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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS INTEREST RATES, SOURCES OF FUNDS, AND AMORTIZATION SCHEDULES

Section 333.3, Title 6, Code of Federal Regulations (17 F. R. 190) is revised to eliminate refinancing of outstanding Farm Ownership indebtedness when subsequent loans are made with respect to certain former Defense Relocation Corporation properties. The section as amended reads as follows:

§ 333.3 *Interest rates, sources of funds, and amortization schedules.* Various kinds of Farm Ownership financial assistance have been extended at different rates of interest and involving a number of sources of funds. Therefore, the following policy will govern the making of a subsequent Farm Ownership loan so that future servicing will be simplified: (1) The outstanding Farm Ownership indebtedness will be refinanced if so provided in this section; (2) the benefit of the lowest practicable rates of interest on outstanding Farm Ownership indebtedness will be retained for the borrower; and (3) unpaid balances on outstanding Farm Ownership debts will be reamortized.

(a) When making a subsequent loan to a borrower whose outstanding Farm Ownership indebtedness represents: An asset of a State Rural Rehabilitation Corporation; or a credit sale of a farm by a Defense Relocation Corporation the accounts of which are not yet considered Government accounts; or a credit sale of a farm by a land leasing or land purchasing association or similar organization:

(1) Sufficient funds will be included in the subsequent loan to refinance all outstanding Farm Ownership indebtedness. Interest on such indebtedness will be computed only through the date of the subsequent loan check.

(i) In accordance with instructions previously approved by the representa-

tive of the Office of the Solicitor, the State Director will execute and transmit to that representative the necessary release or satisfaction of the mortgage which secures the indebtedness being refinanced. This document will be forwarded to the County Supervisor when instructions are sent by the representative of the Office of the Solicitor to the County Supervisor concerning disbursement of the proceeds of the loan. The release or satisfaction will be filed for record by the County Supervisor or the attorney who supervises the closing. Funds will be withdrawn from the borrower's supervised bank account to pay the indebtedness being refinanced. Form FHA-37, "Receipt for Payment," will be used to acknowledge the withdrawal of such funds. The appropriate loan code number will be shown in the first column. The payment will be classified as an "extra" payment, and the notation "Payment-in-full by refinancing" will be printed prominently on the face of the receipt. The receipt and the remittance will be scheduled in the usual manner to the Area Finance Office.

(ii) Upon receipt of Form FHA-144, "Summary of Remittance," covering the remittance which paid the outstanding indebtedness in full, the Area Finance Office immediately will forward the original of Form FHA-597, "Notice of Fully Paid Notes," together with the note(s) stamped with a paid-in-full legend, to the appropriate State Office. The stamped note(s) and the State Office copy of the mortgage which has been satisfied will be sent to the County Supervisor for delivery to the borrower.

(2) The interest rate will be 4 percent.

(3) The subsequent loan will be amortized so as to mature within one year of, but not later than, the maturity date of the earliest outstanding Farm Ownership note, unless the loan approval official determines that a longer payment period is necessary, but in no case will it be amortized over a period longer than 40 years from the date of the subsequent loan note.

(b) When making a subsequent loan to a borrower whose outstanding Farm Ownership indebtedness represents one

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(For use during 1953)

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Previously announced: Titles 10-13 (\$0.40); Title 17 (\$0.35); Title 18 (\$0.35); Title 49: Parts 71 to 90 (\$0.45)

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or more of the following: A direct loan in accordance with title I of the Bankhead-Jones Farm Tenant Act, as originally enacted or as amended; a Special Real Estate loan, or a Farm and Home Improvement loan, or a Farm Development loan from funds available for Loans, Grants, and Rural Rehabilitation; a credit sale of Government-owned land pursuant to section 43 or 51 of the Bankhead-Jones Farm Tenant Act, as originally enacted or as amended, or Public Law 563, 79th Congress; and, a credit sale of a farm by a Defense Relocation Corporation the accounts of which are considered Government accounts:

(1) The outstanding Farm Ownership indebtedness will not be refinanced.

(2) The mortgage(s) securing the outstanding indebtedness will not be superseded by the subsequent loan mortgage, but the mortgage securing the subsequent loan will contain a covenant to the effect that it secures not only the subsequent loan but also secures performance of and compliance with all of the covenants, conditions, and provisions of all mortgages which secure outstanding Farm Ownership indebtedness.

(3) The subsequent loan will bear interest at the rate of 4 percent and each outstanding debt will be continued at its present rate of interest.

(4) Each outstanding debt will be re-amortized as of the date the subsequent loan is closed. The subsequent loan will be amortized so as to mature within one year of, but not later than, the maturity date of the earliest outstanding Farm Ownership note, unless a transfer case is involved. If a subsequent loan is made in connection with a transfer case, the subsequent loan will be amortized so as to mature within one year of, but not later than, the due date of the final installment under the assumption agreement.

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 1 (a), 2 (b), 3 (b), 44 (b), 48, 60 Stat. 1072, 1063, 1074, 1069, 1070, sec. 1, 62 Stat. 534; 7 U. S. C. 1001, 1001 (note), 1003 (b), 1018 (b), 1022)

Dated: February 5, 1953.

[SEAL] DILLARD B. LASSETER,
Administrator
Farmers Home Administration.

Approved: February 25, 1953.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-1901; Filed, Feb. 27, 1953; 8:52 a. m.]

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

Subchapter C—Loans, Purchases, and Other Operations

[1952 Cotton Bulletin 1, Amdt. 1 to Supp. 1]

PART 607—COTTON

SUBPART—1952 COTTON PRICE SUPPORT PROGRAM

SCHEDULE OF BASE LOAN AND PURCHASE RATES FOR WAREHOUSE-STORED COTTON; GEORGIA

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 7527, and containing the Schedule of Base Loan and Purchase Rates for Warehouse-Stored Cotton are hereby amended as follows:

Under § 607.354 *Basic loan and purchase rates by warehouse locations* the following correction is made:

State	City and county	Loan rate
Georgia-----	From— Milan, Dodge-----	\$52.70
Georgia-----	To— Milan, Tallah-----	52.73

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 25th day of February 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1902; Filed, Feb. 27, 1953; 8:52 a. m.]

PART 638—NAVAL STORES

SUBPART—1953 GUM NAVAL STORES PRICE SUPPORT LOAN PROGRAM

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1953, formulated by the Commodity Credit Corporation and the Production and Marketing Administration (hereinafter referred to as "CCC" and "PMA").

- Sec.
- 638.401 Administration.
 - 638.402 Eligible producer.
 - 638.403 Eligible naval stores.
 - 638.404 Eligible turpentine.
 - 638.405 Eligible rosin.
 - 638.406 Eligible oleoresin.
 - 638.407 Eligible metal drums.
 - 638.408 Availability of loans.
 - 638.409 Rate of loan to producers.
 - 638.410 Storage provisions.
 - 638.411 Maturity.
 - 638.412 Redemption.
 - 638.413 Rights of CCC upon maturity.
 - 638.414 Disposition of proceeds upon liquidation.
 - 638.415 Personal liability.

Authority: §§ 638.401 to 638.415 Issued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 301, 63 Stat 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447.

§ 638.401 *Administration.* The Naval Stores Division, Tobacco Branch, PMA, will supervise the administration of the program. CCC will make a loan to the American Turpentine Farmers Association Cooperative, Valdosta, Georgia (referred to in this section as the "Association") under a Loan Agreement which will enable the Association in turn to make loans to eligible producers on eligible naval stores, to supervise the maintenance of the collateral in storage, to perform related field administration functions, to arrange for redemptions, and to collaborate in the liquidation of unredeemed collateral. The PMA Commodity Office, New Orleans, Louisiana, will perform accounting and auditing functions.

§ 638.402 *Eligible producer.* A producer will be eligible for loan if he (a) is a member of the Association under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in the Association) (b) is a cooperater in the 1953 Naval Stores Conservation Program of the United States Department of Agriculture or otherwise follows good conservation practices, as determined by such Department, (c) has made satisfactory arrangements to pay any indebtedness to the United States Department of Agriculture or any agency thereof, as evidenced by the registers of indebtedness maintained by the County Committees of the PMA, United States Department of Agriculture, and (d) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1-1953) or any other similar agreement.

§ 638.403 *Eligible naval stores.* "Eligible naval stores" are eligible turpentine, eligible rosin and the turpentine and rosin content in eligible oleoresin.

§ 638.404 *Eligible turpentine.* "Eligible turpentine" is gum turpentine which (a) was produced from eligible oleoresin, (b) is free and clear from all liens and encumbrances, (c) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (d) is "waterwhite" in color, (e) is free from excess resin acids, as evidenced by a total acid number of not more than 0.50, and (f) conforms as to specific gravity to Federal Specifications TT-T-801, to wit: A maximum of 0.875 and a minimum of 0.860 taken at 60 degrees over 60 degrees Fahrenheit.

§ 638.405 *Eligible rosin.* "Eligible rosin" is gum rosin which (a) was produced from eligible oleoresin, (b) grades "I" or better, (c) is free and clear from all liens and encumbrances, (d) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (e) is packed to the net weight approved by CCC, in eligible metal drums, (f) is transparent, (g) is free from visible foreign materials and contains no extraneous matter resulting from chemical or

other treatment of the rosin, or of the oleoresin or the trees from which it came, and (h) conforms as to softening point to not less than Federal Specifications LLL-R-626, to wit: 158 degrees Fahrenheit (American Society for Testing Materials Methods No. E 28-51T) Rosin must be Federally inspected and weighed or the weights checked prior to tender for loan.

§ 638.406 *Eligible oleoresin.* "Eligible oleoresin" is oleoresin (a) which was produced in 1953 in the United States by an eligible producer, (b) which is free and clear from all liens and encumbrances, (c) the turpentine or rosin content in which has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, and (d) which will yield turpentine of the prescribed quality, and rosin of the prescribed grades and quality. When a producer's eligible oleoresin was commingled with oleoresin produced by other producers in the processing operation, the turpentine and rosin tendered for loan by the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, eligible turpentine and eligible rosin produced by such producer.

§ 638.407 *Eligible metal drums.* "Eligible metal drums" are drums conforming to the specifications for metal drums approved by CCC, obtainable from and on file in the office of the Association.

§ 638.408 *Availability of loans.* (a) Under the Loan Agreement, CCC will make a loan to the Association for the purpose of enabling the Association to make loans available, or to make loans, to eligible producers of eligible naval stores produced in 1953. The loan to the Association will be in an amount equal to (1) the amount of the loans made by the Association to producers, (2) the administrative and operating expenses, approved by CCC, incurred by the Association in connection with making loans available and the making of loans, and the handling and preservation of pledged naval stores, (3) the storage charges after naval stores are pledged, and (4) an indemnification charge to cover the assumption by CCC of the risk of loss on rosin and rosin content in oleoresin (the storage rate for turpentine includes insurance)

(b) Each producer desiring to obtain loans will execute a Producer's Marketing Agreement with the Association. Each loan will be secured by a pledge by the producer to the Association of eligible turpentine, eligible rosin, or unprocessed turpentine or rosin content in eligible oleoresin, and the Association, in turn, will pledge the same to CCC as security for the loan made by CCC to the Association. Loans on rosin will be made only on full drums thereof, and loans on the rosin content in oleoresin, only upon the equivalent of full drums thereof. No loans will be made later than December 31, 1953.

(c) Eligible naval stores will be deemed tendered for loan by the producer to the Association only when such naval stores have been (1) processed (ex-

cept where unprocessed turpentine or rosin content in oleoresin is offered for loan) (2) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2-1953) and (3) offered for loan on a Producer's Offer (ATFA Form 3A-1953) (the date of which, if subsequent to April 1, 1953, shall be not later than thirty (30) days from the date of delivery of eligible oleoresin for processing) If there are any liens or encumbrances on the naval stores offered for loan, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3-1953)

§ 638.409 *Rate of loan to producers.* The Association will make loans to producers based on the rate of \$129.81 per naval stores production unit, comprised of fifty (50) gallons of turpentine and fourteen hundred (1400) pounds of rosin; this rate will remain fixed throughout the loan period. Initially, the production unit rate of \$129.81 will be allocated to the individual commodities to provide a loan rate for turpentine of fifty cents (50¢) per gallon of 7.2 pounds in bulk, and a loan rate of \$7.49 for rosin of grades X through WG, and of \$7.39 for grades N through I per hundred pounds net packed in eligible metal drums. CCC reserves the right to revise such allocation of loan values between turpentine and rosin during the loan period, within the fixed production unit loan rate. The amount which the Association will lend to any producer will be determined by applying the applicable loan rates in effect for turpentine and rosin on the date of the applicable Producer's Offer to the quantities thereof tendered for loan.

§ 638.410 *Storage provisions.* The producer will be required to place naval stores offered for loan in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement with the Association. This Agreement will be assigned by the Association to CCC. All processing charges, including the cost of eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for loan will be borne by the producer. Storage charges accruing after the naval stores are pledged are payable by CCC, and comprise part of the loan by CCC to the Association.

§ 638.411 *Maturity.* The loan made by CCC to the Association and the loans made by the Association to producers will be due and payable upon demand, or on April 1, 1954, whichever is earlier.

§ 638.412 *Redemption.* (a) Subject to terms and conditions of the Producer's Marketing Agreement, the producer may redeem pledged naval stores, prior to maturity of the loan, upon application to the Association and payment of the redemption price. The producer's right to redeem may be exercised for him and in his behalf by the Association and the producer's exercise of the right of redemption is subject to the prior exercise thereof by the Association. Subject to the terms and conditions of the Loan

Agreement, the Association may redeem naval stores pledged by the Association to CCC, upon application to CCC theretofore prior to the maturity of the loan and payment of the redemption price.

(b) The redemption price will be the weighted average amount loaned by Commodity to the Association on pledged turpentine or rosin or the content thereof in oleoresin, including applicable expenses and charges, plus interest at the rate of three and one-half percent (3½ percent) per annum.

§ 638.413 *Rights of CCC upon maturity.* CCC will have the right at any time after maturity of the loan to sell, assign, transfer and deliver the pledged naval stores, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine.

§ 638.414 *Disposition of proceeds upon liquidation.* CCC will apply the net proceeds from the disposition of pledged naval stores (a) towards satisfaction of accrued interest, (b) towards satisfaction of the principal amount loaned, and (c) towards the satisfaction of any other indebtedness of the Association to CCC. In the event that any sum remains after application of these amounts, such sum will be returned to the Association by CCC for disposition by the Association to its producer-member participants, or for and in behalf of its producer-members, on an equitable basis as determined by the Association with the approval of CCC.

§ 638.415 *Personal liability.* The loans will be non-recourse, except that any fraudulent representation by the producer or the Association in the loan documents, or in obtaining a loan, will render him or it subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the pledged naval stores are less than the amount of indebtedness incurred by the Association with respect thereto.

Issued this 25th day of February 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1903; Filed, Feb. 27, 1953;
8:52 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 7]

PART 5—DETERMINATION OF PARITY PRICES

WOOL

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (15 F. R. 837, as amended by 15 F. R. 9374, 16 F. R. 2865 and 5971, 17 F. R. 961 and 10277 and 18

F. R. 492) are amended as hereinafter specified in order to designate wool as a commodity for which season average prices will be used in making parity price calculations. The amendment to § 5.4 adds wool to the list of commodities for which marketing season average prices will be used in making parity price calculations.

