R. Doc. 52-13049; Filed, Dec. 10, 1952; 8.47 a. m.]

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# DEPARTMENT OF LABOR

## Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Armored Garments, Inc., Spruce Pine, N. C., effective 12–10–52 to 12–9–53; 10 learners (dungarees).

Belton Shirt Co., Inc., Belton, S. C., effective 12–1–52 to 11–30–53; 10 percent of the productive factory force (dress and sport shirts).

Berwick Shirt Co., Tenth and Pine Streets, Berwick, Pa., effective 11–28–52 to 11–27–53; 10 percent of the productive factory force (men's sport shirts).

Burlington Manufacturing Co., 111 West Third Street, Chanute Kans., effective 12–6–52 to 12–5–53; 10 percent of the productive factory force (overalls and dungarees).

Carbon Sportswear, Inc., Coal and Bertsch Streets, Lansford, Pa., effective 11–26–52 to 5–25–53; 25 learners for expansion purposes (ladies' and misses' sportswear and dresses).

Day's Tailor D Clothing, Inc., 2902 A Street, Tacoma, Wash., effective 11–26–52 to 11–25–53; 10 percent of the productive factory force (trousers, jackets and cruisers).

Digby Manufacturing Co., Inc., South Park Avenue, Lakewood, N. J., effective 11–28–52 to 11–27–53; four learners. This certificate does not authorize the employment of learners at subminimum wage rates engaged in the production of ladies' and misses' skirts (blouses, dresses and sportswear).

Fairview Fashions, 25 Portland Street, St. Johnsbury, Vt., effective 11–29–52 to 11–28–53; five learners (dresses).

Forest City Manufacturing Co., Collinsville, Ill., effective 12–5–52 to 12–4–53; 10 percent of the productive factory force (dresses).

Honea Path Shirt Co., Simpsonville, S. C., effective 11–26–52 to 11–25–53; 10 learners (men's sport shirts).

Honea Path Shirt Co., Simpsonville, S. C., effective 11–26–52 to 5–25–53; 15 learners for expansion purposes (men's sport shirts).

Charles Kaufman Co., 109 South Pecos Street, San Antonio 7, Tex., effective 11–28–52 to 11–27–53; five learners (children's dresses).

The H. D. Lee Co., Inc., 405 East Madison, South Bend, Ind., effective 11–28–52 to 11–27–53; 10 percent of the productive factory force (men's work clothing).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo., effective 12–5–52 to 12–4–53; 10 percent of the productive factory force (junior dresses).

Mifflin Shirt Co., Mifflin, Pa., effective 11–28–52 to 11–27–53; 10 learners (men's pajamas).

National Pants Co., Macon, Miss., effective 12–1–52 to 5–31–53; 75 learners for expansion purposes (men's and boys' pants).

Wm. H. Noggle & Sons, Inc., Penryn, Pa., effective 12–1–52 to 11–30–53; two learners (pajama pants).

Oberman Manufacturing Co., Wrightsville, Ga., effective 11–26–52 to 11–25–53; 10 percent of the productive factory force (men's sportswear slacks and shell trousers).

Perri-Mode, 11 Avon St., Portland, Maine, effective 12–1–52 to 11–30–53; five learners (dresses).

Regina Manufacturing Co, 44 Carey Avenue, Wilkes-Barre, Pa., effective 12–1–52 to 11–30–53; 10 percent of the productive factory force (dresses).

Reliance Manufacturing Co., "Sunflower" Factory, Cherryvale, Kans., effective 12–1–52 to 11–30–53; 10 percent of the productive factory force (men's work pants and boys' slack pants).

Reliance Manufacturing Co., "Capitol" Factory, Mitchell, Ind., effective 12–13–52 to 12–12–53; 10 percent of the productive factory force (dungarees, play garments, casual jeans).

Shirlee Manufacturing Co., Bart, Pa., effective 11–26–52 to 11–25–53; five learners (lingerie).

Sun Garment Co., Twelfth and Penn Streets, St. Joseph, Mo., effective 11–28–52 to 5–27–53; 30 learners for expansion purposes (uniform shirts).

Twin City Manufacturing Co., Twin City, Ga., effective 12–6–52 to 12–5–53; 10 percent of the productive factory force (men's dress and sport shirts).

Tyson Shirt Co., 620 Corson Street, Norristown, Pa., effective 11–29–52 to 11–28–53; 10 percent of the productive factory force (men's dress and sport shirts).

Weldon Manufacturing Co., Lopez, Pa., effective 11–30–52 to 11–29–53; 10 percent of the productive factory force (pajamas).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Cluett, Peabody & Co., Inc., Eveleth, Minn., effective 11–28–52 to 11–27–53; 5 percent of the productive factory force (men's and boys' shorts).

Nescopeck Knitting Mills, Inc., 213 West Third Street, Nescopeck, Pa., effective 11–24–52 to 11–23–53; 5 learners (cotton tee shirts, wool and cotton coat sweaters).

Norwich Knitting Co., Clayton, N. C., effective 12–3–53 to 3–23–53; 25 additional learners for expansion purposes (supplemental expansion certificate) (knitted underwear and outerwear).

Union Underwear Co., Inc., Frankfort, Ky., effective 12–11–52 to 12–10–53; 5 percent of the productive factory force (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Davis Hand Woven Textile Mill, Keyser, W. Va., effective 12–2–52 to 6–1–53; two learners; hand weaver, power loom weaver, sewing machine operator; each 240 hours at 65 cents per hour (baby shawls and crib blankets, ladies' headscarves and shawls).

P & K, Inc., 122 North Dixie Highway, Momence, Ill., effective 11–28–52 to 5–27–53; 10 learners; fly tying, brazing, machine bending; each 320 hours; 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (replacement certificate) (fishhooks, lures, stringers, and flies).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of December 1952.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 52–13063; Filed, Dec. 10, 1952; 8:51 a. m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

### SALES OF CERTAIN COMMODITIES AT FIXED PRICES

### DOMESTIC AND EXPORT PRICE LISTS FOR DECEMBER 1952

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

DECEMBER 1952 DOMESTIC PRICE LIST

| Commodity and approximate quantity available (subject to prior sale) | Domestic sales price |
|---|---|
| Nonfat dry milk solids, in carload lots only, 1952 production, 27,000,000 pounds. | Spray process, U. S. Extra Grade, 1952 production, 18 cents per pound. Prices apply "in store" at location of stock in any State ("in store" means at the processor's plant or in storage at warehouse, hut with any prepaid storage and outhandling charges for the benefit of the buyer). |
| Cottonseed oil, bleachable primo summer yellow, 130,000,000 pounds.[1] | Market price or 17¾ cents per pound, whichever is higher, f. o. b. tank cars at points of storage locations. |
| Linseed oil, raw, 186,300,000 pounds.[1] | Market price on date of sale. (See note on Ceiling Price Certification at the end of this price list.) |
| Dry edible beans | On all beans, for areas other than those shown below, adjust prices upward or downward hy an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust hy market differentials. Prices listed below, on all hoans, are at point of production. Amount of paid-in freigbt to be added, as applicable. |
| Pinto, bagged, 5,300 hundredweight. | No. 1 Grade 1950 and 1951 crops: $8.26 per 100 pounds, basis f. o. b. Denver rate area. $7.86 per 100 pounds, hasis f. o. b. Idabo area. |
| Great Northern, bagged, 360,000 hundredweight. | No. 1 Grade 1949 crop: $9.11 per 100 pounds, basis f. o. b. Morrill, Nebr., area. |
| Baby lima, hagged, 398,000 hundredweight.[1] | No. 1 Grade 1950 crop: $7.04 per 100 pounds, basis f. o. b. California area. |
| Small white, hagged, 15,000 hundredweight. | No. 1 Grade 1951 crop: $9.01 per 100 pounds, basis f. o. b. California area. |
| Pink, bagged 112,000 bundredweight. | No. 1 Grade 1951 crop: $9.11 per 100 pounds basis f. o. b. Idabo and California areas. Availahle Portland and San Francisco PMA Commodity Offices. |
| Pea, bagged, 871,000 bundredweight. | No. 1 Grade 1951 crop: $9.38 per 100 pounds, f. o. b. Micbigan area. |
| Small red, bagged, 113 bundredweight. | No. 1 Grade 1948 crop: $9.17 per 100 pounds, f. o. b. Missouri area. Available Kansas City PMA Commodity Office. |
| Austrian winter pea seed, bagged, 2,125,000 bundredweight. | $4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. |
| Austrian winter peas, bagged. Not certified for purity or germination. 1,657,000 hundredweigbt.[1] | In Portland, Oreg. and San Francisco areas only. The domestic market price for feed hut not less than $3.50 per 100 pounds, f. o. b. point of storage, plus paid-in freight, as applicahle. Purchaser must certify that commodity will be used for feed purposes only. |
| Blue Lupine seed, bagged, 1,083,000 hundredweight. | $4 per 100 pounds, basis f. o. b. point of production, plus paid-in freigbt as applicahle. |
| Common and Willamette vetch seed, bagged, 129,400 bundredweight. | $7 per 100 pounds, basis f. o. b. point of production, plus paid-in freigbt, as applicahle. Availahle Portland, Dallas, and New Orleans PMA Commodity offices. |
| Red clover seed (uncertified), bagged, 55,080 hundredweight. | $37.94 per 100 pounds, basis f. o. b. point of production, plus paid-in freigbt, as applicable. |
| Red clover seed (certified), bagged, Cumberland, 1,000 hundredweight. Midland, 620 bundred, weight. | $43.28 per 100 pounds, basis f. o. b. point of produciton, plus paid-in freight, as applicable. Available Portland and Kansas City PMA Commodity offices. |
| Ladine clover seed (certified), hagged, 78,000 hundredweight. | $107.46 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicahle. Availahle Portland and San Francisco PMA Commodity offices. |
| Crimson clover seed, bagged, 130 hundredweight. | $18 per 100 pounds, basis f. o. h. point of production, plus paid-in freight, as applicable. Availahle Portland PMA Commodity Office. |
| Biennial sweetclover seed, bagged, 30,000 bundredweight. | $10.19 per 100 pounds, hasis f. o. b. point of production, plus paid-in freight, as applicable. Available Cbicago, Portland, Kansas City, and Minneapolis PMA Commodity offices. |
| Smooth bromegrass (uncertified), bagged, 8 hundredweight. | $16.74 per 100 pounds, basis f. o. b. point of production, plus paid-in freigbt, as applicable. Available Chicago PMA Commodity Office. |
| Mountain bromegrass (Bromar certified), bagged, 530 hundredweight. | $22.12 per 100 pounds, hasis f. o. b. point of production, plus paid-in freigbt, as applicable. Availahle Portland PMA Commodity Office. |
| Hairy Vetch seed, bagged, 70,800 hundredweight. | $1 plus support price at point of production, plus paid-in freigbt, as applicable. Available Portland, Dallas, and New Orleans PMA Commodity offices. |
| Birdsfoot Trefoil seed, bagged, 1,130 hundredweight. | $80.77 per 100 pounds, basis f. o. b. point of production, plus paid-in freigbt as applicahle. Available San Francisco and Portland PMA Commodity offices. |
| Rough pea seed, bagged, 6 bundredweight. | $7 per 100 pounds, hasis f. o. h. point of production, plus paid-in freigbt as applicable. Availablo Portland PMA Commodity office. |

[1] These same lots are available at export sales prices announced today.

DECEMBER 1952 DOMESTIC PRICE LIST—Continued

| Commodity and approximate quantity available (subject to prior sale) | Domestic sales price |
|---|---|
| Primer slender wheat-grass seed (certified) bagged, 30 hundredweight. | $32.20 per 100 pounds, basis f. o. b. point of production, plus paid-in freigbt, as applicable. Available Portland PMA Commodity office. |
| Wheat, bulk, 25,000,000 bushels [1] | Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality, and location, plus: (1) 29 cents per bushel if received by truck, or (2) 24 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.73; Minneapolis, No. 1 HDNS, ex rail or barge, $2.76; Chicago, No. 1 RW, ex rail or barge, $2.77. |
| Oats, bulk, 4,400,000 busbels [1] | At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate plus: (1) 15 cents per bushel if received by truck, or (2) 13 cents per bushel if received by rail or barge. At other points, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 or better, ex rail or barge, $1.04; Minneapolis, No. 3 or better, ex rail or barge, $0.99. |
| Barley, bulk (Campagna) 1,000,000 bushels. [1] | Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality, and location, plus: (1) 21 cents per bushel if received by truck, or (2) 17 cents per bushel if received by rail or barge. Examples of minimum prices per busbel: Minneapolis, No. 1 Barley, ex rail or barge, $1.59. |
| Corn, bulk, 50,000,000 busbels [1] | At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate for No. 3 yellow plus: (1) 19 cents per bushel if received by truck, or (2) 15 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $1.93; St. Louis, No. 3 yellow, $1.95; Minneapolis, No. 3 yellow, $1.84; Omaba, No. 3 yellow, $1.86; Kansas City, No. 3 yellow, $1.91. For other classes, grades, and quality, market differentials will apply. |
| Grain sorghums, bulk, 124,000 hundredweight. | Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality, and location, plus: (1) 37 cents per hundredweight if received by truck, or (2) 32 cents per hundredweight if received by rail or barge. Examples of minimnm prices per hundredweight: Kansas City, No. 2 Grain Sorghums, ex rail or barge, $3.16; ex truck, $3.21. |
| Flaxseed, bulk, 144,000 busbels | Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon, but not less than the following: $4.39 per bushel, No. 1 Grade, basis in store, Minneapolis. For other markets and grades, adjust by market differentials. |

*Ceiling Price Certification:* Any purcbaser from CCC of raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

[1] Tbese same lots also are available at export sales prices announced today.