The paragraph of § 5.4 headed *Designated Nonbasic Commodities* is hereby amended to read as follows:

Potatoes; wool; tung nuts; mohair; honey, wholesale comb; and honey, wholesale extracted.

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

Done at Washington, D. C., this 25th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1907; Filed, Feb. 27, 1953;
8:53 a. m.]

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

[Tangerine Reg. 135]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.618 *Tangerine Regulation 135—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines, grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended; and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 2, 1953. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so con-

tinue until March 2, 1953; the recommendation and supporting information for continued regulation subsequent to March 1 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 2, 1953, and ending at 12:01 a. m., e. s. t., March 16, 1953, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, of a grade higher than U. S. No. 2, which are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches), or

(iii) Any tangerines, grown in the State of Florida, that grade U. S. No. 2 which are

(a) Of a size larger than the size that will pack 150 tangerines, or

(b) Of a size smaller than the size that will pack 210 tangerines,

packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches)

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§ 51.417 of this title; 17 F. R. 8377).

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

Done at Washington, D. C., this 26th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing Administration.

[F. R. Doc. 53-1922; Filed, Feb. 27, 1953;
9:00 a. m.]

[Grapefruit Reg. 177]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.619 *Grapefruit Regulation 177—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 2, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until March 2, 1953; the recommendation and supporting information for continued regulation subsequent to March 1 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 2, 1953, and ending at 12:01 a. m., e. s. t., March 16, 1953, no handler shall ship:

RULES AND REGULATIONS

[Orange Reg. 232]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.620 *Orange Regulation 232—*

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in "Regulation Area II," which do not grade at least U. S. No. 2 Russet;

(iv) Any white seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2;

(v) Any pink seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2 Russet;

(vi) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seedless grapefruit, grown in "Regulation Area I," that grade U. S. No. 2 or U. S. No. 2 Bright which are (a) of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box, or (b) of a size larger than a size that will pack 64 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(x) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," "ship," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title; 17 F. R. 7408)

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

Done at Washington, D. C., this 26th day of February 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-1920; Filed, Feb. 27, 1953; 8:59 a. m.]

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 2, 1953. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until March 2, 1953; the recommendation and supporting information for continued regulation subsequent to March 1 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 24, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 2, 1953, and ending at 12:01 a. m., e. s. t., March 16, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box,

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Florida oranges (§ 51.302 of this title; 17 F. R. 7879)

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 225 (§ 953.596; 17 F. R. 10438)

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

Done at Washington, D. C., this 26th day of February 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-1921; Filed, Feb. 27, 1953; 9:00 a. m.]

[Lemon Reg. 474]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.581 *Lemon Regulation 474—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate

the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 25, 1953; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 1, 1953, and ending at 12:01 a. m., P. s. t., March 8, 1953, is hereby fixed as follows:

- (i) District 1: 10 carloads;
- (ii) District 2: 290 carloads;
- (iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 473 (18 F. R. 1027) and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

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

Done at Washington, D. C., this 26th day of February 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

[F. R. Doc. 53-1941; Filed, Feb. 27, 1953; 9:00 a. m.]

PART 949—MILK IN SAN ANTONIO, TEXAS,
MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73rd Congress, as

amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area, hereinafter referred to as the "order" it is hereby found and determined that the following provision in § 949.51 (c) of the order does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order on and after March 1, 1953: "Provided, That there shall be added to such price 46 cents from the effective date hereof through February 1953, and 23 cents during March 1953"

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary, and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance, and; (2) this action is necessary so that the order will reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this termination action do not require of persons affected substantial or extensive preparations which cannot be completed prior to March 1, 1953. Accordingly, it is hereby found that good cause exists for making this order effective March 1, 1953.

It is therefore ordered the following provision in § 949.51 (c) of the order be and hereby is terminated effective on and after the 1st day of March 1953: "Provided, That there shall be added to such price 46 cents from the effective date hereof through February 1953, and 23 cents during March 1953"

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

Issued at Washington, D. C., this 25th day of February 1953, to be effective on and after the 1st day of March 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1905; Filed, Feb. 27, 1953; 8:53 a. m.]

[Docket No. AO-100-A-14-RO 1]

PART 961—MILK IN PHILADELPHIA,
PENNSYLVANIA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED,
REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) a public hearing was held at Philadelphia, Pennsylvania, on January 28, 1953, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than March 1, 1953, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Philadelphia, Pennsylvania marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on January 28, 1953, and the decision of the Secretary having been issued February 16, 1953. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania marketing area)

of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (December 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 961.40 (b) delete subparagraph (3) and insert subparagraphs (3) and (4) as follows:

(3) During the months of February and March 1953 deduct 10 cents from the price calculated pursuant to subparagraphs (1) (excluding the proviso) and (2) of this paragraph.

(4) The price for any of the months of March through June 1953 for milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk shall not exceed the sum of the following: (i) A butterfat value computed as follows: To the average butter price per pound computed pursuant to subparagraph (1) of this paragraph add 2 cents, multiply by 1.22 and by 4, and deduct 19 cents, and (ii) a skim milk value computed by multiplying by 7.3 the weighted average (using the weight of 70 for roller process prices and a weight of 30 for spray process prices) of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption, in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and subtract 54 cents.

2. In § 961.41 reword paragraph (b) as follows:

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent, calculated as follows: Divide the average of the cream quotations used in calculating the Class II price by 334.8 and subtract 0.67 cent; or in the case of butterfat in Class II to which

the "butter-value" is applicable, divide the butter value by 40; and in the case of milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk, during March, April, May and June 1953, divide the butterfat value computed pursuant to § 961.40 (b) (4) by 40.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 603c)

Issued at Washington, D. C., this 25th day of February 1953, to be effective on and after March 1, 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1906; Filed, Feb. 27, 1953; 8:53 a. m.]

PART 976—MILK IN FORT SMITH,
ARKANSAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED,
REGULATING HANDLING

§ 976.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in

the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than March 1, 1953. Any delay beyond that date in the effective date of this order would result in disorder in the marketing of milk. Handlers in the Fort Smith market are refusing to accept milk in excess of that required to carry on their fluid milk operations. Until the price for Class II milk is reduced, this milk will continue to back up on farms as production increases seasonally, or will be diverted by the producers cooperative at a loss. In order to provide an outlet for this milk and stabilize the market, it is necessary to make this amendment effective at once.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER February 26, 1953 (18 F. R. 1117) The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective March 1, 1953. (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Fort Smith, Arkansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Smith, Arkansas, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 976.44 (f) change the period at the end thereof to a colon and add the

following: "Provided, That if the market administrator is permitted to audit the records of receipts and utilization at any such unapproved plant, butterfat contained in such transfers or diversions may be deemed to have been used in the production of butter, American type cheeses or evaporated milk to the extent butterfat was used at such plant in the production of such products during the month."

2. In § 976.70 change the period at the end thereof to a colon and add the following: "Provided, That from the effective date hereof through June 1953, 7 cents shall be deducted from this sum for each pound of butterfat in producer milk which was allocated to Class II pursuant to § 976.46, and which was used in the production of butter, American type cheeses or evaporated milk, or which was assigned to such products pursuant to § 976.44 (f) "

3. In § 976.72 (d) change the semi-colon at the end thereof to a colon, and add the following: "Provided, That from the foregoing sum shall be subtracted an amount equal to the deductions made pursuant to the proviso in § 976.70 or 7 cents times the pounds of butterfat in excess milk, whichever is less;"

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

Issued at Washington, D. C., this 25th day of February 1953, to be effective on and after March 1, 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.
[F. R. Doc. 53-1904; Filed, Feb. 27, 1953;
8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce
[Amdt. 50]

PART 608—DANGER AREAS
ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.18, a Port St. Joe, Florida, area is added to read:

Name and location (chart)	Description by Geographical coordinates	Designated altitudes	Time of designation	Using agency
PORT ST. JOE (D-434) (Mobile Chart).	Beginning at lat. 29°52'24" N., long. 85°23'24" W.; SSE. to lat. 29°50'30" N., long. 85°23'12" W., due E. to long. 85°22'30" W., SSE. to lat. 29°42'00" N., long. 85°20'30" W., WSW. to lat. 29°41'48" N., long. 85°21'48" W.; SSE. to lat. 29°40'00" N., long. 85°21'30" W., WSW. to a point 3 nautical miles from the shoreline at lat. 29°39'30" N., long. 85°25'25" W., northerly paralleling the shoreline at a distance of 3 nautical miles to lat. 29°50'10" N., long. 85°28'40" W., ENE. to lat. 29°52'24" N., long. 85°23'24" W., point of beginning.	Surface to unlimited.	0630 to 1700, Mondays through Saturdays.	3625th Flying Training Command, Tyndall Air Force Base, Panama City, Fla.

2. In § 608.18, the Tyndall Air Force Base, Panama City, Florida, area I (D-183) published on May 26, 1950, in 15 F. R. 3212, amended on August 7, 1951, in 16 F. R. 7696, on November 28, 1951, in 16 F. R. 11954, and on July 16, 1952, in 17 F. R. 6428, is further amended by changing the "Description by Geographical Coordinates" column to read: "Area I (D-183) Beginning at lat. 30°43'00" N., long. 85°14'00" W., SE. to lat. 29°55'00" N., long. 84°32'00" W., SW to the W end of Dog Island at lat. 29°47'00" N., long. 84°40'00" W., SSE. to a point 3 nautical miles from the shoreline at lat. 29°43'45" N., long. 84°39'00" W., westerly paralleling the shoreline at a distance of 3 nautical miles to lat. 29°39'30" N., long. 85°25'25" W., ENE. to lat. 29°40'00" N., long. 85°21'36" W., NNW to lat. 29°41'48" N., long. 85°21'48" W., ENE. to lat. 29°42'00" N., long. 85°20'30" W., NNW to lat. 29°50'30" N., long. 85°22'30" W., due W to long. 85°23'12" W., NNW to lat. 29°52'24" N., long. 85°23'24" W., WSW to a point 3 nautical miles from the shoreline at lat. 29°50'10" N., long. 85°28'40" W., northerly paralleling the shoreline at a

distance of 3 nautical miles to lat. 30°04'20" N., long. 85°45'45" W., NW to lat. 30°42'00" N., long. 86°06'00" W., easterly to lat. 30°43'00" N., long. 85°14'00" W., point of beginning."

3. In § 608.36, the Fallon, Nevada, area 1 (D-267) published on May 20, 1952, in 17 F. R. 4558, is amended by changing the "Description by Geographical Coordinates" column to read: "1 (D-267) A circular area having a radius of 5 nautical miles centered at lat. 39°53'00" N., long. 118°20'00" W., excluding that portion lying N. of a line connecting lat. 39°53'45" N., long. 118°26'20" W., and lat. 39°57'10" N., long. 118°16'15" W." This area is amended also by changing the "Designated altitudes" column to read: "Surface to unlimited"

(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)

This amendment shall become effective on March 2, 1953.

[SEAL] F. B. LEE,
Acting Administrator of
Civil Aeronautics.
[F. R. Doc. 53-1909; Filed, Feb. 27, 1953;
8:59 a. m.]

[Amdt. 51]

PART 603—DANGER AREAS
ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.39, the White Sands Proving Grounds, New Mexico, area (D-209) published on July 16, 1949, in 14 F. R. 4293, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 32°00'00" N., long. 106°34'00" W., due N. to lat. 32°29'00" N., NW. to lat. 32°50'00" N., long. 106°46'00" W., due N. to lat. 33°50'15" N., due E. to long. 106°03'50" W., due S. to lat. 32°55'00" N., due W to long. 106°06'00" W., due S. to lat. 32°25'00" N., SSW to lat. 32°23'00" N., long. 106°07'00" W., southwesterly on a line 2 miles W of and parallel to the Southern Pacific Railroad to lat. 32°00'00" N., long. 106°21'45" W., due W to lat. 32°00'00" N., long. 106°34'00" W., point of beginning."

(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)

This amendment shall become effective on February 27, 1953.

[SEAL] F. B. LEE,
Acting Administrator of
Civil Aeronautics.
[F. R. Doc. 53-1910; Filed, Feb. 27, 1953;
8:59 a. m.]

[Amdt. 29]

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 610.13 *Green civil airway* No. 3 is amended to read in part:

From—	To—	Minimum altitude
Moline, Ill. (LFR).....	Harmon (INT), Ill.....	2,100
Harmon (INT), Ill.....	Aurora (INT), Ill.....	2,000

RULES AND REGULATIONS

2. Section 610.105 *Amber civil Airway No. 5* is amended to read in part:

From--	To--	Minimum altitude
Grand Isle, La. (LFR).	New Orleans, La. (LFR).	1,400

3. Section 610.108 *Amber civil airway No. 8* is amended to read in part:

From--	To--	Minimum altitude
Camarillo, Calif. (LFR).	Santa Barbara, Calif. (LFR):	4,000
	Southwest-bound only.	6,000
	Northwest-bound...	6,000

4. Section 610.206 *Red civil airway No. 6* is amended to read in part:

From--	To--	Minimum altitude
Int. NE crs. Las Vegas, Nev. (LFR), and SW crs. St. George, Utah (VAR).	St. George, Utah (VAR).	9,000
St. George, Utah (VAR). ¹	Bryce Canyon, Utah (VAR).	13,000

¹10,000'—Minimum crossing altitude at St. George (VAR), northeast-bound.

5. Section 610.206 *Red civil airway No. 6* is amended to eliminate:

From--	To--	Minimum altitude
Bryce Canyon, Utah (VAR).	Hanksville, Utah (VAR). ¹	13,000
Hanksville, Utah (VAR).	Grand Junction, Colo. (VAR).	10,000
Grand Junction, Colo. (VAR). ²	Int. E. crs. Grand Junction, Colo. (VAR), and 227° true rad. Kremmling, Colo. (VOR).	16,000
Int. E. crs. Grand Junction, Colo. (VAR), and 227° true rad. Kremmling, Colo. (VOR).	Kremmling, Colo. (VOR).	16,000
Kremmling, Colo. (VOR).	Denver, Colo. (VOR).	16,000
Superior, Colo. (FM)...	Denver, Colo. (VOR), eastbound only.	10,000

¹10,500'—Minimum crossing altitude at Hanksville (VAR), southwest-bound.

²11,000'—Minimum crossing altitude at Grand Junction (VAR), eastbound.

6. Section 610.213 *Red civil airway No. 13* is amended by adding:

From--	To--	Minimum altitude
Wheeling, W. Va. (LF/RBN) (LOM).	Clinton, Pa. (RBN)...	2,700
Clinton, Pa. (RBN)...	Butler, Pa. (RBN)....	2,500

7. Section 610.272 *Red civil airway No. 72* is amended by adding:

From--	To--	Minimum altitude
Belle Mead (INT), N. J. Chatham, N. J. (LF/RBN).	Chatham, N. J. (LF/RBN). Paterson, N. J. (LF/RBN).	2,000
		2,000

8. Section 610.618 *Blue civil airway No. 18* is amended to read in part:

From--	To--	Minimum altitude
Albany, N. Y. (LF/RBN).	Burlington, Vt. (LFR).	4,500
Glens Falls, N. Y. (RBN).	Albany, N. Y. (LF/RBN), southbound only.	3,000

9. Section 610.621 *Blue civil airway No. 21* is amended to eliminate:

From--	To--	Minimum altitude
Lexington, Ky. (RBN).	Int. W crs. Huntington, W. Va. (LFR), and E crs. Louisville, Ky. (LFR).	2,500
Charleston, W. Va. (LFR).	Parkersburg, W. Va. (VAR).	2,500
Parkersburg, W. Va. (VAR).	Int. NE crs. Parkersburg W. Va. (VAR), and W crs. Pittsburgh, Pa. (LFR).	6,000

10. Section 610.631 *Blue civil airway No. 31* is amended to read in part:

From--	To--	Minimum altitude
Monmouth (INT), Ill.	Moline, Ill. (LFR)....	2,100

11. Section 610.647 *Blue civil airway No. 47* is amended by adding:

From--	To--	Minimum altitude
Int. NE crs. Raleigh, N. C. (LFR), and SE crs. Blackstone, Va. (LFR).	Blackstone, Va. (LFR).	1,500
Blackstone, Va. (LFR).	Gordonsville, Va. (LFR).	3,000

12. Section 610.670 *Blue civil airway No. 70* is amended by adding:

From--	To--	Minimum altitude
Clifton (INT), Tex....	Lipan (INT), Tex....	2,300
Lipan (INT), Tex....	Mineral Wells, Tex. (LF/RBN).	2,300
Mineral Wells, Tex. (LF/RBN).	Ardmore, Okla. (LF/RBN).	2,500

13. Section 610.681 *Blue civil airway No. 81* is amended to read in part:

From--	To--	Minimum altitude
Charleston, W. Va. (LFR).	Zanesville, Ohio (LF/RBN).	2,200

14. Section 610.6004 *VOR civil airway No. 4* is amended by adding:

From--	To--	Minimum altitude
Charleston, W. Va. (VOR).	Elkins, W. Va. (VOR).	5,000

15. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From--	To--	Minimum altitude
Hill City, Kans. (VOR) via N. alter.	Salina, Kans. (VOR) via N. alter.	¹ 5,000

¹4,000'—Minimum terrain clearance altitude.

16. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

From--	To--	Minimum altitude
Goshen, Ind. (VOR)...	Rome City (INT), Ind.	2,300
Rome City (INT), Ind.	Bryan (INT), Ohio...	3,000
Bryan (INT), Ohio....	Waterville, Ohio (VOR).	2,000
Waterville, Ohio (VOR).	Cleveland, Ohio (VOR).	2,000
Goshen, Ind. (VOR) via N. alter.	Waterville, Ohio via N. alter.	3,000

17. Section 610.6008 *VOR civil airway No. 8* is amended to read in part:

From--	To--	Minimum altitude
Goshen, Ind. (VOR)...	Antwerp (INT), Ohio.	3,000
Antwerp (INT), Ohio...	Findlay, Ohio (VOR).	2,000
Kremmling, ¹ Colo. (VOR), direct.	Grand Junction, Colo. (VOR), direct.	14,000

¹16,000'—Minimum crossing altitude at Kremmling (VOR), eastbound.

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

From--	To--	Minimum altitude
New Orleans, La. (VOR).	McComb, Miss. (VOR).	1,700

19. Section 610.6014 *VOR civil airway No. 14* is amended to read in part:

From—	To—	Minimum altitude
Findlay, Ohio (VOR)	Carey (INT), Ohio	2,100
Carey (INT), Ohio	Cleveland, Ohio (VOR)	2,000

20. Section 610.6015 *VOR civil airway No. 15* is amended to read in part:

From—	To—	Minimum altitude
Dallas, Tex. (VOR)	Frisco (INT), Tex.	2,000
Frisco (INT), Tex.	Ardmore, Okla. (VOR)	2,200

21. Section 610.6017 *VOR civil airway No. 17* is amended to read in part:

From—	To—	Minimum altitude
Gage, Okla. (VOR)	Garden City, Kans. (VOR)	15,000

14,300'—Minimum terrain clearance altitude.

22. Section 610.6030 *VOR civil airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Litchfield, Mich. (VOR)	Morenci (INT), Mich.	2,600
Morenci (INT), Mich.	Waterville, Ohio (VOR)	2,200
Waterville, Ohio (VOR)	Bellevue (INT), Ohio	1,900
Bellevue (INT), Ohio	Wellington, Ohio (VAR)	2,000
Wellington, Ohio (VAR)	Falls (INT), Ohio	2,500

23. Section 610.6035 *VOR civil airway No. 35* is amended by adding:

From—	To—	Minimum altitude
Charleston, W. Va. (VOR)	Parkersburg, W. Va. (VOR)	2,500
Parkersburg, W. Va. (VOR)	Pittsburgh, Pa. (VOR)	3,000

24. Section 610.6038 *VOR civil airway No. 38* is amended by adding:

From—	To—	Minimum altitude
Parkersburg, W. Va. (VOR)	Elkins, W. Va. (VOR)	5,000

25. Section 610.6039 *VOR civil airway No. 39* is amended by adding:

From—	To—	Minimum altitude
Poughkeepsie, N. Y. (VOR)	Gardner, Mass. (VOR)	3,500
Gardner, Mass. (VOR)	Concord, N.H. (VOR)	4,000
Concord, N. H. (VOR)	Kennebunk, Maine (VOR)	2,500

26. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

From—	To—	Minimum altitude
South Bass (INT), Ohio	Sandusky (INT), Ohio	3,000
Sandusky (INT), Ohio	Clarksfield (INT), Ohio	4,600
Clarksfield (INT), Ohio	Medina (INT), Ohio	2,500
Medina (INT), Ohio	Bergholz (INT), Ohio	2,000

27. Section 610.6042 *VOR civil airway No. 42* is amended to read:

From—	To—	Minimum altitude
Detroit, Mich. (VOR)	Maidstone (INT), Ont.	2,000
Maidstone (INT), Ont.	Cleveland, Ohio (VOR)	1,600
Cleveland, Ohio (VOR)	Bilmp (INT), Ohio	2,000
Bilmp (INT), Ohio	Schring (INT), Ohio	3,700
Schring (INT), Ohio	Pittsburgh, Pa. (VOR)	2,000

28. Section 610.6044 *VOR civil airway No. 44* is amended by adding:

From—	To—	Minimum altitude
Parkersburg, W. Va. (VOR)	Morgantown, W. Va. (VOR)	4,000
Morgantown, W. Va. (VOR)	Martinsburg, W. Va. (VOR)	5,000

29. Section 610.6047 *VOR civil airway No. 47* is amended to read in part:

From—	To—	Minimum altitude
Findlay, Ohio (VOR)	Waterville, Ohio (VOR)	2,100
Waterville, Ohio (VOR) via dir. or W. alter.	Detroit, Mich. (VOR) Via dir. or W. alter.	2,100

30. Section 610.6072 *VOR civil airway No. 72* is amended by adding:

From—	To—	Minimum altitude
Binghamton, N. Y. (VOR)	Albany, N. Y. (VOR)	4,500

31. Section 610.6075 *VOR civil airway No. 75* is amended by adding:

From—	To—	Minimum altitude
Morgantown, W. Va. (VOR)	Wheeling, W. Va. (VOR)	4,000
Wheeling, W. Va. (VOR)	Medina (INT), Ohio	2,000
Medina (INT), Ohio	Cleveland, Ohio (VOR)	2,200

32. Section 610.6092 *VOR civil airway No. 92* is amended to read:

From—	To—	Minimum altitude
Waterville, Ohio (VOR)	Republic (INT), Ohio	2,000
Republic (INT), Ohio	Mansfield, Ohio (VOR)	2,400

33. Section 610.6096 *VOR civil airway No. 96* is amended to read:

From—	To—	Minimum altitude
Fort Wayne, Ind. (VOR)	Waterville, Ohio (VOR)	2,000

34. Section 610.6117 *VOR civil airway No. 117* is added to read:

From—	To—	Minimum altitude
Waco, Tex. (VOR)	Mineral Wells, Tex. (VOR)	2,000
Mineral Wells, Tex. (VOR)	Ardmore, Okla. (VOR)	2,200

35. Section 610.6119 *VOR civil airway No. 119* is added to read:

From—	To—	Minimum altitude
Parkersburg, W. Va. (VOR)	Wheeling, W. Va. (VOR)	2,000

36. Section 610.6045 *VOR civil airway No. 45* is amended to read in part:

From—	To—	Minimum altitude
Columbus, Ohio (VOR)	Carey (INT), Ohio	2,400
Carey (INT), Ohio	Waterville, Ohio (VOR)	2,000
Waterville, Ohio (VOR)	Lansing, Mich. (VOR)	2,300

(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 February 24, 1953.

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

[F. R. Doc. 53-1794; Filed, Feb. 24, 1953;
1:12 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6004]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THORKON CO.

Subpart—*Advertising falsely or misleadingly: § 3.30 Composition of goods; § 3.170 Qualities or properties of product or service.* In connection with the offering for sale, sale or distribution of the preparation known as Thorkon, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that Thorkon has any therapeutic value for the impairments of physical stamina or other conditions resulting from age; (b) that Thorkon, however taken, will enable one to relax or sleep well or cause him to feel stronger or better generally, or will have any effect upon the nerves, disposition, color or complexion, appetite, digestion, vigor, energy, happiness, general health or appearance, unless such representation be expressly limited to symptoms or conditions due to Vitamin B₁, B₂, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B₁, B₂, niacinamide or iron than by other causes; (c) that respondent's said preparation has any value in treating a blotchy skin or other skin irritations, or a tired, run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or heaviness in the limbs, stomach distress, backache, listlessness, fatigue, neuritis, tired or sluggish blood, nerves, muscles, stomach, liver, intestines, or glands, or in converting a nagging, irritable, quarrelsome woman into a good wife and mother, unless such representation be expressly limited to symptoms or conditions due to Vitamin B₁, B₂, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B₁, B₂, niacinamide or iron than by other causes; (d) that said preparation has any value in treating or avoiding dizziness, bloating, heart-

burn, sour stomach, gas on the stomach, burning in the stomach, muscular aches and pains, or pains wherever located, associated with stomach disorders, unless such representation be expressly limited to symptoms or conditions due to Vitamin B₁, B₂, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamins B₁, B₂, niacinamide or iron than by other causes; (e) that said preparation, however taken, will provide Vitamin B₁, or Vitamin B₂, in therapeutic quantities, or that it has any value in the treatment of any symptom or condition caused by deficiencies of Vitamins B₁ or B₂, or, (f) that Thorkon is supercharged with vitamins and minerals in general or Vitamin B₂ in particular; prohibited.

(Sec. 6; 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Thorkon Company, Atlanta, Ga., Docket 6004, December 2, 1952]

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, and a hearing before said examiner, theretofore duly designated by the Commission, at which respondent, having defaulted in filing its answer to the complaint but having entered its appearance, stated that it did not desire to contest the proceeding or to show cause why an order to cease and desist should not be entered against it, and the attorney in support of the complaint moved that the hearing be closed and that an order to cease and desist, in the form set forth in the "Notice" portion of the complaint, be entered against respondent, based on its waiver of a hearing on the merits, and its failure to answer and show cause why said order should not be entered against it.

Thereafter following the granting of said motion and the closing of the hearing, the proceeding regularly came on for final consideration by the said examiner upon the complaint, waiver of hearing and failure to answer and show cause by respondent, and the aforesaid motion, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, and pursuant to Rules V and VIII of the rules of practice of the Commission, made his initial decision, comprising certain findings as to the facts,¹ conclusion drawn therefrom,¹ and order to cease and desist.

Thereafter the matter having come on to be heard by the Commission upon its review of said initial decision, the matter was disposed of by the Commission's "Decision of the Commission and order to file report of compliance", dated December 2, 1952, as follows:

This matter coming on to be heard by the Commission upon its review of the hearing examiner's initial decision herein; and

The Commission having duly considered the entire record and being of the opinion that said initial decision is

adequate and appropriate to dispose of the proceeding:

It is ordered, That the initial decision of the hearing examiner, a copy of which is attached hereto, shall, on the 2d day of December 1952, become the decision of the Commission.

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

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent, The Thorkon Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation known as Thorkon, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That Thorkon has any therapeutic value for the impairments of physical stamina or other conditions resulting from age.

(b) That Thorkon, however taken, will enable one to relax or sleep well or cause him to feel stronger or better generally, or will have any effect upon the nerves, disposition, color or complexion, appetite, digestion, vigor, energy, happiness, general health or appearance, unless such representation be expressly limited to symptoms or conditions due to Vitamin B₁, B₂, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B₁, B₂, niacinamide or iron than by other causes.

(c) That respondent's said preparation has any value in treating a blotchy skin or other skin irritations, or a tired, run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or heaviness in the limbs, stomach distress, backache, listlessness, fatigue, neuritis, tired or sluggish blood, nerves, muscles, stomach, liver, intestines, or glands, or in converting a nagging, irritable, quarrelsome woman into a good wife and mother, unless such representation be expressly limited to symptoms or conditions due to Vitamin B₁, B₂, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B₁, B₂, niacinamide or iron than by other causes.

¹ Filed as part of the original document.

(d) That said preparation has any value in treating or avoiding dizziness, bloating, heartburn, sour stomach, gas on the stomach, burning in the stomach, muscular aches and pains, or pains wherever located, associated with stomach disorders, unless such representation be expressly limited to symptoms or conditions due to Vitamin B₁₂, B₂, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamins B₁, B₂, niacinamide or iron than by other causes.

(e) That said preparation, however taken, will provide Vitamin B₁₂ or Vitamin B₂ in therapeutic quantities, or that it has any value in the treatment of any symptom or condition caused by deficiencies of Vitamins B₁ or B₂.

(f) That Thorkon is supercharged with vitamins and minerals in general or Vitamin B₁₂ in particular.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 above, or which fails to comply with the affirmative requirements set forth in subparagraphs (b) (c) and (d) of Paragraph 1 hereof.

Issued: December 2, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-1895; Filed, Feb. 27, 1953; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5994, Regs. 42]

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

EXCISE TAX ON CERTAIN TELEPHONE AND TELEGRAPH MESSAGES AND WITH RESPECT TO TRANSPORTATION OF PERSONS

On October 29, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 9747) in order to conform Regulations 42 (1942 Edition) (26 CFR, Part 130) to sections 491, 492, 493, and 494 of the Revenue Act of 1951 (Public Law 183, 82d Congress, 1st Session) approved October 20, 1951. After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 42 (1942 Edition) set forth below are hereby adopted.

PARAGRAPH 1. Section 130.0, as amended by Treasury Decision 5559, approved April 18, 1947, is further amended as follows:

(A) By striking in paragraph (c) the words "and sections 2, 3, and 4 of the Excise Tax Act of 1947," and inserting in lieu thereof the following: "sections 2, 3, and 4 of the Excise Tax Act of 1947, and sections 491 and 492 of the Revenue Act of 1951,"

(B) By striking in paragraph (d) the words "and sections 2, 3, and 4 of the Excise Tax Act of 1947," and inserting in lieu thereof the following: "sections 2, 3, and 4 of the Excise Tax Act of 1947,

3465 (a) (1) (B) (insofar as it relates to domestic telegraph, cable, and radio dispatches).