DECEMBER 1952 EXPORT PRICE LIST

| Commodity and approximate quantity available (subject to prior sale) | Export sales price |
|---|---|
| Cottonseed oil, bleachable prime summer yellow 130,000,000 pounds.[1] | Market price f. o. b. tank cars at points of storage locations. |
| Linseed oil, raw, 186,300,000 pounds.[1] | 14 cents per pound, f. o. b. tank cars at points of storage location. (See note on Ceiling Price Certification at the end of this price list.) |
| Dry edible beans | No. 1 Grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at location shown below. |
| Baby lima, bagged, 1950 crop. 398,000 hundredweight.[1] | $4.25 per 100 pounds, San Francisco Bay area. Discount for grades: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1; Appropriate discounts will also be given for "off-color" beans. |
| Austrian winter peas, bagged, not certified for purity or germination, 1,657, 000 hundredweight.[1] | In Portland, Oreg., and San Francisco areas only. Tbe domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable. |
| Wheat, bulk, 25,000,000 bushels.[1] | Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. |
| Oats, bulk, 4,400,000 bushels.[1] | Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. |
| Barley, bulk (Campagna), 1,000,-000 bushels.[1] | Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. |
| Corn, bulk, 50,000,000 bushels.[1] | Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. |

*Ceiling Price Certification:* Any purchaser from CCC or raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

[1] These same lots also are available at domestic sales prices announced today.

(Pub. Law 439, 81st Cong.)

Issued December 5, 1952.

[SEAL] G. F. GEISSLER,
*President, Commodity Credit Corporation.*

[F. R. Doc. 52–13074; Filed, Dec. 10, 1952; 8:55 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 2539]

NORTHWEST AIRLINES, INC.; MAIL RATE CASE

NOTICE OF ORAL ARGUMENT

In the matter of Mail Rate; transpacific operations period December 31, 1946–December 31, 1950—period 1952 forward.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 18, 1952 at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 8, 1952.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 52–13065; Filed, Dec. 10, 1952; 8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E–6441]

CONSOLIDATED GAS ELECTRIC LIGHT AND POWER CO. OF BALTIMORE AND PENNSYLVANIA WATER & POWER CO.

ORDER SETTING HEARING

DECEMBER 4, 1952.

By complaint filed July 2, 1952, Consolidated Gas Electric Light and Power Company of Baltimore (Consolidated) complains that Pennsylvania Water & Power Company (Penn Water) has overcharged it for electric service by reflecting in its charges certain expenditures made by Penn Water relating principally to litigation, annual charges of Penn Water's FPC license, and return on certain facilities unauthorized by Consolidated, and has not impounded the amounts required by the order of this Commission of January 31, 1949, and the order of the United States Court of Appeals of the District of Columbia of April 29, 1949, staying this Commission's rate reduction orders of January 4, 1949, and October 25, 1949, effective February 1, 1949. The disputed amounts have been billed by Penn Water to Consolidated, but payment on such amounts has been withheld by Consolidated.

The complaint requests this Commission to find such overcharges both under Penn Water's rate schedule on file before February 1, 1949, Rate Schedule FPC No. 1, and under the rate schedule prescribed by Commission order of October 25, 1949, FPC Prescribed Rate Schedule A, stayed by the orders of the Commission and the Court of Appeals until June 25, 1952. The complaint asks the Commission to examine every item of disputed expenditure by Penn Water and to issue a declaratory determination applicable to the construction of Penn Water's rate schedules for the future so as to settle whether Consolidated is obligated to pay the items for the past, present or future. The complaint further asks that the Commission inquire into Penn Water's impoundings of the difference between the rates under the Commission's prescribed rate schedule and the rate schedule previously on file for the period February 1, 1949, to April 29, 1949, during which the prescribed rate was stayed by Commission order and direct the proper amount which should be impounded and its distribution.

Penn Water filed a statement on August 1, 1952, in which it denied the jurisdiction of the Commission to grant the relief requested by Consolidated and denied the correctness of Consolidated's statements relating to the alleged overcharges.

The Commission orders:

(A) A public hearing be held in the Commission's Hearing Room, 1800 Penn-

sylvania Avenue NW., Washington, D. C., commencing at 10 a. m., e. s. t., on January 5, 1953, with respect to the issues in this proceeding.

(B) Interested State commissions may participate in the hearing ordered in paragraph (A), as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure, dated January 1, 1948 (18 C. F. R. 1.8 and 1.37 (f)).

Date of issuance: December 5, 1952.

By the Commission.

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

[F. R. Doc. 52-13047; Filed, Dec. 10, 1952; 8:47 a. m.]

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[Docket No. G-2045]

PERMIAN OIL AND GAS CO.

ORDER FIXING DATE OF HEARING

DECEMBER 4, 1952.

On September 8, 1952, the Permian Oil and Gas Company (Applicant), an Ohio corporation having its principal place of business in Marietta, Ohio, filed an application, as supplemented and amended on October 16, 1952, and December 3, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 4,520 feet of 3-inch pipe line, a metering and regulating station and appurtenant facilities in Olive Township, Noble County, Ohio, the continued operation of approximately 14 miles, 1,430 feet of existing 2-, 3- and 4-inch pipe line in Noble and Washington Counties, Ohio, and the purchase and transportation of natural gas as hereinafter described, all as more fully described in said application on file with the Commission and open to public inspection.

Paragraph (B) (3) of the order accompanying Opinion No. 231, issued July 3, 1952, in Docket No. G-1693 et al. authorized and directed Texas Eastern Transmission Corporation (Texas Eastern) to reserve not to exceed 300 Mcf of gas a day for Applicant. Applicant proposes to use the gas purchased from Texas Eastern to serve its existing customers in the villages of Caldwell, Dexter City, Macksburg, Elba, Dudley, Olive and South Olive, all in Ohio, and the outlying and intermediate districts thereof. Applicant states that this volume of gas is necessary to supplement its existing supply in local wells which have become depleted.

Applicant has requested, in its second amended application, that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition in opposition to the application has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 23, 1952 (17 F. R. 8491).

Applicant states, in its second amended application, that an emergency exists in that the supplementing supply of gas herein applied for is urgently needed to supply the current requirements of its customers.

The Commission finds:

(1) For good cause, the date fixed for hearing should be less than the 15 days required by § 1.20 (a) of the Commission's rules of practice and procedure.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 11, 1952, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

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

Date of issuance: December 5, 1952.

By the Commission.

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

[F. R. Doc. 52-13048; Filed, Dec. 10, 1952; 8:47 a. m.]

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[Docket No. G-2068]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

DECEMBER 4, 1952.

On September 12, 1952, Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, filed an application, as supplemented by additional information on October 29, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a metering station on its pipeline now serving Boonville, Indiana, for the purpose of selling natural gas to Boonville Natural Gas Corporation for resale in the unincorporated town of Chandler, Warrick County, Indiana, and environs, in volumes not to exceed 200 Mcf a day, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 10, 1952 (17 F. R. 9053).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 23, 1952, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

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

Date of issuance: December 5, 1952.

By the Commission.

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

[F. R. Doc. 52-13046; Filed, Dec. 10, 1952; 8:46 a. m.]

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[Docket No. G-2093]

CONNECTICUT GAS CO.

NOTICE OF APPLICATION

DECEMBER 5, 1952.

Take notice that on November 24, 1952, the Connecticut Gas Company (Applicant), a Connecticut corporation with its principal place of business at Berlin, Connecticut, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the operation of such of the facilities hereinafter described as may be subject to the requirements of the act and the jurisdiction of the Commission.

The facilities described in the application which are to be used in supplying the service Applicant proposes to furnish are:

(1) A coke oven plant of the Connecticut Coke Company, located in New Haven, Connecticut, for the production of mixed coke-oven and producer gas;

(2) A mixing plant owned by Applicant, located adjacent to the plant described in (1) above, for the mixture of manufactured gas and natural gas;

(3) A transmission pipeline from the mixing plant described in (2) above to the Madison Avenue Holder Station of the Hartford Gas Company. From this pipeline Applicant proposes to sell and deliver natural gas to the Connecticut Light and Power Company at Meriden, Middletown, and Bristol, Connecticut; and to furnish gas to domestic customers of New Haven Gas Light Company, Wallingford Gas Light Company, New Britain Gas Light Company, and Connecticut Light and Power Company, which are

connected directly to the transmission pipeline;

(4) The Madison Avenue Holder Station of Hartford Gas Company and its transfer main from the Holder Station to the Front Street mixing plant of Hartford Gas Company in Hartford;

(5) The Front Street mixing plant of Hartford Gas Company;

(6) Transmission facilities of Hartford Gas Company from its Front Street plant to Applicant's pipelines at Front Street and at the Manchester town line.

Applicant states that it need not construct, extend or acquire any of its presently existing facilities to receive, mix, transport, and sell natural gas and manufactured gas. Applicant states that it is now operating a gas transmission pipeline system running from New Haven to Hartford, Connecticut, and to certain points in the so-called Central and Northern Divisions of the Connecticut Light and Power Company, and that this application is for a certificate of public convenience and necessity to permit this continued operation of this pipeline system with the introduction of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of December 1952. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 52-13051; Filed, Dec. 10, 1952; 8:48 a. m.]

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[Docket Nos. G-2097, G-2024]

UNITED GAS PIPE LINE CO. AND MISSISSIPPI RIVER FUEL CORP.

ORDER INSTITUTING INVESTIGATION, CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING, AND REQUIRING UNITED GAS PIPE LINE COMPANY TO SUBMIT SPECIFIED DATA AND INFORMATION

DECEMBER 4, 1952.

In the matter of United Gas Pipe Line Company, Docket No. G-2097; Mississippi River Fuel Corporation, Complainant, v. United Gas Pipe Line Company, Defendant, Docket No. G-2024.

On August 4, 1952, Mississippi River Fuel Corporation (Mississippi) filed a complaint against United Gas Pipe Line Company (United) in the above-entitled proceeding, Docket No. G-2024, designated "Petition for Relief," in which Mississippi prayed that United be required by the Commission to make an accounting and render reports, as more particularly hereinafter referred to, relating to certain contracts entered into between United, as seller, and Mississippi, as buyer, and filed with the Federal Power Commission as rate schedules. The salient facts leading up to the filing of such complaint are as follows:

On September 7, 1945, United, as seller, and Mississippi, as buyer, entered into a contract for the sale and purchase of natural gas, whereby United agreed to supply Mississippi with certain volumes of natural gas on a basis substantially resulting in a maximum of 73,000 Mcf of natural gas per day, at a price consisting of a commodity charge of 5 cents, subject to adjustment for Btu content, and a demand charge of 38 cents per Mcf of billing demand per month. This contract was filed with the Commission and designated as Supplement No. 11 to United's Rate Schedules FPC Nos. 9, 10, and 11.

On March 28, 1949, pursuant to the terms of said contract of September 7, 1945, Mississippi notified United of its desire to increase its maximum daily purchases under said contract from 73,000 Mcf to 195,000 Mcf, commencing November 1, 1949, an increase of 122,000 Mcf per day. Thereafter, on November 16, 1949, the same parties entered into an amendatory agreement—filed with the Commission on November 23, 1949, and designated as Supplement No. 15 to United's Rate Schedules FPC Nos. 9, 10, and 11—providing for the aforesaid maximum daily delivery of 195,000 Mcf, and also for a higher "rolled in" rate for the total deliveries to be made, consisting of a commodity charge of 6½ cents per Mcf, subject to adjustment for Btu content, and a demand charge of 45 cents per Mcf of billing demand per month. This filing effected an increase in rates estimated by United at the time of filing to be about $950,000 annually. The 6½ cents commodity charge represented the approximate weighted average of 5 cents per Mcf related to the 73,000 Mcf a day and 7½ cents per Mcf for the added 122,000 Mcf a day.

On the same date, November 16, 1949, the parties entered into a letter agreement which was filed with the Commission and designated as Supplement No. 1 to Supplement No. 15 to United's Rate Schedules FPC Nos. 9, 10, and 11, providing for an annual adjustment of the commodity charge of 6½ cents specified in Supplement No. 15 to United's Rate Schedules FPC Nos. 9, 10, 11, in the following manner:

It is anticipated that the additional gas requested by Mississippi River Fuel Corporation * * * must be supplied by United Gas Pipe Line Company from purchases of surplus gas in the Carthage Field. United is entering into purchase contracts for the purchase of this surplus gas. These purchase contracts are for twenty (20) years, and the price to be paid thereunder is on a sliding scale of 7½ cents per Mcf for the first 5-year period, increasing one cent each 5 years * * *.

Due to variations in the market demands of both United and others now withdrawing gas from Carthage Field, the amount of surplus gas purchases may, in any years, be less than the amount estimated by United to supply the increased requirements of Mississippi River Fuel Corporation. It is the intention of United, as of March 1st of each year, to make an appropriate adjustment in the commodity charge as set out in its amendatory agreement with Mississippi River Fuel Corporation dated November 16, 1949, in the event that the surplus gas purchases, chargeable to Mississippi River Fuel's increased demand as set out in said agreement, shall be less than 122/195 of Mississippi River Fuel's total requirements from United. The amount of the adjustment, and the method of calculation, shall be approved by the Federal Power Commission.

By order dated December 20, 1949, the Commission allowed said Supplement No. 15 and said Supplement No. 1 thereto to take effect as of December 8, 1949, which order recites, inter alia, that:

Supplement No. 1 to said Supplement No. 15 provides that United will make an adjustment in the commodity charge as of March 1 of each year, as therein provided.

The same order required, inter alia, that:

United shall file as of March 1 in each year the amount of the proposed adjustment in the commodity charge, referred to in said Supplement No. 1 to Supplement No. 15, the method of calculation of such adjustment, and such other details as may be requested by the Commission, and such filing shall be made each year whether or not any adjustment is contemplated by United.

On May 23, 1950, United filed Supplement No. 1 to Supplement No. 1 to Supplement No. 15 to Rate Schedules FPC Nos. 9, 10 and 11, representing an adjustment of $201,892.53 to be paid by United to Mississippi for the period from December 13, 1949, to and including February 28, 1950. It appears from such filing that, for the period covered, United purchased no gas at a price of 7½ cents per Mcf for delivery to Mississippi in the manner contemplated by Supplement No. 1 to Supplement No. 15, and such filing reflected a reduction in the unit commodity price from 6½ cents to 5 cents per Mcf. Such filing shows that during said period of time, United delivered to Mississippi a total of 12,837,462 Mcf of gas and that United billed Mississippi the sum of $1,084,175.13 for such gas; that the aforesaid sum of $201,892.53 remitted is composed of two parts, as follows: (a) The difference between the amount billed at the commodity charge of 6½ cents per Mcf and the adjusted commodity price of 5 cents per Mcf, or $192,561.93; and (b) the difference in the charges due to a Btu adjustment of $9,330.60. By Commission order issued June 27, 1950, said Supplement No. 1 to Supplement No. 1 to Supplement No. 15 was allowed to take effect and it appears that United remitted $201,892.53 to Mississippi.