Domestic Telegraph, Cable, or Radio Dispatches.

15 per centum.....

25 per centum.

(b) *Effective date.* Subject to the provisions of subsection (c), the amendments made by this section shall apply with respect to amounts paid on or after the rate reduction date (as defined in subsection (d)) for services rendered on or after such date.

(c) *Amounts paid pursuant to bills rendered.* The amendments made by this section shall not apply with respect to amounts paid pursuant to bills rendered prior to the rate reduction date. In the case of amounts paid pursuant to bills rendered on or after the rate reduction date for services for which no previous bill was rendered, the amendments made by this section shall apply except with respect to such services as were rendered more than 2 months before such date. In the case of services rendered more than 2 months before such date the provisions of sections 1650 and 3465 of the Internal Revenue Code in effect at the time such services were rendered shall be applicable to the amounts paid for such services.

(d) *Rate reduction date.* For the purposes of this section the term "rate reduction date" means the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 3. Paragraph (b) of § 130.30, as amended by Treasury Decision 5559, is further amended by adding at the end thereof the following new sentences: "The provisions of section 1650 were further amended by section 491 of the Revenue Act of 1951, effective November 1, 1951; and as so amended, the rate of tax on amounts paid on and after that date for domestic services specified in section 3465 (a) (1) (B) rendered on and after that date was reduced. The amendment as it relates to this tax applies to amounts paid pursuant to bills rendered on and after November 1, 1951, for services furnished on or after September 1, 1951, for which no previous bill was rendered."

PAR. 4. Section 130.33, as amended by Treasury Decision 5559, is further amended by revising subparagraph (1) of paragraph (b) thereof to read as follows:

(b) *Telegraph, cable, and radio dispatches and messages.* (1) (i) International messages: The amount paid for each international telegraph, cable, or radio dispatch or message is subject to tax at the rate of 10 per cent.

(ii) Domestic messages: The amount paid for each domestic telegraph, cable, or radio dispatch or message is subject to tax at the specified rates for the following periods:

(a) On and after November 1, 1951, 15 per cent;

(b) April 1, 1944 through October 31, 1951, 25 per cent;

section 607 of the Revenue Act of 1950, and sections 493 and 494 of the Revenue Act of 1951."

PAR. 2. Immediately preceding § 130.30, there is inserted the following:

SEC. 491. REDUCTION OF TAX ON TELEGRAPH DISPATCHES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Reduction of tax.* The table contained in section 1650 (relating to the war tax rates of certain miscellaneous taxes) is hereby amended by striking out the following:

(c) November 1, 1942 through March 31, 1944, 15 per cent;

(d) Prior to November 1, 1942, 10 per cent.

PAR. 5. Immediately preceding § 130.44, there is inserted the following:

SEC. 492. EXEMPTION OF CERTAIN OVERSEAS TELEPHONE CALLS FROM THE TAX ON TELEPHONE FACILITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Telephone calls from members of Armed Forces in combat zones.* Section 3465 is amended by redesignating subsection (c) thereof as subsection "(d)" and by inserting after subsection (b) the following new subsection:

(c) No tax shall be imposed under section 3465 (a) (1) (A) upon any payment received for any telephone or radio telephone message which originates within a combat zone, as defined in section 22 (b) (13), from a member of the Armed Forces of the United States performing service in such combat zone, as determined under such section, provided a certificate, setting forth such facts as the Secretary may by regulations prescribe, is furnished to the person receiving such payment.

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than 10 days after the date of enactment of this Act for telephone or radio telephone messages made on or after such date.

PAR. 6. Section 130.44, as amended by Treasury Decision 5521, approved June 14, 1946, is further amended by striking "(See also § 130.46)" in the second sentence of paragraph (e) and by inserting in lieu thereof "(See also § 130.47)"

PAR. 7. Section 130.46 is renumbered § 130.47 and a new § 130.46 is inserted to read as follows:

§ 130.46 *Telephone calls from members of Armed Forces in combat zones.*

(a) The exemption provided by section 3466 (c) is applicable to any payment received on or after November 1, 1951, for any telephone or radio telephone message or call which originates, on or after such date, within a combat zone as defined in section 22 (b) (13) from a member of the Armed Forces of the United States performing service in such combat zone, if a properly executed certificate of exemption substantially in the form shown below is furnished the person receiving such payment. (See also § 130.47.)

(b) Service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive Order, for the purpose of section 22 (b) (13) as an

* Commissioner Mason not participating.

area in which Armed Forces of the United States are or have (after June 24, 1950) engaged in combat, and only if it is performed on or after the date designated by the President by Executive Order as the date of the commencing of combatant activities in such zone and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

EXEMPTION CERTIFICATE
(Overseas Telephone Calls)

----- 19-----
(Date)

I certify that the toll charges of \$----- are for telephone or radio telephone messages originating at -----

(Point of origin)

within a combat zone from -----
(Name)

a member of the Armed Forces of the United States performing service in such combat zone, that the transmission facilities were furnished by -----
(Name of carrier)

that the charges are exempt from tax under section 3466 (c) of the Internal Revenue Code.

(Signature of Subscriber)

(Address)

NOTE: Penalty for fraudulent use, \$10,000 or imprisonment or both. (See section 1718 of the Internal Revenue Code.)

PAR. 8. There is inserted immediately preceding § 130.50 the following:

SEC. 493. EXEMPTION OF FISHING TRIPS FROM TAX ON TRANSPORTATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption.* Section 3469 (b) (relating to exemption of certain trips from the tax of transportation of persons) is hereby amended by striking out "or to amounts" and inserting in lieu thereof "to amounts" and by inserting after the words "one month or less" the following " or to amounts paid for transportation by boat for the purpose of fishing from such boat"

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act for transportation on or after such first day.

PAR. 9. Section 130.51, as amended by Treasury Decision 5929, approved September 2, 1952, is further amended by revising the second sentence of paragraph (g) thereof to read as follows: "For other payments not subject to tax, see §§ 130.54 and 130.60 to 130.64."

PAR. 10. Section 130.53, as amended by Treasury Decision 5929, is further amended by adding at the end of subparagraph (1) of paragraph (i) thereof the following: "(For information with respect to the exemption of amounts paid on or after November 1, 1951, for transportation, on or after that date, of persons on boats chartered for fishing purposes, see § 130.60a.)"

PAR. 11. Section 130.54, as amended by Treasury Decision 5929, is further amended by deleting the words "see §§ 130.60 to 130.63" appearing in the first sentence thereof and inserting in lieu thereof the words "see §§ 130.60 to 130.64"

PAR. 12. Immediately preceding § 130.59, there is inserted the following:

SEC. 493. EXEMPTION OF FISHING TRIPS FROM TAX ON TRANSPORTATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption.* Section 3469 (b) (relating to exemption of certain trips from the tax of transportation of persons) is hereby amended by striking out "or to amounts" and inserting in lieu thereof "to amounts" and by inserting after the words "one month or less" the following " or to amounts paid for transportation by boat for the purpose of fishing from such boat"

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act for transportation on or after such first day.

PAR. 13. Immediately following § 130.60 there is inserted the following new section:

§ 130.60a *Fishing trips.* No tax is imposed upon an amount paid on or after November 1, 1951, for transportation by boat, on or after that date, where the transportation is for the purpose of fishing from such boat.

PAR. 14. Immediately preceding § 130.64, there is inserted the following:

SEC. 494. TAX ON TRANSPORTATION OF PERSONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption of certain foreign travel.* Section 3469 (a) of the Internal Revenue Code (relating to tax on transportation of persons) is hereby amended by striking out the third sentence and inserting in lieu of such sentence the following: "In the case of transportation by water on a vessel which makes one or more intermediate stops at ports, within the United States, Canada, or Mexico on a voyage which begins or ends in the United States and ends or begins outside the northern portion of the Western Hemisphere, no part of such transportation shall be considered for the purposes of the preceding sentence to be from any port within the United States, Canada, or Mexico to any other such port if the vessel in stopping at any such intermediate port is not authorized both to discharge and to take on passengers. A port or station within Newfoundland shall not for the purposes of the preceding two sentences, be considered as a port or station within Canada."

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

PAR. 15. Section 130.64, as amended by Treasury Decision 5929, is further amended as follows:

(A) By striking the third sentence in the first undesignated paragraph thereof.

(B) By inserting immediately following the first paragraph the following new undesignated paragraphs:

The tax does not attach to any part of a payment made on or after November 1, 1951, for transportation by water, on or after that date, on a vessel which makes one or more intermediate stops at ports within the United States, Canada, or Mexico, on a voyage between the United States and a port outside the northern portion of the Western Hemisphere, provided the vessel in stopping at any such intermediate port is not authorized both to discharge and to take on passengers.

In any case where the vessel in stopping at any such intermediate port is

authorized or is permitted both to discharge and to take on passengers, the rules set forth in the first paragraph of this section apply. A vessel is authorized both to discharge and to take on passengers at the intermediate port unless there is a legal or other authoritative prohibition of such traffic. For the purposes of the preceding sentence, an order issued by the owner or operator of a vessel prohibiting such vessel from either discharging or taking on passengers at the intermediate port is not a legal or other authoritative prohibition of such traffic.

A port or station within Newfoundland shall not, for the purposes of the preceding paragraphs, be considered as a port or station within Canada.

(C) By inserting immediately following Example 6 thereof two new examples as follows:

Example 7. H purchases a steamship ticket in New York City for transportation from New York City to Southampton, England. The vessel on which H sails makes an intermediate stop during the course of such voyage at Boston, Massachusetts, to take on passengers. The vessel is not, however, authorized to discharge passengers at such port. No tax applies to the portion of the transportation between New York City and Boston, since H's voyage involved transportation between a port within the United States and a port outside the northern portion of the Western Hemisphere and the vessel on which H traveled was not authorized both to discharge and to take on passengers at the intermediate port at which it stopped.

Example 8. I purchases a steamship ticket in San Francisco for a voyage from San Francisco to Manila. The vessel on which he travels makes a stop at Honolulu to discharge passengers. The vessel is, however, permitted also to take on passengers at Honolulu. The tax applies to that portion of the transportation between San Francisco and Honolulu, since the vessel on which I traveled was permitted to both discharge and to take on passengers at Honolulu, the intermediate port at which it stopped.

(53 Stat. 423, as amended, 467; 26 U. S. C. 3472, 3791)

[SEAL] JUSTIN F WINKLE,
Acting Commissioner
of Internal Revenue.

Approved: February 24, 1953.

ELBERT P TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1894; Filed, Feb. 27, 1953; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 678—STONE, GLASS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on February 3, 1953 (18 F. R. 698-699) of my decision to approve the minimum wage recommendations of Special Industry Committee No. 12 for Puerto Rico for the Stone, Glass, and Related Products Industry in Puerto

Rico, and the revised wage order for that industry which I proposed to issue to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of the notice. Exceptions were filed by Ramos Hermans, Inc., Bayamon, Puerto Rico, and Ceferno Prieto, Catano, Puerto Rico. All the arguments contained in the exceptions were considered by me at the time I made my original decision in this matter. The exceptions raised no new matters which would require change or modification of my previous decision.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 as amended (52 Stat. 1060 as amended; 29 U. S. C. 201) the said decision is affirmed and made final, the recommendations of Special Industry Committee No. 12 for Puerto Rico for the Stone, Glass, and Related Products Industry in Puerto Rico are hereby approved, and the wage order contained in this part is hereby revised to read as set forth in the February 3, 1953 issue of the FEDERAL REGISTER (18 F. R. 698-699) to become effective on the 30th day of March, 1953.

Signed at Washington, D. C., this 25th day of February 1953.

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

Sec.

678.1 Wage rates.

678.2 Notices of order.

678.3 Definitions of the stone, glass, and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 678.1 to 678.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. and Sup., 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. and Sup. 205.

§ 678.1 *Wage rates.* (a) Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the glass and glass products division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 42 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the glass decorating division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 42 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the mica division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act

of 1938, as amended, by every employer to each of his employees in the concrete pipe division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 75 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hot asphaltic plant mix division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(f) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 678.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the stone, glass, and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 678.3 *Definitions of the stone, glass, and related products industry in Puerto Rico and its divisions.* (a) The stone, glass, and related products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The mining, quarrying, or other extraction and the further processing of all minerals (other than clay, metal ores, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and other similar natural materials: *Provided, however,* That the definition shall not include the manufacture of chemicals, or the extraction of minerals used for such manufacture, or any product or activity included in the button, buckle, and jewelry industry, the cement industry, the clay and clay products industry, the construction, business service, motion picture, and miscellaneous industries, the jewel cutting and polishing industry, or the metal, plastics, machinery, instrument, transportation equipment and allied industries (as defined in the wage orders for these industries in Puerto Rico)

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part shall apply, are hereby defined as follows:

(1) *Glass and glass products division.* The manufacture of glass and glass

products except the decorating of glass or glass products when performed in a non-glass making establishment.

(2) *Glass decorating division.* The decorating of glass or glass products when performed in a non-glass making establishment.

(3) *Mica division.* The processing of mica and the manufacture of mica parts for radio, television, or other electronic tubes or for other electrical products.

(4) *Concrete pipe division.* The manufacture of concrete pipe or conduit.

(5) *Hot asphaltic mix division.* The manufacture of hot asphaltic plant mix for paving.

(6) *General division.* All products and activities included in the stone, glass, and related products industry, as defined in this section, except those included in the glass and glass products division, the glass decorating division, the mica division, the concrete pipe division, and the hot asphaltic mix division, as defined in this section.

[F. R. Dec. 53-1836; Filed, Feb. 27, 1953; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 43]

GOR 43—PASS-THROUGH FOR BERYLLIUM, CHROMIUM, COBALT AND NICKEL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 43 is hereby issued.

STATEMENT OF CONSIDERATIONS

This general overriding regulation permits primary producers and further processors and manufacturers to increase their selling prices so as to pass on to their customers increases in the cost of beryllium, chromium, cobalt and nickel.

The ceiling price of beryllium copper master alloy (which is the basic beryllium-containing alloy) has already been increased by Supplementary Regulation (SR) 133 to the General Ceiling Price Regulation (G CPR) effective February 13, 1953. That ceiling price increase was made because of the increased cost of acquisition of imported beryl ore and copper. That part of the increase granted to producers and resellers of beryllium master alloy which is attributable to the increased cost of beryl ore and which may be passed on by subsequent processors under this regulation is 5.22 cents per pound of beryllium contained.

The ceiling prices of chromium metallurgical products (except stainless steel) have been increased on the producer's level by Ceiling Price Regulation (CPR) 180, effective November 25, 1952. The ceiling price increases effected by that regulation reflect the increased costs of chromium and amount approximately to 3 cents or 4 cents per pound of chromium contained, depending on the type of

product. It is that 3 or 4 cents per pound of chromium contained that may be passed on under this regulation by subsequent processors.

The ceiling prices of primary products processed from cobalt-metal (not including cobalt oxide) or primary nickel, including stainless steel, may be adjusted under this regulation. In the case of stainless steel, the adjustments permitted under this regulation reflect average cost increases caused by the increased prices of nickel and chromium. In the case of other products the adjustments reflect the increased costs of cobalt metal and chromium contained in the products. Although some loss in these materials occurs during the manufacturing process, the difficulty of measuring that loss made its consideration impracticable. On the other hand, for the same reason, no reduction in the amount of the permitted increase is required even if a processor avoids part of these cost increases by using scrap instead of virgin metal.