By letter dated April 24, 1951, United transmitted for filing with the Commission a statement showing, as the proposed adjustment in its charges to Mississippi for the period from March 1, 1950, to February 28, 1951, an amount of $688,789 to be remitted to Mississippi; and by letter dated June 18, 1951, transmitted for filing a revised statement showing the same proposed adjustment. It appears from such statements that United sought to consider certain exchange gas which it received from a transmission pipeline of Texas Eastern Transmission Corporation at a point near Castor, Louisiana, as being the same, under the provisions of Supplement No. 1 to Supplement No. 15 to Rate Schedules FPC Nos. 9, 10, and 11, as surplus gas purchased at 7½ cents per Mcf in the Carthage Field, and that had it not been for such assumption, the amount of the adjustment would have been much larger, or approximately $1,030,000. United has not remitted any amount to Mississippi by way of adjustment for such 12-month period.

By letter dated June 30, 1952, from the Secretary of the Commission, United was called upon to file a statement for the year ending February 29, 1952, as required by the Commission's order dated December 20, 1949, showing the adjustment in charges respecting charges for natural gas sold and delivered during such period pursuant to the provisions of Supplement No. 1 to Supplement No. 15 to United's Rate Schedules FPC Nos. 9, 10, and 11. United has failed and refused to comply with such request and the requirements of its filed and effective rate schedules.

The complaint of Mississippi filed on August 4, 1952, prays that the Commission forthwith order United to make such accounting or render such report or reports as will indicate as of March 1, 1951, and March 1, 1952, what adjustments are necessary in the commodity charge, as to each of the preceding 12-month periods, because of the provisions of effective rate schedules and supplements thereto on file with the Federal Power Commission, and that United be ordered to comply in all particulars with said rate schedules and supplements thereto.

It appears that United, for the 12 months ended February 28, 1951, and again for the 12 months ended February 29, 1952, has failed and refused to make the adjustment in the commodity charge called for by said Supplement No. 1 to Supplement No. 15 to United's FPC Rate Schedules Nos. 9, 10, and 11, and has failed and refused to submit the basic information from which the amount of such adjustment can be determined, as required by said Commission order dated December 20, 1949.

On October 4, 1951, United filed a petition for a declaratory order determining "that Petitioner did not have to make any adjustment or refund to Mississippi under the adjustment rate and that Petitioner be declared to be entitled to a refund from Mississippi in the amount of $201,892.60." The Commission by order issued October 31, 1951 (Docket No. G–1804), dismissed United's petition. From such order of dismissal, United has appealed to the United States Court of Appeals for the Fifth Circuit, thus raising the issue whether the Commission erred in the exercise of its discretion in dismissing United's petition for a declaratory order in the form and manner requested.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion as hereinafter ordered, to determine the correct amount of the adjustment in the charges of United to Mississippi for natural gas sold and delivered during the 12-month periods ended February 28, 1951, and February 29, 1952, under the provisions of United's Rate Schedules FPC Nos. 9, 10, and 11 and supplements theerto; and such amount as may be due and payable from United to Mississippi for each of said 12-month periods.

(2) The matters involved in the proceeding in Docket No. G–2097 involve substantially the same issues and facts as presented in Docket No. G–2024, and good cause, therefore, exists for consolidating such matters for purpose of hearing.

The Commission orders:

(A) An investigation be and it hereby is instituted for the purpose of enabling the Commission to determine the correct amount of the adjustment in the charges of United to Mississippi for natural gas sold and delivered during the 12-month periods ended February 28, 1951, and February 29, 1952, under the provisions of United's Rate Schedules FPC Nos. 9, 10, and 11 and supplements thereto; and to determine such amount as may be due and payable from United to Mississippi for each of said 12-month periods.

(B) That United submit to the Commission in writing and under oath 10 days prior to such public hearing, the following information:

(i) The volume of natural gas which it supplied to Mississippi during the 12-month periods ended February 28, 1951 and February 29, 1952, pursuant to the foregoing rate schedules and supplements thereto, or any of them, which natural gas represented purchases by United of surplus gas in the Carthage Field, and the names of the sellers of such surplus gas to United, as well as the price paid therefor by United; and

(ii) Full information and data for the respective 12-month periods ended February 28, 1951 and February 29, 1952, showing the total volumes of natural gas sold and delivered to Mississippi under United's Rate Schedules FPC Nos. 9, 10, and 11, as supplemented, as well as the adjustments specified under the provisions of Supplement No. 1 to Supplement No. 15 to such rate schedules and the Commission's order of December 20, 1949, appropriately adjusted to reflect any difference in charges due to Btu content of such gas.

(C) The proceedings in this docket be and the same hereby are consolidated with the proceedings in Docket No. G–2024 for purposes of hearing.

(D) The consolidated proceedings be and the same hereby are set for public hearing to be held commencing on January 26, 1953, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters and issues presented by the complaint of Mississippi and the matters and issues presented by paragraphs (A) and (B) hereof.

Date of issuance: December 5, 1952.

By the Commission.[1]

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

[F. R. Doc. 52–13044; Filed, Dec. 10, 1952; 8:46 a. m.]

[1] Commissioner Draper dissenting.

[Project No. 1971]

IDAHO POWER CO.

ORDER ON MOTIONS

DECEMBER 3, 1952.

On November 10, 1952, the Idaho Power Company, applicant for license under the Federal Power Act for the proposed Oxbow Project (No. 1971) on Snake River, Idaho and Oregon, filed a supplement to its application for license for the project. The supplement consisted of (1) an amended Exhibit N, revised estimate of the cost of the proposed Oxbow Project, and (2) an amended Exhibit Q, revised statement of plans for comprehensive development. The original Exhibit Q presented a plan to develop the power resources of the stretch of the Snake River between Weiser, Idaho, and a piont about 100 miles downstream with five low head dams (Bayhorse, Sturgill, Brownlee, Oxbow, and Hells Canyon). The amended Exhibit Q includes this plan for five low head dams and in addition presents an alternative plan calling for low head dams at the Oxbow and Hells Canyon sites and a high head dam at the Brownlee site in lieu of the three low head dams at the Brownlee, Sturgill, and Bayhorse sites. Amended Exhibit Q states that the installed capacities and the estimated costs given for each development under the two alternative plans are based on preliminary studies; that further investigation and appraisal of the Brownlee site and the comparative merits of the two plans are being conducted by the applicant; and that the results of the further investigations and studies will be supplied to the Commission.

The supplement does not change or amend the proposal to construct the Oxbow Project, the only project for which a license is requested.

On November 12, 1952, the applicant filed a motion requesting the Commission to postpone the further hearing in this proceeding, now set for January 12, 1953, in Washington, D. C., for approximately 30 days. The motion stated that the additional time was needed in view of the further investigations and appraisals now being conducted with respect to the proposal for a high head dam at the Brownlee site and other work in connection with the alternative plan, for comprehensive development, and in view of the several holiday periods between November 12, 1952, and January 12, 1953. In addition, the Commission takes notice of the fact that it will be extremely difficult, if not impossible, for its staff members and any others from places outside of Washington, D. C., who plan to attend or participate in the hearing to obtain hotel accommodations in or around Washington, D. C., in January 1953, due to the Presidential Inauguration which is to occur January 20, 1953.