For the convenience of further processors, an appendix (marked Appendix A) is attached to this regulation which lists the primary products whose ceiling prices have been increased by other regulations or may be adjusted under this regulation because of the increased cost of beryllium, chromium, cobalt and nickel. That appendix indicates the amount of the increases that may be passed on by subsequent processors.

The pass-through provisions of this regulation are essentially similar to those of General Overriding Regulation (GOR) 35 which is the pass-through regulation for manufacturers using steel, pig iron, copper or aluminum. As the persons affected by this regulation are familiar with the considerations and provisions of GOR 35, it appears sufficient to explain here the differences between these two regulations.

The pass-through under GOR 35 is the increase in a supplier's selling price above his old (unadjusted) ceiling price. In this regulation the concept of the pass-through refers to the increase in a supplier's selling price above his previous selling price to the extent to which that increase reflects cost increases due to increased costs of the four materials enumerated above. This change of concept has been found advisable and, at least in part, necessary because some materials and products containing the four materials involved are exempt from price control and therefore have no ceiling prices.

However, the metals listed in the appendix are presumed to have been selling and to continue to sell at ceiling. Therefore, producers and manufacturers using these metals may determine the amount of the pass-through to which they are entitled on the basis of Appendix A—irrespective of the price actually paid for these products and without the necessity of obtaining from the supplier any notification of the amount of the increase.

Manufacturers who use commodities made from Appendix A products must be notified by the supplier about the pass-through increase. Whereas under

GOR 35 (in accordance with the pass-through concept in that regulation) the supplier need only state in the notification his old ceiling price, this regulation requires that the notification should state the amount of the pass-through and that a new notification be given each time the same commodity is delivered at a different price.

Whereas the resale of the primary products covered by GOR 35 normally takes place through warehouses which are entitled to uniform markups, among the primary products covered by this regulation only a few are usually handled by warehouses at uniform markups. The rest of them are resold by distributors who sell either at the mill price (the distributor buying at a discount) or at individual markups. For this reason, it has not been practicable uniformly to determine and list the cost increases which the further processors of these products incur if buying from resellers as has been done in GOR 35. The problem thus raised is solved in this regulation in the following manner: A manufacturer who purchases more than 25 percent of an Appendix A product from resellers is given a choice of two methods for calculating the amount of the pass-through increase on that product. As a first alternative, he may disregard the fact that some (or all) of his purchases were made from resellers and determine the amount of the pass-through on the basis of the increases listed in Appendix A. A manufacturer electing that method may adjust his ceiling prices immediately after February 27, 1953, and needs no notification from his supplier. As a second alternative, the manufacturer may calculate the amount of his pass-through increase by the method applicable to manufacturers using commodities made of Appendix A products. In that case, he must request his reseller-supplier to notify him of the pass-through increase and may put his adjusted ceiling prices into effect only after he purchases a normal quantity of the product at an increased price and receives a notification of the amount of the pass-through.

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

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

Every effort has been made to conform this regulation to existing business practices, cost practices, or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in business practices, cost practices or methods, or

means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

I—GENERAL PROVISIONS

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AUTHORITY: Sections 1 to 21 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

I. GENERAL PROVISIONS

SECTION 1. What this regulation does. (a) This is an adjustment regulation. It permits manufacturers to adjust their ceiling prices in order to "pass-through" increases in costs resulting from price increases of beryllium, cobalt, chromium and nickel.

(b) The adjustments authorized for primary producers are set forth in section 5 and are listed in Appendix A. That appendix also lists price increases authorized by other regulations to primary producers which may be passed on under this regulation by subsequent processors.

(c) Subsequent processors calculate their adjustments on the basis of increases made by their suppliers. Where necessary, subsequent processors must be notified of the increases made by their suppliers.

(d) The adjustment provisions of this regulation do not apply to resellers since increases in manufacturers' prices may be passed through under the provisions of the applicable resellers' regulations.

However, at the request of a manufacturer who obtained from a reseller a material covered by this regulation, the reseller must notify the manufacturer of the amount of the increase taken.

SEC. 2. Coverage. (a) This regulation applies in the United States, its territories and possessions, and in the District of Columbia. The adjustment provisions cover producers of products listed in Appendix A to the extent set forth in section 5, and manufacturers who further process any of these products, or any commodity manufactured from them. However, no adjustments may be made by sellers under CPR 156, Fabricated Structural Steel, Miscellaneous and Ornamental Iron, and Vessel Shop Products for Field Assembly or Erection. This regulation provides for the use of current costs in the calculation of ceiling prices. Consequently, no adjustment for increased materials costs is required.

(b) The notification provision covers producers, manufacturers and resellers who sell any of these products or commodities to manufacturers.

SEC. 3. When you may make your adjustments. (a) The ceiling price adjustments authorized by this regulation may be made at any time convenient to you. You may decide for the present to make no adjustments or to take only part of your permitted increase. If so, you may later take whatever part remains, as well as any additional increases to which you may then be entitled.

(b) It may, in some cases, be desirable to make more than one adjustment. For example, a manufacturer who buys both mill products and fabricated parts, will be affected immediately by the increase in the cost of his mill products, while his fabricated-parts costs may not rise for some period of time. In that situation, he may well decide to avail himself promptly of the adjustment to which he is entitled on account of the increase in the cost of his mill products. He may, if he wishes, make later adjustments for the increase in the cost of the fabricated parts.

SEC. 4. General description of how you make your adjustments. (a) If you are the producer of a product listed in Appendix A for which a ceiling price adjustment is authorized by this regulation, section 5 tells you how to calculate your adjustment.

(b) If you are the further processor of a product listed in Appendix A or of a commodity manufactured from any such product, you must take the following steps to make your adjustment:

(1) You first find out what kind of cost increases entitle you to an adjustment. This is dealt with in section 6. You next learn how to determine the exact amount of the cost increase which may be reflected. This is spelled out in sections 7 and 8. Having found how to determine the kind and the amount of the cost increases which you may "pass through", you have a choice of two methods for adjusting the ceilings of the commodities to which the cost increases

apply: An individual-commodity method and a group factor method.

(2) Under section 9 you allocate cost increases on an individual-commodity basis. You adjust the old ceiling of a commodity to reflect the particular cost increases which apply to it. Under section 10 cost increases are allocated on a group basis. You calculate a percentage adjustment factor which represents the average increase for a group of commodities. This factor may then be used to adjust the ceilings of each of the commodities in that group.

(c) If you cannot or are unable without undue burden to make your adjustments either by the individual-commodity method or by the group-factor method, you may propose an alternate method under section 11.

II—PRIMARY PRODUCERS

SEC. 5. Adjustments by primary producers—(a) Beryllium, chrome. If you produce products (other than stainless steel) in the production of which beryllium or chrome is used, your ceiling prices established under SR 133 to the GCPR and CPR 180, respectively, already reflect your increased costs for beryllium and chrome and you may not make adjustments under this regulation for the products listed in SR 133 to the GCPR and CPR 180. Appendix A specifies that part of your ceiling price which subsequent processors may pass on under this regulation.

(b) **Cobalt.** (1) If you produce products in the processing of which cobalt is used in the form of cobalt metal, you may increase your ceiling prices by 30 cents per pound of cobalt contained.

(2) You may round your ceiling prices adjusted under this paragraph to the nearest cent or fraction of a cent you normally employ. If you elect to round any ceiling price covered by this paragraph, you must round all such ceiling prices so as to reflect decreases as well as increases. (This rounding provision applies to you only. Subsequent processors may round their adjusted ceiling prices in accordance with section 17.)

(c) **Nickel.** (1) If you produce products in the processing of which primary nickel is used (other than stainless steel), you may increase your ceiling prices by 3½ cents per pound of nickel contained.

(2) You may round your ceiling prices adjusted under this paragraph to the nearest cent or fraction of a cent you normally employ. If you elect to round any ceiling price covered by this paragraph, you must round all such ceiling prices so as to reflect decreases as well as increases. (This rounding provision applies to you only. Subsequent processors may round their adjusted ceiling prices in accordance with section 17.)

(d) **Stainless steel.** (1) If you produce stainless steel you may increase your ceiling prices as follows:

(i) On stainless steel type "300" by 3 percent of the mill base ceiling price.

(ii) On stainless steel type "400" and "500" by 2 percent of the mill base ceiling price.

(2) You may round your ceiling prices adjusted under this paragraph to the nearest cent or fraction of a cent you

normally employ. If you elect to round any ceiling price covered by this paragraph, you must round all such ceiling prices so as to reflect decreases as well as increases. (This rounding provision applies to you only. Subsequent processors may round their adjusted ceiling prices in accordance with section 17.)

III—FURTHER PROCESSORS

SEC. 6. Cost increases which entitle further processors to make an adjustment. (a) This section relates only to the kind of cost increases which entitle you to make an adjustment if you are a further processor of products listed in Appendix A or of a commodity manufactured from any such product. It does not cover either the amount of the cost increase or the method for making the adjustment.

(b) You may adjust your ceiling prices for cost increases incurred by you because of price increases taken by your suppliers under this regulation on any of the products listed in Appendix A or on any commodity made from them, provided you use such product or commodity as a "manufacturing material." The term "manufacturing material" includes only materials that enter directly into the commodities whose ceiling prices are being adjusted, and packaging materials and containers other than returnable containers. It does not include, for example, expendable tools or any materials used in replacing, maintaining, or expanding your plant and equipment.

(c) You need not, of course, make an adjustment for all eligible cost increases. For example, a manufacturer may be buying many different manufacturing materials from a large number of suppliers. However, only two of the increases entitling him to an adjustment are of real significance in his cost of production. He may, therefore, decide to limit his adjustment to the two important increases and ignore the rest.

SEC. 7. How to determine the amount of your cost increase on products listed in Appendix A—(a) Purchases from the producer. If you purchase any of the products listed in Appendix A directly from the producer, you may reflect in your adjustment the amount of the listed increases immediately after the effective date of this regulation. If you are unable to determine the amount of the applicable increase on the basis of Appendix A, you should request your supplier to notify you of that amount.

(b) **Purchases from resellers.** (1) If during your last complete fiscal year ending not later than December 31, 1952, you bought more than 25 percent (by weight) of a product listed in Appendix A from resellers, you have a choice of two methods for determining your cost increase on that product.

(2) The first method is that described in paragraph (a) of this section. If you elect to use that method you treat all your purchases of the Appendix A products involved as if they were purchases from the producer.

(3) The second method is that described in section 8. If you elect to use that method you treat all your purchases of the Appendix A products involved as

if they were purchases of manufacturing materials made from Appendix A products.

SEC. 8. How to determine the amount of your cost increase on manufacturing materials made from products listed in Appendix A—(a) Where 75 percent or more of the particular manufacturing material was bought from one class of supplier during your last complete fiscal year ending not later than December 31, 1952. (1) You may reflect in your adjustment for a particular manufacturing material the selling price increase which your largest regular supplier has taken under this regulation. You may not make an adjustment until (i) you have received a shipment from your largest regular supplier, in an amount equal to a normal order, at a price increased under this regulation; and (ii) he has given you appropriate notification of his increase, as required by section 18. However, if you are unable to obtain delivery of that particular material from your largest regular supplier, and you have obtained a shipment in an amount equal to a normal order from another supplier of the same class, you may make your adjustment on the basis of the selling price increase taken by that supplier for sales to the class of purchaser to which you belong.

(2) If you are unable to obtain notification from your supplier of the increase taken by him under this regulation, you may apply in writing to the Office of Price Stabilization, Washington 25, D. C., for an adjustment of your ceiling prices. Your application must be identified as an "Application under section 8 (a) (2) of GOR 43" and must contain the following:

- (i) A statement that you were unable to obtain an appropriate notification from your supplier.
- (ii) A statement of the steps taken by you in order to obtain such a notification, or the reason why such efforts would have been futile.
- (iii) The proposed amount of the adjustment of your ceiling prices.
- (iv) Data showing how you calculated the proposed adjustment.

The Director of Price Stabilization may approve your proposal in whole or in part, modify or reject it. Unless and until you have received written approval from him you may not use your proposal.

(b) *Where less than 75 percent of the particular manufacturing material was bought from one class of supplier during your last complete fiscal year ending not later than December 31, 1952.* You have a choice of two methods:

- (1) Under the first method you may reflect in your adjustment the selling price increase taken by the manufacturing supplier from whom you bought the largest amount of the particular material during your last fiscal year ending not later than December 31, 1952. You may not make an adjustment until (i) you have received a shipment from your largest manufacturing supplier in an amount equal to a normal order, at a price increased under this regulation; and (ii) he has given you appropriate notification of his increase as required

by section 18. However, if you are unable to obtain delivery of the particular material from your largest manufacturing supplier, and you have obtained shipment in an amount equal to a normal order from another manufacturing supplier, you may make an adjustment on the basis of the selling price increase taken by that supplier under this regulation for sales to the class of purchaser to which you belong.

(2) Under the second method you may reflect in your adjustment an average selling price increase weighted on the basis of the amount of the material bought from each class of supplier during your last complete fiscal year, ending not later than December 31, 1952, calculated as follows:

(i) Multiply the physical amount bought from all manufacturing suppliers, by the increase taken by your largest manufacturing supplier.

(ii) Multiply the physical amount bought from all resellers by the increase taken by your largest reseller.

(iii) Add the results of subdivisions (i) and (ii). Divide this sum by the total quantity of the manufacturing material bought from all sources. This gives you the average increase you are permitted to pass through in making your adjustment.

(3) You may not make an adjustment under this second method until first, you have received a shipment from your largest manufacturing supplier and from your largest reseller, each in an amount equal to a normal order, and at a price increased under this regulation; and, second, you have received appropriate notification of increases as required by section 18. However, if you are unable to obtain delivery of the particular material from either supplier, and you have obtained shipment in an amount equal to a normal order from another supplier of the same class, you may make an adjustment on the basis of the selling price increase taken by that supplier for sales to the class of purchaser to which you belong.

(4) If you are unable to obtain notification from your supplier of the increase taken by him under this regulation, you may apply in writing to the Office of Price Stabilization, Washington 25, D. C., for an adjustment of your ceiling prices. Your application must be identified as an "Application under section 8 (b) (4) of GOR 43" and must contain the following:

- (i) A statement that you were unable to obtain an appropriate notification from your supplier.
- (ii) A statement of the steps taken by you in order to obtain such a notification or the reason why such efforts would have been futile.
- (iii) The proposed amount of the adjustment of your ceiling prices.
- (iv) Data showing how you calculated the proposed adjustment.

The Director of Price Stabilization may approve your proposal in whole or in part, modify or reject it. Unless and until you have received written approval from him you may not use your proposal.

SEC. 9. How to calculate an adjusted ceiling price for an individual commodity

ity. To calculate an adjusted ceiling price for an individual commodity you must do the following:

(a) List the physical amount, used in the production of one unit of the commodity, of each "manufacturing material" for which you are entitled to make an adjustment, and for which you have decided to make one. The "unit" of the commodity is the one in which you customarily quote your price, for example, each, dozen, gross, thousand, pound, ton.

(b) List the dollar-and-cent amount of the cost increase which you are permitted to reflect for each of the materials listed in paragraph (a) of this section. The increase should be shown on the basis of the unit in which you normally buy the materials, for example, each, dozen, gross, thousand, pound, ton.

(c) Multiply the physical amount of each material listed in paragraph (a) by its cost increase listed in paragraph (b) of this section. This gives you the adjustment to which you are entitled for each manufacturing material.

(d) Add up the individual increases found in paragraph (c) of this section. This gives you the dollar-and-cent figure representing your total adjustment. You add this to the ceiling price of the commodity, to its largest buying class of purchaser, in order to obtain your adjusted ceiling price. For sales to other classes of purchasers you apply your customary differentials, between classes of purchasers. You must continue to use the same terms and conditions of sale.

NOTE: You may not calculate an adjusted ceiling price for any individual commodity which belongs to a group of commodities for which you have determined an adjustment factor under section 10.

SEC. 10. How to calculate a group factor (a) You may calculate a group factor for any unit of your business not larger than a plant. You may use a unit smaller than a plant if you keep accounting records adequate to permit you to make the necessary calculations. You may calculate a group factor for your entire business if you operate in a single plant. If you choose this method, you must use it for all commodities made in the unit of your business which you have used. You cannot make a section 9 adjustment for any commodity produced in that unit of your business.

(b) List the physical amount used by the unit of your business during your last complete fiscal year ending not later than December 31, 1952, of each manufacturing material for which you are entitled to make an adjustment, and for which you have decided to make one.

(c) List the dollar-and-cent amount of the cost increase which you are permitted to reflect for each of the materials listed in paragraph (b) of this section. The increase should be shown on the basis of the unit or quantity in which you normally buy the material, for example, each, dozen, gross, thousand, pound, ton.

(d) Multiply the physical amount of each material listed in paragraph (b) by its price increase found in paragraph (c) of this section.

(e) Add up the individual increases. This gives you the total materials cost increase which you are permitted to take.

(f) Divide the result under paragraph (e) of this section by the net sales of all commodities produced in that unit of your business during your last complete fiscal year ending not later than December 31, 1952, adjusted (as indicated below) for changes in your finished-goods inventory and for transfers to other units of your business. (You must use the same fiscal year used in paragraph (b) of this section.) The resulting percentage is your group factor.

(1) The inventory adjustment is made as follows:

(i) Find the values at the beginning and at the end of your last-complete fiscal year of your finished-goods inventory for the unit of your business. You must use the value as shown on the records which you keep for tax purposes.

(ii) Add the value of your end-of-the-year inventory to your net sales.

(iii) From the total under subdivision (ii) of this subparagraph subtract the value of your beginning-of-the-year inventory. This gives you the figure by which you divide the result under paragraph (e) of this section.

(2) You must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown on your records. If your records do not show a value, for the material or commodity transferred from a unit of your business, you may not use that unit for making your calculations.

(3) To obtain an adjusted ceiling price for a commodity included in the unit of your business you multiply the ceiling price of the commodity, to its largest buying class of purchaser, by the group factor. This gives you a dollar-and-cents figure which you add to the ceiling price of the commodity, to its largest buying class of purchaser, to obtain your adjusted ceiling price. For sales to other classes of purchasers you apply your customary differentials between classes of purchasers. You must continue to use the same terms and conditions of sale.

NOTE: You may not apply the group factor to any commodity which does not contain at least one of the materials listed in paragraph (b) even though that commodity is made by the unit of your business for which the factor was determined.

SEC. 11. Option to propose an alternate method for calculating adjusted ceiling prices. If you find that you cannot or are unable without undue burden to calculate adjusted ceiling prices under either section 9 or section 10, you may propose an alternate method. An alternate method will be approved only where the use of section 9 or section 10 would be impossible or unduly burdensome. You should submit your proposed method in writing to the Office of Price Stabilization, Washington 25, D. C. Your proposal should be identified as an "Application under section 11 of GOR 43" and must include the following:

(a) A statement of the reasons why the use of sections 9 and 10 would be impossible or unduly burdensome.

(b) A detailed step-by-step description of the method you propose.

(c) A statement based on examples using a few representative commodities which would indicate that your proposed method produces substantially the same results as would be obtained by the use of sections 9 and 10.

The Director of Price Stabilization may approve your proposal in whole or in part, modify or reject it. Unless and until you have received written approval from him you may not use your proposal.

SEC. 12. Subsequent adjustments. (a) You may wish to make more than one adjustment in order to reflect cost increases, not reflected in your previous adjustment, to which you are entitled under this regulation. If you have calculated an individual-commodity adjustment under section 9, you may simply add the additional increases, calculated under section 9, to your previously adjusted ceiling price.

(b) If you have calculated a group adjustment factor under section 10, there are two ways of obtaining a new group factor. First, you may make the calculations prescribed by section 10, using both the old increases, reflected in your first group factor, and the additional increases which you now wish to reflect. Second, you may calculate a separate factor under section 10, representing only the additional increases not reflected in your first adjustment. This separate factor must then be added to your original group factor to give you your new group factor. Whether you use the first or the second method, the new group factor must be applied to the unadjusted ceiling prices of the commodities included in the group.

(c) You may not change the unit of your business to which the group factor applies. The new group factor must apply to the same unit to which the old factor applies. However, group factors may be applied to new commodities brought out in the unit of your business to which the factor applies. This is spelled out in section 13.

SEC. 13. Adjustment of ceiling prices for new, modified, and minor-change commodities. You may adjust under this regulation ceiling prices established under the new commodity provisions of the basic regulation covering your commodities. The way you make your adjustment will depend on how the ceiling price of the new commodity is established.

(a) **Ceiling prices established by a comparison technique.** The ceiling price of any "modified" commodity, any "minor-change" commodity, or any other new commodity which is established by reference to the unadjusted ceiling price of a comparison commodity may be adjusted in one of two ways.

(1) If the new commodity is made in a unit of your business for which you have calculated a group factor under section 10, you may apply that factor to the ceiling price of the new commodity.

(2) If the new commodity is not made in a unit of your business for which you have calculated a group factor, you may

make an individual commodity adjustment under section 9.

(b) **Ceiling prices established by reference to competitors' prices—**(1) *Where established before February 27, 1953.* (i) If the commodity is made by a unit of your business for which you have calculated a group factor under section 10, you may apply that factor to the ceiling price of the new commodity.

(ii) If the new commodity is not made by a unit of your business for which you have calculated a group factor, you may make an individual commodity adjustment under section 9.

(2) *Where established after February 26, 1953.* There are two alternatives:

(i) If your competitor adjusts under this regulation the ceiling price which you "borrowed," you may make a comparable adjustment of your ceiling price.

(ii) Whether or not your competitor adjusts the ceiling price which you borrowed, you may apply in writing to the Office of Price Stabilization, Washington 25, D. C., for an adjustment of your ceiling price. Your application must be identified as an "Application under section 13 (b) (2) of GOR 43" and must include a statement of the amount of the increase in the cost of your manufacturing materials resulting from increases in the cost of products listed in Appendix A, or of selling price increases taken by your suppliers under this regulation of commodities made from such products. You can combine this application with the initial report that may be required in order to establish the ceiling price under your basic regulation. In other words, you may request that increased beryllium, chromium, cobalt and nickel costs be reflected immediately.

(c) **Ceiling prices established by letter order—**(1) *Where established before October 1, 1951.* (i) If the commodity is made by a unit of your business for which you have calculated a group factor under section 10, you may apply that factor to the ceiling price of the new commodity.

(ii) If the new commodity is not made by a unit of your business for which you have calculated a group factor, you may make an individual commodity adjustment under section 9.

(2) *Where established between October 1, 1951, and February 26, 1953, inclusive.* (i) If, in your opinion, the ceiling prices established by letter order do not reflect cost increases which you may pass through under this regulation, you may apply in writing to the Office of Price Stabilization, Washington 25, D. C., for an adjustment of your ceiling prices. Your application must be identified as an "Application under section 13 (c) (2) of GOR 43" and must include the letter order number and a statement of the amount of the increase in the cost of your manufacturing materials resulting from increases in the cost of products listed in Appendix A, or of price increases taken under this regulation of commodities made from such products and a proposal for the amount of the adjustment.

(ii) The Director of Price Stabilization may approve your proposal in whole or in part, modify or reject it. Unless

and until you have received written approval from him you may not use your proposal.

(3) *Where established after February 26, 1953.* The letter order establishing your ceiling price will indicate whether and how you may make an adjustment. The order will also indicate how you must determine the "pass through" increase of which you must notify your purchaser in compliance with section 18.

(d) *Ceiling prices established by a manufacturer's individual formula.* You may adjust a ceiling price calculated by an individual formula established under the basic regulation covering your commodities. There are two ways in which such a ceiling price can be adjusted.

(1) If the commodity is made by a unit of your business for which you have calculated a group factor under section 10, you may apply that factor to the ceiling price of the new commodity.

(2) If the new commodity is not made by a unit of your business for which you have calculated a group factor, you may make an individual-commodity adjustment under section 9.

SEC. 14. Integrated manufacturers and transferred materials. (a) This section deals with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing a commodity whose ceiling price you wish to adjust. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to another person.

(b) You may make an adjustment for the cost increase to which you are entitled, at any stage of processing where it is convenient for you to do so. However, regardless of the stage at which you decide to make your adjustment, you may not make an additional adjustment at a subsequent stage, for the same material, but must simply pass through the adjustment made at the earlier stage. Therefore, the adjustment permitted on a commodity can in no event exceed the increases on the materials going into it. Records must be kept, indicating how adjustments for transferred materials were made between different units of your business.

SEC. 15. Optional method for determining a uniform adjusted ceiling price for a commodity manufactured in two or more plants. If the commodity whose ceiling prices you are adjusting is manufactured in more than one of your plants, and is customarily sold at a uniform price, but in adjusting the ceiling price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the adjusted ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during your last complete fiscal year. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity.

SEC. 16. Excise, sales or similar taxes—
(a) *Where the tax is included in your*

selling price. (1) If your unadjusted ceiling price for a commodity includes any excise, sales or similar tax which is not separately stated, you must first ascertain the amount of such tax and exclude it from your unadjusted ceiling price. Your unadjusted ceiling price, with such tax so excluded, may then be used in making any appropriate computations for determining your adjusted ceiling price. After completing the computations, you may then add on the appropriate amount of such tax for inclusion as part of your adjusted ceiling price.

(2) If subsequent to the establishment of an adjusted ceiling price which includes any excise, sales or similar tax, the amount of such tax is reduced or eliminated, you must recompute and reduce your ceiling price to reflect the appropriate amount of the reduction in or elimination of such tax.

(3) If, subsequent to the establishment of any adjusted ceiling price, any excise, sales or similar tax is first imposed or any such tax which had been included in your ceiling price is increased, you may recompute and increase your ceiling price to reflect the appropriate amount of such new tax or the increase in such tax.

(b) *Where the tax is separately stated and collected.* If your unadjusted ceiling price for a commodity did not include any excise, sales or similar tax you may in addition to your adjusted ceiling price, determined under this regulation, collect the amount of any such tax paid as such by you. In the case of an increase in any excise, sales or similar tax or any new such tax which is not effective until after you make your adjustment, you may in addition to your ceiling price, if not prohibited by the tax law, state separately and collect the amount of such increase or new tax actually paid as such by you. A tax once stated separately from your ceiling price may not thereafter be included in your ceiling price under this regulation.

SEC. 17. Rounding. Cost increases on particular manufacturing materials, and group factors calculated under section 10 may only be rounded downwards. Adjusted ceiling prices may be rounded in the manner prescribed in the basic regulation applicable to the particular commodity.

IV—MISCELLANEOUS PROVISIONS

SEC. 18. Notification of pass through increases. (a) You must notify your purchaser of your price increase taken under this regulation if (1) you are the producer of a commodity made from any product listed in Appendix A or from any commodity made from such products; and (2) your purchaser buys your product or commodity for use as a further manufacturer or reseller. Your notification must be delivered together with your first invoice covering a sale at the increased price and with every further invoice covering the first sale of the same product or commodity at a price which includes an additional increase taken under this regulation.

(b) At the request of your purchaser, you must notify him of your price in-

crease taken under this regulation if you are the producer of any product listed in Appendix A. You must mail your notification within 14 days after the receipt of the request.

(c) At the request of your purchaser, you must notify him of your price increase made in consequence of your supplier's price increases taken under this regulation if you are a reseller of any of the products or commodities covered by paragraphs (a) and (b) of this section. Normally that price increase will be equal to the price increases taken by your suppliers under this regulation plus your markup on those increases. You must mail your notification within 14 days after the receipt of the request.

SEC. 19. Applicability of other OPS regulations to you. All the provisions of the regulations under which your ceiling prices are presently established continue to be applicable to you except to the extent that they are expressly inconsistent with this regulation. Wherever such provisions refer to ceiling prices "established under this regulation," or use equivalent language, your ceiling prices as adjusted under this general overriding regulation are included. This means that you will continue to look to these regulations to find, for example, what records and reports you are required to keep, in addition to those required by this regulation, or what acts are prohibited.

SEC. 20. Records and reports—(a) *Record-keeping requirements.* In addition to the records and reports required by other OPS regulations applicable to you, you must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to determine whether you have correctly computed your ceiling price adjustment under this regulation. You must preserve your suppliers' notifications to you of their "pass through" price increases, and copies of invoices, paid bills or similar data to show the materials costs you used in computing a ceiling price adjustment under this regulation. The records to be preserved under this paragraph include appropriate work sheets.

(b) *Reports.* The Director of Price Stabilization may from time to time require information or reports subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

SEC. 21. Definitions. The definitions in the basic regulation covering your commodities shall apply to all terms in this regulation, except where one of the following definitions applies, or where the context requires otherwise.

Class of supplier There are two classes of suppliers: manufacturers and resellers.

Largest regular supplier This means a regular supplier of yours from whom in the most recent representative period you have purchased the largest quantity of a particular material. If you are purchasing a material for the first time your first supplier may be regarded as your "largest regular supplier."

Selling price increase taken under this regulation. This means the lower of the following two figures: (1) The amount of the ceiling price adjustment granted by this regulation; or (2) the price increase actually taken after February 26, 1953. If the product was not sold or offered for sale in the period June 25, 1950 to February 26, 1953, inclusive, and, therefore, the notion of a "price increase actually taken after February 26, 1953" is not applicable, the "selling price increase taken under this regulation" is equal to the amount of the ceiling price adjustment granted by this regulation unless the contrary is established by a letter order or can be established on the ground of a comparison with price increases taken under this regulation on similar products. "Price increase taken under this regulation" and "Price increased under this regulation" have corresponding meanings.

Effective date. This General Overriding Regulation 43 is effective February 27, 1953.

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

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 27, 1953.