The motion, together with a copy of the supplement to the application, was served by the applicant on all parties of record in this proceeding.

On November 21, 1952, the Secretary of the Interior, an intervener in this pro-

ceeding, filed motions in opposition to applicant's motion for continuance and to strike the supplement to the application filed November 10, 1952. In the alternative, the Secretary requested that if the motion to strike the supplement be denied, such denial be without prejudice to his right to answer thereto within 30 days from the date of the Commission's action on the motions and that no action be taken on the motion for continuance and that the Secretary be accorded a period of 10 days from the date of the Commission's action to answer the motion for continuance on the merits. Counsel for the Secretary, by a letter filed November 28, 1952, requested that, if the Commission finds it is not possible to resume the hearings as now scheduled, the deferment should be until about April 15, 1953.

No other party filed an answer to the applicant's motion for continuance within the 10-day period provided for such answers by the Commission's rules and regulations. However, Commission Staff Counsel filed an answer stating that additional time was needed to investigate and study the alternative plan for comprehensive development presented in the amended Exhibit Q and requested postponement of the further hearing.

The supplement to the application is being referred to the Secretary of the Interior for an appropriate report and comment as was the original application for license. This will afford him an opportunity to make any representations and to request any affirmative relief in this matter he deems necessary or appropriate.

The Commission finds:

(1) An applicant for license has the right to supplement its application for license to present revised or amended data and plans for consideration by the Commission and, therefore, the motion of the Secretary of the Interior to strike the supplement should be denied as hereinafter provided.

(2) The Secretary of the Interior was served with a copy of the applicant's motion for continuance of the further hearing and has made representations with respect thereto within the 10-day period provided by the Commission's rules and regulations.

(3) Under the existing circumstances it is appropriate and in the public interest to postpone the further hearing in this matter as hereinafter provided.

The Commission orders:

(A) The motion of the Secretary of the Interior to strike the supplement to the application for license for Project No. 1971, filed November 10, 1952, is hereby denied without prejudice to the right of the Secretary to make further representations or request such affirmative relief as he deems necessary or appropriate.

(B) The further hearing in the above-entitled matter now set to commence on January 12, 1953, is hereby postponed to commence on April 13, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Twelfth Floor, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: December 5, 1952.

By the Commission.

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

[F. R. Doc. 52–13045; Filed, Dec. 10, 1952; 8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2962]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING RECLASSIFICATION OF COMMON STOCK AND ISSUANCE OF SHARES; AND STOCK DIVIDEND

DECEMBER 5, 1952.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 and 7 thereof and Rule U-62 of the rules and regulations promulgated thereunder as applicable to the following proposed transactions:

American Gas presently has outstanding 10,041,081 shares of $10 par value common stock. The declaration proposes (1) the reclassification of said shares into 20,082,162 shares of $5 par value common stock, and the issuance of two shares of the $5 par value common stock for each one share of the $10 par value common stock presently held; and (2) the issuance of a stock dividend which is summarized as follows:

On October 29, 1952, the board of directors of American Gas declared a stock dividend at the rate of one share of $10 par value common stock for each forty shares of such stock outstanding in the hands of the public, payable March 10, 1953, to holders of record on February 2, 1953. In the event that the stock reclassification heretofore described shall have become effective on or prior to March 10, 1953, the stock dividend will be at the rate of two shares of $5 par value common stock for each share of the $10 par value common stock which would have been distributable had such reclassification not become effective.

The proposed stock dividend will result in the issuance of 146,913 shares of $10 par value common stock. American Gas proposes to reflect this transaction by debiting earned surplus in the amount of $8,080,215 (an assigned value of $55 per share) and crediting the common stock account with $1,469,130 and premium on capital stock in the amount of $6,611,085. As of September 30, 1952, the earned surplus of American Gas was $71,551,606.

In connection with the stock dividend, American Gas proposes that no fractional shares of common stock will be issued. The details of handling fractional interests will be set forth by amendment herein.

Notice is further given that any interested person may, not later than December 18, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 18, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 52–13054; Filed, Dec. 10, 1952; 8:49 a. m.]

[File Nos. 70–2968, 70–2966, 70–2965, 70–2964]

MONTAUP ELECTRIC CO. ET AL.

NOTICE OF ISSUE, SALE AND ACQUISITION OF DEBENTURE BONDS; ISSUE AND SALE OF UNSECURED NOTES TO BANKS; AND ORDER OF CONSOLIDATION

DECEMBER 5, 1952.

In the matter of Montaup Electric Company, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, File No. 70–2968; Blackstone Valley Gas and Electric Company, File No. 70–2966; Brockton Edison Company; File No. 70–2965; Fall River Electric Light Company, File No. 70–2964.

Notice is hereby given that applications-declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Montaup Electric Company ("Montaup"), Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"), all public-utility subsidiary companies of Eastern Utilities Associates, a registered holding company. Applicants-declarants have designated sections 6, 7, 9, 10, and 12 of the act and rules U-42, U-43, U-45, and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Montaup presently has outstanding with a bank $11,000,000 principal amount of 3 percent promissory notes, due December 30, 1952. Such notes were issued principally to provide Montaup with funds necessary for an additional 60,000 kw generator in its steam plant, which was placed in service on October 1, 1951.

Montaup proposes to issue and sell $11,000,000 principal amount of 30-year 3⅜ percent Debenture Bonds to Blackstone ($4,573,000), Brockton ($2,689,000), and Fall River ($3,738,000) and to use the proceeds therefrom to pay off its presently outstanding promissory notes. Said Debenture Bonds are to be redeemable, in whole at any time or pro rata in part from time to time, at the principal amount and accrued interest to the date of redemption.

Blackstone, Brockton and Fall River expect to have outstanding during December 1952, under a prior loan agreement, unsecured short-term 3 percent promissory notes in the aggregate face amount of $600,000, $1,100,000 and $900,000, respectively. Blackstone, Brockton and Fall River propose to issue to the First National Bank of Boston and certain participating banks on or before December 29, 1953, unsecured promissory notes in the aggregate principal amounts of $6,000,000, $4,450,000 and $5,200,000, respectively. Said notes will be issued by said companies in order to pay off such note indebtedness as may be outstanding during December 1952 under said prior loan agreement, to purchase their proportionate shares of the Debenture Bonds proposed to be issued by Montaup and to provide sufficient funds for their 1953 construction programs. With respect to each company said notes will mature not later than one year less one day after the date of issue of the first of the notes and in no event later than December 29, 1953, and will be prepayable at any time without premium. Each note will bear interest at the prime rate of interest for short-term unsecured loans existing at the time of issuance thereof except that the interest rate on each note outstanding on June 30, 1953, will be adjusted to the prime interest rate existing on that date and each such note will bear such adjusted prime interest rate from that date to maturity or prior payment thereof. It is stated that the prime interest rate for such notes at the present time is 3 percent per annum. It is further stated that in the event that the interest rate of any proposed note would be in excess of 3¼ percent per annum, prior to the issuance thereof, the applicable borrowing company or companies will file an amendment to this proceeding setting forth the then existing proposed interest rate. It is requested that any such amendment become effective five days after the filing thereof unless the Commission notifies the company or companies filing such amendment to the contrary.

The filings indicate that the promissory notes proposed to be issued by Blackstone, Brockton, and Fall River will be refinanced through the issuance of bonds by said companies. The filings state that the Department of Public Utilities of Massachusetts has jurisdiction over the issuance of said Debenture Bonds by Montaup and the acquisition of their proportionate share thereof by Brockton and Fall River and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The filings further state that the fees and expenses to be incurred in connection with the sale and acquisition of the Debenture Bonds will not exceed $14,700, including $2,500 of legal fees and $12,100 for Federal documentary tax, and that the fees and expenses to be incurred in connection with the notes to be issued and sold by Blackstone, Brockton, and Fall River will not exceed $1,000, including $900 of legal fees, for each company. It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 22, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

It appearing to the Commission that the above entitled matters involve common questions of law and fact and that such matters should be consolidated for consideration and disposition:

*It is ordered,* That the above entitled matters be, and the same hereby are, consolidated for consideration and disposition.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13052; Filed, Dec. 10, 1952; 8:49 a. m.]

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[File No. 70-2971]

HEVI DUTY ELECTRIC CO.

NOTICE OF FILING REGARDING EXTENSION OF BANK LOAN NOTE

DECEMBER 5, 1952.

Notice is hereby given that an application has been filed by Hevi Duty Electric Company, a non-utility company which is a subsidiary of the North American Company, a registered holding company. The applicant has designated section 6 (b) of the act as being applicable to the proposed transaction which is summarized as follows:

By order, dated June 16, 1952 (Holding Company Act Release No. 11358), this Commission entered its order permitting Hevi Duty to borrow from the Chemical Bank & Trust Company of New York the sum of $300,000 at an interest rate of 3 percent per annum, such borrowing to be evidenced by an unsecured promissory note to extend for a period of six months with the privilege on the part of the company to renew such loan for an additional six-month period. The present application states that said bank loan becomes due January 2, 1953, and because the company's need for working funds has further increased since the original loan was made, it is now proposed that such bank loan be renewed in the same principal amount at the same interest rate for a further period of six months. No fees, commissions or other remuneration are to be paid to any third person in connection with the proposed transaction.

The company states that no regulatory commission other than this Commission has jurisdiction over the proposed transaction.

The applicant has requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 19, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert or may request that he be notified if the Commisison should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13053; Filed, Dec. 10, 1952; 8:49 a. m.]

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# DEPARTMENT OF COMMERCE

## National Production Authority

[NPA Delegation 6, Supp. 1]

CIVIL AERONAUTICS ADMINISTRATION

DELEGATION OF AUTHORITY FOR PRIORITY ASSISTANCE FOR MATERIALS TO RESTORE PROPERTY DAMAGED BY TYPHOON ON WAKE ISLAND

This Supplement 1 to NPA Delegation 6 (as amended August 21, 1951), is issued pursuant to the Defense Production Act of 1950, as amended. The Civil Aeronautics Administration has been delegated certain authority to apply and assign ratings pursuant to NPA Delegation 6. In addition to such authority, National Production Authority delegated to the Administrator of the Civil Aeronautics Administration by written authorization (therein and hereinafter referred to as "NPA Wake Island Authorization") the following authority of which this supplement is confirmatory:

1. To apply the allotment symbol X4 to contracts and delivery orders of Civil Aeronautics Administration for controlled materials (as the term "controlled materials" is used in CMP Reg-

ulation No. 1), and the rating DO–X4 to contracts and delivery orders of Civil Aeronautics Administration for products and materials other than controlled materials; and to grant to others the right to apply the allotment symbol X4 to their contracts and delivery orders for controlled materials and the rating DO–X4 to their contracts and delivery orders for products and materials other than controlled materials, provided that such controlled materials, products, and other materials are required to reconstruct, repair, or replace any building, structure, facility, or equipment damaged or destroyed as a result of the recent typhoon disaster on Wake Island, so that such building, structure, or facility will be substantially the same as it was prior to that disaster.

2. To redelegate in writing to any agent of Civil Aeronautics Administration designated by the Administrator thereof, the authority granted in this supplement.

3. The allotment symbol and DO rating authorized in the NPA Wake Island Authorization may be used only for delivery orders placed prior to July 1, 1953. Every delivery order bearing the allotment symbol X4 or the rating DO–X4 pursuant thereto must contain a certification in the following form:

"Certified under NPA Wake Island Authorization."

Such certification shall be signed as provided in NPA Reg. 2 and shall constitute a representation to the supplier and to the National Production Authority that the person placing the order is authorized to use the allotment symbol X4 or the rating DO–X4, as the case may be, under the provisions of such authorization, for the purpose of obtaining the materials or products covered by the delivery order.

4. Every grant of the right to use an allotment symbol or rating on a delivery order which might be given by the Administrator of Civil Aeronautics Administration to any person pursuant to the NPA Wake Island Authorization shall be made in writing, addressed to such person, and duly signed in the name and behalf of Civil Aeronautics Administration; and shall incorporate therein by reference the provisions of the NPA Wake Island Authorization.

5. The exercise of this authority shall be subject to and in accordance with all regulations and orders of the National Production Authority, the NPA Wake Island Authorization, and all such requirements, policy statements, and directives as may be issued from time to time by the National Production Authority.

This supplement issued on December 10, 1952. The NPA Wake Island Authorization was issued November 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
R. A. MCDONALD,
*Administrator.*

[F. R. Doc. 52–13140; Filed, Dec. 10, 1952; 11:33 a. m.]

[Suspension Order 50; Docket No. 55]

HUB AUTO SUPPLY, INC., ET AL.

SUSPENSION ORDER

A hearing having been held in the above-entitled proceeding on the 29th day of October 1952, before Ernest J. Brown, a hearing commissioner of the National Production Authority, on a statement of charges made in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628) dated July 21, 1951, and Rules of Practice 1, Revised (17 F. R. 8156), and upon a stipulation of facts executed by the regional attorney on behalf of the National Production Authority, by the respondents, and by counsel for the respondent Hub Auto Supply, Inc.; and

The respondents Hub Auto Supply, Inc., and William B. Sandler, President of Hub Auto Supply, Inc., and individually, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and the said respondents being represented by David M. Brackman, Esq., an attorney at law, and the National Production Authority having been represented by James E. Agnew, Esq., Regional Attorney; and a stipulation of facts having been introduced in lieu of other evidence; and counsel having been heard, and after due deliberation;

It is hereby determined:

*Findings of fact.* 1. During the period commencing March 24, 1952, and ending on or about April 4, 1952, Hub Auto Supply, Inc., placed controlled material orders bearing allotment symbol DO–R6–2Q52 for delivery of 45 tons of carbon steel controlled materials when and although said Hub Auto Supply, Inc., was not authorized to use such allotment symbol or to place such controlled material orders.

2. During the period commencing on or about April 5, 1952, and ending on or about June 10, 1952, Hub Auto Supply, Inc., used 45 tons of carbon steel controlled materials obtained by use of an allotment, for a purpose other than to fill a related or other authorized production schedule.

3. During the period commencing March 24, 1952, and ending on or about August 12, 1952, Hub Auto Supply, Inc., failed to maintain at its regular place of business documents on which it relied as entitling it to make allotments and accept delivery of carbon steel controlled materials, and failed to make such documents available for inspection by representatives of the National Production Authority.