APPENDIX A

GROUP A

Per pound of beryllium contained (cents)

1. Beryllium copper master alloy----- 5.22

GROUP B

Chromium metallurgical products (except stainless steel)

Per pound of chromium contained (cents)

- 1. High carbon ferrochrome----- 3
- 2. "SM" grade ferrochrome----- 3
- 3. Low carbon ferrochrome (except "SM" grade)----- 4
- 4. Ferrochrome silicon----- 4
- 5. Ferrosilicon chrome----- 4
- 6. Chrome manganese silicon alloys--- 4
- 7. Chromium metal----- 4

GROUP C

Per pound of cobalt contained (cents)

1. Products in the production of which cobalt metal is used----- 30

GROUP D

Per pound of nickel contained (cents)

1. Products in the production of which primary nickel is used----- 3½

GROUP E

Percent of mill base ceiling price

- 1. Stainless steel type "300"----- 3
- 2. Stainless steel types "400" and "500"----- 2

[F. R. Doc. 53-1965; Filed, Feb. 27, 1953; 11:11 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-41, as Amended February 27, 1953]

M-41—METALWORKING MACHINES—DELIVERY

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of NPA Order M-41 as originally issued, and as heretofore from time to time amended, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. However, in the formulation of the amendments in this amended order, consultation with industry representatives, including trade association representatives, has been rendered impracticable because of the need for immediate action.

EXPLANATORY

This amended order revises NPA Order M-41, as amended November 17, 1952, by making certain changes, among which are the following:

1. To effectuate a policy of permitting the acceptance of unrated orders for metalworking machines of the classifications listed in Exhibit D,

(a) Section 3 has been deleted;

(b) In section 4, paragraph (b) has been deleted; the second sentence of paragraph (c) has been redesignated paragraph (b), provisions for scheduling orders for machine tools on Exhibit D have been inserted in the rest of paragraph (c), and section 4, as rewritten, has been redesignated section 3; and

(c) The last sentence of section 13 has been deleted.

2. Sections 5 through 18 have been redesignated sections 4 through 17.

REGULATORY PROVISIONS

Sec.

- 1. What this order does.
- 2. Definitions.
- 3. Allocation of deliveries to service and other purchasers.
- 4. Distribution of production among service groups.
- 5. Treatment of fractions.
- 6. Operation of Numerical Preference List.
- 7. Information to be furnished with new purchase orders.
- 8. Changes and amendments.
- 9. Rejection of rated orders.
- 10. Effect of this order on NPA Reg. 2.
- 11. Replacement parts.
- 12. Pool orders.
- 13. Applications for ratings for metalworking machines.
- 14. Requests for adjustment or exception.
- 15. Records and reports.
- 16. Communications.
- 17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 423, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 793, Pub. Law 423, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8769; 3 CFR, 1951 Supp.

SECTION 1. What this order does. This order regulates the delivery of metalworking machines. It requires all producers to schedule their deliveries in accordance with the provisions of this order.

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

(a) "Metalworking machine" means any new, nonportable, power-driven item of plant equipment which is listed on Exhibit A, appearing at the end of this order, and has a producer's list price for the basic machine itself of \$1,000 or more. The producer's list price for the basic machine itself means the sale price at which the producer's catalog or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive, or attachments are initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit. The term "metalworking machine" includes all fixtures, equipment, and tooling covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(b) "Producer" means any person engaged in the manufacture and production of metalworking machines.

(c) "Service group" means a subdivision of the Department of Defense. For the purposes of this order, there are deemed to be seven such subdivisions, consisting of the following: Ordnance, Army less Ordnance, Bureau of Ordnance (Navy), Bureau of Ships (Navy) Miscellaneous Bureaus and Offices (Navy), Bureau of Aeronautics (Navy), and Air Force.

(d) "Service purchasers" means those persons whose purchase orders for metalworking machines call for delivery to a service group, or to one of such group's prime contractors, or to a subcontractor of such a prime contractor. However, no such purchaser shall be considered a service purchaser unless his order is accompanied by a DO rating in accordance with existing regulations.

(e) "Other purchasers" means all purchasers other than service purchasers, whether or not a DO rating has been assigned to their purchase orders.

(f) "Size" includes all of those dimensions or variations of a particular type of metalworking machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on the effective date of this order, unless he is hereinafter authorized to use a different classification. Producers may apply for such permission by letter to the National Production Authority (hereinafter called "NPA").

(g) "Firm order" means an order which is accompanied by specification or other description of a metalworking machine in sufficient detail to enable a

producer to place such machine in his production schedule.

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

(i) "GSA" means the United States Government agency known as the General Services Administration, created under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) or such other Federal agency to which the Defense Materials Procurement Agency may hereafter redelegate the functions specified or described in section 12 of this order under E. O. 10281 (16 F. R. 8789) and the Defense Production Act of 1950, as amended (64 Stat. 798, as amended; 50 U. S. C. App. Sup. 2061-2166) or the Defense Materials Procurement Agency if said agency does not redelegate such functions.

SEC. 3. Allocations of deliveries to service and other purchasers. (a) Starting March 1, 1953, and on the first of each succeeding month, each producer shall schedule his deliveries of each size of metalworking machines in accordance with the provisions of this section for the fourth ensuing month, for example, deliveries for the month of June would be scheduled on March 1st.

(b) If a producer can fill from his production all orders requiring deliveries in the month being scheduled, whether such orders are rated or unrated, then he shall arrange his schedule so as to fill all such orders.

(c) If a producer cannot fill from his production all orders requiring delivery in the month being scheduled, whether such orders are rated or unrated, then he shall arrange his schedule of deliveries as follows:

(1) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled, he shall arrange his schedule so as to deliver to service purchasers (i) all such orders up to 70 percent of his production of each size of the classifications listed in Exhibit D of this order, and (ii) all such orders up to 60 percent of each size of any classification not listed in Exhibit D.

(2) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 70 percent of his production in that month of any size of the classifications listed in Exhibit D, he shall not be required in any such case to schedule for delivery more than 70 percent to service purchasers, even though there be fewer rated orders from other purchasers than the equivalent of 30 percent of his production of such size. To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 60 percent of his production in that month of any size of any classification not listed in Exhibit D, he shall not be required in any such case to schedule for delivery more than 60 percent to service purchasers, even though there be fewer rated orders from other purchasers than

the equivalent of 40 percent of his production of such size.

(3) To the extent that there remains any balance of his production unscheduled for that month, after scheduling his deliveries to service purchasers in accordance with subparagraphs (1) and (2) of this paragraph, a producer shall schedule such balance for such month so as to fill all rated orders from other purchasers to the extent possible, and if any balance still remains, he may thereafter fill unrated orders.

Sec. 4. Distribution of production among service groups. In connection with scheduling deliveries for each month pursuant to section 3 of this order, each producer shall schedule deliveries among the several service groups as follows:

(a) Subject to the provisions of this paragraph, each producer shall determine the number of orders on his books for each size of metalworking machine for each of the seven service groups as of 90 days prior to the first day of the month being scheduled, or, at the producer's option, the nearest date within 10 days thereof on which he may have compiled his records of orders. Only those orders which by their terms require delivery in the month being scheduled or in a month previous thereto shall be counted. The number of orders so determined for each such size and service group shall be termed the "net backlog" of each service group for that size of metalworking machine.

(b) Each producer shall then determine the "total net backlog" of all service groups by adding together the orders for each particular size of metalworking machine as determined for each service group in accordance with the provisions of paragraph (a) of this section.

(c) Each producer shall then determine, in accordance with the provisions of section 3, the total number of metalworking machines of a particular size being scheduled for all service groups for that month and such total shall be termed the "total service group quota." The quota of each size of metalworking machine for any particular service group shall be that proportion of the total service group quota which the net backlog of such particular service group bears to the total net backlog. Each producer shall then schedule deliveries for the month being scheduled so that each service group shall be scheduled for its service quota for that month, determined as provided in this section.

(d) During each month each producer shall deliver for each service group the number of metalworking machines of each size equal to its quota of that size for that month. However, no producer shall schedule delivery of any metalworking machine for any service group earlier than the date on which the purchaser requires delivery unless all required delivery dates on other orders for the same size of metalworking machine are being met.

Sec. 5. Treatment of fractions. Where the number of metalworking machines which results from any computation required by this order contains a fraction

of more than one-half, the fraction shall be counted as a whole metalworking machine. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole metalworking machine) for any one month and such fraction is less than one-half, it shall be counted in computing the next month's service quota. Where each of the computations of two or more different service quotas for the same month shows a fraction of one-half, and there is only one remaining metalworking machine to which such fraction can apply, such metalworking machine shall be allotted to the service group having the largest service quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other service quota or quotas for the next month.

Sec. 6. Operation of Numerical Preference List. A Numerical Preference List will be supplied to producers. This list will be designated "Restricted." In connection with scheduling deliveries for each month pursuant to sections 3 and 4 of this order, this list shall determine the sequence of scheduling of purchase orders for delivery as between service purchasers within each service group as follows:

(a) In scheduling purchase orders for delivery, service purchasers who are on the list shall take precedence over service purchasers who are not on the list.

(b) As between purchase orders having conflicting required delivery dates, delivery of which is to be made to service purchasers on the list within the particular service group, the purchase order of the service purchaser with the higher urgency standing shall be scheduled for delivery ahead of the service purchaser with the lower urgency standing. The highest urgency standing is No. 1.

(c) Scheduling for delivery to a subcontractor or a subcontractor of a subcontractor shall be made in accordance with the urgency standing of his prime contractor and the prime contract number. However, no such subcontractor may use the urgency standing of the prime contractor unless such use is approved by the prime contractor and endorsed by the service department, supply arm, or bureau concerned.

(d) If the urgency standing certified by the purchaser differs from the urgency standing shown for the particular contractor for the particular contract in question on the Numerical Preference List, the latter shall govern.

(e) If the urgency standing of a prime contract is changed by virtue of a revision of the Numerical Preference List, a producer shall not require the purchaser to furnish the new urgency standing, provided such purchaser has furnished to the producer all of the information required under section 7 of this order.

(f) Regardless of the urgency standing certified with the purchase order, no delivery of metalworking machines shall be made prior to the required delivery dates, unless all required delivery dates on other orders for the same size of metalworking machines are being met.

(g) Changes may be made in the Numerical Preference List from time to time by NPA. Such changes will be effective when scheduling for the next "delivery month." If an interim change is made, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take the position in the sequence of deliveries as indicated by the following example: Urgency standing 92.1 will be delivered after 92 and before 93. Complete revisions of the Numerical Preference List may be made from time to time and at such times the interim changes will be integrated in the revised Numerical Preference List. Such revised Numerical Preference List will use whole numbers and will be dated. Scheduling under this order will be controlled by the Numerical Preference List in force on the date of scheduling, irrespective of the urgency standing furnished by the purchaser at the time of the placing of the order. If a producer is unable to identify what urgency standing is the correct one for a particular purchase order, he must request from the purchaser the information necessary to establish the urgency standing and may delay scheduling such purchase order for production until he has received such information.

(h) The sequence of conflicting deliveries to service purchasers who are not listed on the Numerical Preference List within each service group shall be determined in accordance with the provisions of NPA Reg. 2.

Sec. 7. Information to be furnished with new purchase orders. (a) All purchasers must indicate specifications or other descriptions of the metalworking machines being ordered in sufficient detail to enable the producer to place the same on his production schedule and the required delivery date thereof.

(b) All service purchasers must indicate the service group which placed or sponsored the prime contract or subcontract for which the metalworking machine being purchased is to be used, and the specific prime contract number and the urgency standing, if any. If such service purchaser is a subcontractor or a subcontractor of a subcontractor, he must also state the name of the prime contractor.

(c) Any other purchaser must indicate the claimant agency, if any, which placed or sponsored the prime contract or subcontract for which the metalworking machine being purchased is to be used.

Sec. 8. Changes and amendments. Notwithstanding any other provision of this order, NPA may amend this order and any of its exhibits, may direct or change any schedule of production or delivery of metalworking machines, allocate any order for metalworking machines from one producer to another producer, and divert or otherwise direct the delivery of any metalworking machine from one person to another person.

Sec. 9. Rejection of rated orders. A producer need not accept a rated order which he receives less than 3 months prior to the first day of the month in which delivery is requested.

Sec. 10. Effect of this order on NPA Reg. 2. To the extent that this order is in conflict with NPA Reg. 2, the provisions of this order shall control. In all other respects, NPA Reg. 2 shall continue in full force and effect.

Sec. 11. Replacement parts. CMP Regulation No. 5 as now effective or as hereafter amended, or any other NPA order or regulation concerning maintenance, repair, and replacement items, shall control with respect to the delivery by a producer of repair and replacement parts, irrespective of any provisions contained in this order.

Sec. 12. Pool orders. NPA will from time to time furnish GSA with recommendations for ordering metalworking machines. Under a working arrangement between GSA and NPA, GSA will place firm orders (herein sometimes called "pool orders") with producers of metalworking machines in accordance with such recommendations. The pool orders so placed by GSA will contain, among other provisions, a provision requiring any producer, on or after the date therein specified, to eliminate items from any such order to the extent that equivalent items manufactured by such producer are invoiced or shipped (whichever is earlier) by such producer to others pursuant to purchase orders from others or to orders and directions of NPA.

Sec. 13. Applications for ratings for metalworking machines. A person other than a service purchaser who desires a rating for a metalworking machine and who believes he is eligible for such a rating, may apply for such rating on Form NPAF-138 (Revised) to the National Production Authority, Washington 25, D. C. Nothing in this section shall be construed to limit or supersede any existing NPA delegation, regulation, or order, or to affect the assigning or applying of a rating pursuant thereto, or to affect the making of applications for a rating by any person eligible therefor to a delegate agency or pursuant to another NPA regulation or order.

Sec. 14. Request for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

Sec. 15. Records and reports. (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

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

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

Sec. 16. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-41.

Sec. 17. Violations. Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities as-stance.

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

This order as amended shall take effect March 1, 1953.

Issued February 27, 1953.

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

EXHIBIT A OF NPA ORDER M-41

All types of the following classifications are included herewith for regulation under this order based on past procurement experience. Additions shall be made as new and changed requirements are developed:

Ammunition machinery.
Beading machines.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.

RULES AND REGULATIONS

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 124 to Schedule A]

[Rent Regulation 2, Amdt. 121 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW JERSEY AND PENNSYLVANIA

Effective February 28, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below. (Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

- Cut-off machines.
- Die-sinking machines.
- Drilling machines.
- Duplicating machines.
- Extruding machines.
- Filing machines.
- Forging machines.
- Forging rolls.
- Gear-cutting machines.
- Gear-finishing machines.
- Grinding machines.
- Hammers.
- Headers.
- Key-seating machines.
- Lapping machines.
- Lathes.
- Levelers.
- Marking machines.
- Measuring and testing machines, except physical property test equipment.
- Milling machines.
- Nibbling machines.
- Oil-grooving machines.
- Pipe flanging-expanding machines.
- Planers.
- Polishing and buffing machines.
- Presses.
- Profiling machines.
- Punching machines.
- Reaming machines.
- Rifle and gun working machines.
- Riveting machines.
- Rolling machines.
- Sawing machines.
- Screw and bar machines.
- Shapers.
- Swagers.
- Tapping machines.
- Threading machines.
- Shearing machines.
- Slotters.
- Upsetters.