4. During the period commencing March 24, 1952, and ending on or about August 12, 1952, William B. Sandler was president of Hub Auto Supply, Inc., and dominated and managed its affairs, and directed, supervised, and participated in the acts, or failures to act, attributed to Hub Auto Supply, Inc., in paragraphs numbered 1 through 3, immediately above.

*Conclusions.* 1. In placing controlled material orders bearing allotment symbol DO–R6–2Q52 for delivery of 45 tons of carbon steel controlled materials when and although not authorized to use such allotment symbol or to place such controlled material orders, Hub Auto Supply, Inc., during the period commencing March 24, 1952, and ending on or about April 4, 1952, committed acts prohibited by, and in violation of, section 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

2. In using 45 tons of carbon steel controlled materials obtained by use of an allotment, for a purpose other than to fill a related or other authorized production schedule, Hub Auto Supply, Inc., during the period commencing on or about April 5, 1952, and ending on or about June 10, 1952, committed acts prohibited by, and in violation of, section 17 (h) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

3. In failing to maintain at its regular place of business documents on which it relied as entitling it to make allotments and accept delivery of carbon steel controlled materials, and in failing to make such documents available for inspection by representatives of the National Production Authority, Hub Auto Supply, Inc., during the period commencing March 24, 1952, and ending on or about August 12, 1952, violated section 23 (b) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

4. In directing, supervising, and participating in the acts and failures to act found to have constituted violations of CMP Regulation No. 1, as amended, by Hub Auto Supply, Inc., while president of said Hub Auto Supply, Inc., William B. Sandler, during the period commencing March 24, 1952, and ending on or about August 12, 1952, committed acts prohibited by, and in violation of, sections 17 (b), 19 (f), and 23 (b) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

In order to correct the unauthorized ordering and use of carbon steel found herein, and in order to prevent future violations of National Production Authority regulations and orders by the respondents,

*It is accordingly ordered:*

1. That all priority assistance be withdrawn and withheld from Hub Auto Supply, Inc., and from William B. Sandler, as president of Hub Auto Supply, Inc., and individually, their successors and assigns, for a period of 4 months beginning with the date of the issue of this order.

2. That all allocations and allotments of controlled materials and materials under the control of the National Production Authority be withdrawn and withheld from Hub Auto Supply, Inc., and William B. Sandler as president of Hub Auto Supply, Inc., and individually, their successors and assigns, so long as the Defense Production Act of 1950, as

amended, or as hereafter amended or extended, remains in effect.

3. That all privileges of self-certification, self-authorization, and automatic allotment granted or authorized by the National Production Authority with respect to controlled materials and materials under the control of the National Production Authority be withdrawn and withheld from Hub Auto Supply, Inc., and William B. Sandler as president of Hub Auto Supply, Inc., and individually, their successors and assigns, so long as the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

4. That Hub Auto Supply, Inc., and William B. Sandler as president of Hub Auto Supply, Inc., and individually, their successors and assigns, be prohibited from acquiring, using, or disposing of controlled materials and materials under the control of the National Production Authority for a period of 4 months beginning with the date of the issue of this order.

Issued at Boston, Mass., this 26th day of November 1952.

NATIONAL PRODUCTION AUTHORITY,
By ERNEST J. BROWN,
*Hearing Commissioner.*

[F. R. Doc. 52-13141; Filed, Dec. 10, 1952; 11:33 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Dissolution Order 98]

JUNGMANN & CO., INC.

Whereas, by Vesting Order No. 166, executed September 24, 1942 (7 F. R. 8568, October 23, 1942) there was vested 240 shares (80 percent) of the issued and outstanding capital stock of Jungmann & Co., Inc., a Delaware corporation; and,

Whereas, the remaining 60 shares (20 percent) of the issued and outstanding capital stock are owned by the estate of an American citizen to wit: Paul Gutschow; and,

Whereas, Jungmann and Co., Inc., has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and Executive Order 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of Delaware;

Hereby orders, that the officers and directors of Jungmann & Co., Inc. (to wit: Robert Kramer, Vice-President and Director, and Lewis M. Reed, Secretary and Director, and their successors, or any of them) continue the proceedings for the dissolution of Jungmann and Company, Inc.; and further orders that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees, if any, owed by or accruing against the said corporation; and

(c) They shall then pay such claim, if any, as the Attorney General may have for monies advanced or services rendered to or on behalf of the corporation; and

(d) They shall then pay a final liquidating distribution to the Attorney General and Paul Gutschow of all remaining cash and other assets in the proportion of 80 percent to the Attorney General and 20 percent to Paul Gutschow providing that the amount due the corporation from Helmuth Voss, the German national from whom the 80 percent stock interest was vested, will be applied in part payment of the sum due the Attorney General in such distribution; and providing that the amount heretofore distributed to Paul Gutschow of $18,405.50 will be first applied against the amount shown to be due as Mr. Gutschow's proportionate share; that all remaining cash funds after the applications and payments as herein outlined, will be paid 80 percent to the Attorney General and 20 percent to Paul Gutschow; that separate assignments will be made in favor of the Attorney General and in favor of Paul Gutschow of United States Patent No. 2,090,537 in the proportion of 80 percent to the Attorney General, 20 percent to Paul Gutschow, and that an assignment will be made of any and all other assets as hereinabove described, together with any and all after discovered assets not presently reflected on the books of the company, in favor of the Attorney General of the United States for the benefit of himself and Paul Gutschow as their respective stock interests appear, and with the understanding that any and all sums derived hereafter from the liquidation of the assets will be distributed pro rata to the Attorney General of the United States and Paul Gutschow as their stock interests appear, after first allowing, in respect to the patent assignment, for the application on the debts due the corporation from Albert A. Lund of any sums due him by reason of his interest in said patent or royalties derived therefrom until said debts are extinguished, and

further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States, hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Jungmann & Co., Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) and subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., December 5, 1952.

For the Attorney General.

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

[F. R. Doc. 52-13070; Filed, Dec. 10, 1952; 8:53 a. m.]

JEAN EMILE PETIT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

*Claimant, Claim No., Property, and Location*

Jean Emile Petit, Levallois-Perret, France; Claim No. 40473; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,136,314.

Executed at Washington, D. C., on December 4, 1952.

For the Attorney General.

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

[F. R. Doc. 52-13071; Filed, Dec. 10, 1952; 8:54 a. m.]

AMALIA SANTULLI AMODEO

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*

Amalia Santulli Amodeo, also known as Amelia Amodeo and Amalia Santulli, Monteforte, Italy; Claim No. 42125; $2,714.26 in the Treasury of the United States.

Executed at Washington, D. C., on December 4, 1952.

For the Attorney General.

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

[F. R. Doc. 52–13072; Filed, Dec. 10, 1952; 8:54 a. m.]

## SIGMUND HEXTER

### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

*Claimant, Claim No., Property, and Location*

Sigmund Hexter, also known as Fritz Siegmund Hoexter, 13A Nurnberg, Herzog-Bernhardstrasse 136, Nurnberg, Germany; Claim No. 42139; $610.50 in the Treasury of the United States.

Executed at Washington, D. C., on December 4, 1952.

For the Attorney General.

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

[F. R. Doc. 52–13073; Filed, Dec. 10, 1952; 8:54 a. m.]