EXHIBITS B AND C OF NPA ORDER M-41
(Discontinued)

EXHIBIT D TO NPA ORDER M-41

- I. Boring machines:**
 - (a) Vertical boring and turning machines, 54 inches and larger.
 - (b) Vertical boring and turning machines, all automatic cycle.
 - (c) Horizontal boring, drilling, and milling machines—table, floor, and planer type—4-inch spindle and larger.
 - (d) Jig-boring machines.
- II. Die-sinking machines:**
 - (a) Manual type.
 - (b) Automatic type.
- III. Drilling machines:**
 - (a) Radial drilling machines.
- IV. Gear-cutting machines:**
 - (a) Gear-hobbing machines—6-inch pitch diameter by 10-inch face and smaller.
- V. Grinding machines:**
 - (a) Long bed surface grinders—60 inches travel and larger.
 - (b) Table-type, single-head, nonautomatic, rotary surface grinders—30 inches capacity and larger.
 - (c) Jig-grinding machines.
 - (d) Face-coupling grinders.
- VI. Lathes:**
 - (a) Duplicating and tracer type.
 - (b) Turret lathes, saddle type, 3½ inches bar capacity and larger.
- VII. Milling machines:**
 - (a) No. 4 and larger—knee and column type and bed type.
 - (b) Planer or rail type mill.
 - (c) Duplicating or copying type.
 - (d) Skin-milling machines.
 - (e) Spar-milling machines.
 - (f) Jig-milling machines.
- VIII. Planers:**
 - (a) 60 inches by 60 inches double housing and larger.
 - (b) 48 inches open side and larger.
- IX. Shapers:**
 - (a) Breech ring shapers.

[F. R. Doc. 53-1974; Filed, Feb. 27, 1953; 11:32 a. m.]

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
<i>New Jersey</i> (190) Northeastern New Jersey.	B	In ESSEX COUNTY, the cities of East Orange, Newark and Orange, the townships of Caldwell, Cedar Grove, Livingston and Millburn, the towns of Belleville, Bloomfield, Irvington, Montclair, Nutley, West Orange, the boroughs of Caldwell and Verona, and the village of South Orange and all unincorporated localities; in MIDDLESEX COUNTY, the cities of New Brunswick, Perth Amboy and South Amboy, the townships of Cranbury, East Brunswick, Madison, Monroe, North Brunswick, Piscataway, Raritan, South Brunswick and Woodbridge, the boroughs of Carteret, Dunellen, Highland Park, Jamesburg, Metuchen, Middlesex, Sayreville, South Plainfield and South River, and all unincorporated localities; in MONMOUTH COUNTY, except the boroughs of Fair Haven, Farmingdale, Redbank and Seabright, and all incorporated localities in the borough of Allentown, and the townships of Howell, Millstone and Upper Freehold; in SOMERSET COUNTY, the townships of Bridgewater and Franklin, and the Boroughs of Bound Brook, Manville, Raritan, Somerville and South Bound Brook, and all unincorporated localities; in UNION COUNTY, the cities of Elizabeth, Linden and Rahway, the townships of Cranford, Hillside and Union, the town of Westfield, the boroughs of Garwood, Roselle and Roselle Park, and all unincorporated localities.	Mar. 1, 1942	July 1, 1942
<i>Pennsylvania</i> (272) Williamsport...	B	In LYCOMING COUNTY, the borough of Montgomery.	Mar. 1, 1942..	Nov. 1, 1942
	B	In NORTHUMBERLAND COUNTY, the city of Sunbury and the borough of Northumberland; in SNYDER COUNTY, the borough of Sellingsgrove; in UNION COUNTY, the borough of Lewisburg.do.....	Dec. 1, 1942
	B	In CLINTON COUNTY, the borough of Renovo.....do.....	Feb. 1, 1944
	C	MONMOUTH COUNTY, except the boroughs of Allentown, Fair Haven, Farmingdale, Redbank, Roosevelt and Seabright, and the townships of Howell, Millstone and Upper Freehold.	Aug. 1, 1952..	Nov. 6, 1952.

These amendments decontrol the following, based entirely on a resolution submitted under section 204 (j) (3) of the act:

The Township of Howell in Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area.

These amendments also decontrol:

- (1) The City of Williamsport in Lycoming County, Pennsylvania, a portion of the Williamsport Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the act, and
- (2) The remainder of the Williamsport Defense-Rental Area, except those localities specified above as remaining under rent control.

[F. R. Doc. 53-1889; Filed, Feb. 27, 1953; 8:49 a. m.]

[Rent Regulation 1, Amdt. 39 to Schedule B]
[Rent Regulation 2, Amdt. 40 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO AND COLORADO

Effective February 27, 1953, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

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

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. A new Item 84 is added to Schedule B of Rent Regulation 1 and a new Item

91 is added to Schedule B of Rent Regulation 2 reading as follows:

91. Provisions relating to Franklin County, Ohio, a portion of the Columbus Defense-Rental Area (Item 229 of Schedule A)

Decontrol of a specified class of housing accommodations. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of this regulation is terminated in Franklin County, Ohio, with respect to non-housekeeping furnished housing accommodations located within a single dwelling unit not used as a rooming or boarding house, but only if (a) no more than two paying tenants, not members of the landlord's immediate family, live in such dwelling unit, and (b) the remaining portion of such dwelling unit is occupied by the landlord or his immediate family.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

2. A new Item 92 is added to Schedule B of Rent Regulation 2 reading as follows:

92. Provisions relating to Franklin County, Ohio, a portion of the Columbus Defense-Rental Area (Item 229 of Schedule A)

Decontrol of a specified class of housing accommodations. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of this regulation is terminated in Franklin County, Ohio, with respect to rooms which on January 7, 1953, were furnished, located in a rooming house, did not contain any house-keeping facilities, and the rental of which did not include any facilities for cooking or cooking privileges.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

3. A new Item 93 is added to Schedule B of Rent Regulation 2 reading as follows:

93. Provisions relating to Erie County, Ohio, a portion of the Erie County-Oak Harbor Defense-Rental Area (Item 238 of Schedule A)

Decontrol of daily rates for a specified class of housing accommodations. In accordance with section 204 (c) of the Housing

and Rent Act of 1947, as amended, the application of maximum daily rates established by this regulation for controlled rooms in tourist homes in Erie County, Ohio, is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

4. A new Item 94 is added to Schedule B of Rent Regulation 2 reading as follows:

94. Provisions relating to the Pueblo, Colorado, Defense-Rental Area (Item 46 of Schedule A)

Decontrol of specified classes of housing accommodations. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of this regulation to all trailers and trailer spaces in the Pueblo, Colorado, Defense-Rental Area is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 53-1890; Filed, Feb. 27, 1953; 8:49 a. m.]

[Rent Regulation 3, Amdt. 119 to Schedule A]

[Rent Regulation 4, Amdt. 61 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW JERSEY, COLORADO, AND PENNSYLVANIA

Effective February 28, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedule A read as set forth below.

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

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. Item 190 of Schedule A of Rent Regulation 4, is amended to read as follows:

Name of defense rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(190) Northeastern New Jersey.	New Jersey...	MONMOUTH COUNTY, except the Boroughs of Allentown, Fair Haven, Farmingdale, Redbank, Roosevelt and Scarborough, and the townships of Howell, Millstone and Upper Freehold.	Aug. 1, 1953	Nov. 6, 1953

2. Item 46 and Item 272 of Schedules A of Rent Regulation 3 and Rent Regulation 4, are amended to read as follows:

- 46. [Revoked and decontrolled.]
- 272. [Revoked and decontrolled.]

These amendments decontrol the following, based entirely on a resolution submitted under section 204 (j), (3) of the act:

The Township of Howell in Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area (from Rent Regulation 4 only).

These amendments also decontrol:

(1) The Pueblo, Colorado, Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended (from Rent Regulation 3 and Rent Regulation 4),

(2) The City of Williamsport in Lycoming County, Pennsylvania, a portion of the Williamsport Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the act (from Rent Regulation 3 and Rent Regulation 4); and

(3) The remainder of the Williamsport Defense-Rental Area (from Rent Regulation 3 and Rent Regulation 4)

[F. R. Doc. 53-1891; Filed, Feb. 27, 1953; 8:49 a. m.]

[Rent Regulation 3, Amdt. 17 to Schedule B]

RR 3—HOTELS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO

Effective February 27, 1953, Rent Regulation 3 is amended as set forth below. (Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

The following new items are added to Schedule B of Rent Regulation 3:

21. Provisions relating to Franklin County, Ohio, a portion of the Columbus Defense-Rental Area (Item 229 of Schedule A)

Decontrol of hotel rooms in Franklin County, Ohio. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of this regulation in Franklin County, Ohio, is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

22. Provisions relating to the Erie County-Oak Harbor Defense-Rental Area (Item 238 of Schedule A):

Decontrol of daily rates. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of maximum daily rates established by this regulation in the Erie County-Oak Harbor Defense-Rental Area is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 53-1892; Filed, Feb. 27, 1953; 8:50 a. m.]

[Rent Regulation 4, Amdt. 9 to Schedule B]

RR 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO

Effective February 27, 1953, Rent Regulation 4 is amended as set forth below.

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

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

A new Item 20 is added to Schedule B of Rent Regulation 4 reading as follows:

20. Provisions relating to the Erie County-Oak Harbor Defense-Rental Area (Item 238 of Schedule A)

Decontrol of daily rates. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of maximum daily rates established by this regulation in the Erie County-Oak Harbor Defense-Rental Area is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 53-1893; Filed, Feb. 27, 1953; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

REVOCATION OF SURCHARGE RATE ON CERTAIN FOURTH-CLASS MAIL

In order that further study may be made and consideration given to questions and conditions which have arisen in regard to the basis for the surcharge rate on certain fourth-class mail, and the administrative problems incident to the application of such surcharge to the wide variety of parcels and articles, and in conformity with Order No. 55037 of the Postmaster General, dated February 20, 1953, amending paragraph (e) of § 34.76 of the Postal Laws and Regulations, 1948, to suspend the effective date of said paragraph until further notice, it is hereby ordered as follows:

In § 34.76 *Fourth-class postage rates by zones*, as amended (18 F. R. 78) rescind paragraph (e) effective at once.

(R. S. 161, 396, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247; Decision of the Interstate Commerce Com-

mission, dated May 11, 1951, Docket No. 30690, 280 I. C. C. 703)

[SEAL]

LOUIS J. DOYLE,
Acting Solicitor

[F. R. Doc. 53-1865; Filed, Feb. 27, 1953; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Subchapter 5—Rights-of-Way

[Circular 1842]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

SUBPART A—GENERAL REGULATIONS APPLICABLE TO ALL RIGHTS-OF-WAY PROVIDED FOR IN THIS PART

TERMS AND CONDITIONS

Section 244.9 (m) is amended to read:

§ 244.9 *Terms and conditions.* * * *

(m) That there are reserved rights-of-way for reservoirs, dams, and other similar or related works which may thereafter be constructed for the development of hydroelectric power or irrigation, or for any other purposes, or combination of purposes, under authority of the United States, and that the use of the right-of-way for the purpose authorized shall on order of the Secretary be discontinued without liability or expense to the United States, to the extent found by him to be in conflict with such reserve rights-of-way.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

DOUGLAS MCKAY,
Secretary of the Interior

FEBRUARY 21, 1953.

[F. R. Doc. 53-1864; Filed, Feb. 27, 1953; 8:45 a. m.]

Board is considering whether it would be desirable or appropriate to clarify the application of Part 221 in this respect by amendments thereto along the following lines:

1. By amending paragraph (b) of § 221.3 to read as follows:

§ 221.3 *Miscellaneous provisions.* * * *

(b) Except as provided in the next succeeding sentence, no loan, however it may be secured, need be treated as a loan for the purpose of "carrying" a stock registered on a national securities exchange unless the purpose of the loan is to enable the borrower to reduce or retire indebtedness which was originally incurred to purchase such a stock, or, if he be a broker or a dealer, to carry such stocks for customers. A loan which is for the purpose of purchasing or carrying a stock which is a "redeemable security" the issuer of which is an "open-end company" as defined in the Investment Company Act of 1940 shall be deemed to be a loan for the purpose of purchasing or carrying a stock registered on a national securities exchange if the assets of such company customarily include stocks so registered.

2. By amending paragraph (c) of § 221.3 to read as follows:

(c) In determining whether or not a security is a "stock registered on a national securities exchange" or a stock described in paragraph (b) of this section as a "redeemable security", a bank may rely upon any reasonably current record of such stocks that is published or specified in a publication of the Board of Governors of the Federal Reserve System.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2) The proposed changes are authorized under the authority cited at 12 CFR 221.

To aid in the consideration of the foregoing matters, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it on to the Board to be considered. All such material should be submitted in writing to be received not later than April 1, 1953.

Approved this 25th day of February 1953.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 53-1877; Filed, Feb. 27, 1953; 8:47 a. m.]

PROPOSED RULE MAKING

FEDERAL RESERVE SYSTEM

[12 CFR Part 221]

[Reg. U]

LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

NOTICE OF PROPOSED RULE MAKING

Part 221 (Reg. U) relating to loans by banks for the purpose of purchasing or carrying registered stocks, issued by the Board of Governors of the Federal Reserve System pursuant to the authority cited at 12 CFR 221, prescribes the maxi-

mum loan value of the collateral in the case of any loan by a bank which is secured by any stock and for the purpose of purchasing or carrying any stock registered on a national securities exchange.

In view of the nature of "redeemable securities" of open-end investment companies, it seems that in certain circumstances loans for the purpose of purchasing or carrying such "redeemable securities" should be considered to be loans for the purpose of purchasing or carrying stocks registered on a national securities exchange which are in the portfolio of the open-end investment company. The

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 5477]

PAN AMERICAN WORLD AIRWAYS, INC.,
FERRY FLIGHTS

NOTICE OF ORAL ARGUMENT

In the matter of free transportation by Pan American on ferry flights between New York and Miami.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned to be held on March 17, 1953, 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., February 25, 1953.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F. R. Doc. 53-1836; Filed, Feb. 27, 1953; 8:48 a. m.]

[Docket Nos. 5774, 5928]

NORTH AMERICAN AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of North American Airlines, Inc., for authority to conduct its operations under the name of North American Airlines, Inc., and an investigation pursuant to section 411 of the act of certain practices of North American Airlines, Inc.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on March 18, 1953, at 10:00 a. m., e. s. t., in room 4823, Commerce Department Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Without limiting the scope of the issues presented by the application, particular attention will be given to the question as to whether or not North American Airlines, Inc., in engaging in air transportation under the name North American is engaging in activities and practices in violation of section 411 of the act.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board, on or before March 18, 1953, a statement setting forth the issues of fact or law to be controverted.

For further details of the matters concerned in this proceeding, interested parties are referred to the application, petitions, and the Examiner's prehearing conference report on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 24, 1953.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F. R. Doc. 53-1838; Filed, Feb. 27, 1953; 8:48 a. m.]

[Docket No. 5849]

SOUTH PACIFIC AIR LINES

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of South Pacific Air Lines under section 401 of the Civil Aeronautics Act of 1938, as amended, for a temporary certificate of public convenience and necessity for a 2-year period authorizing scheduled air transportation of passengers and property between the territory of Hawaii and the Society Islands via the intermediate point Christmas Island.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, assigned for March 3, 1953, is postponed to May 12, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., February 25, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-1887; Filed, Feb. 27, 1953; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 166, Special Order No. 1]

WEMBLEY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This order establishes uniform retail ceiling prices for the sale of neckwear manufactured by Wembley, Inc., under the trade name "Wembley" and "Wembley Nor-East" in Puerto Rico on the basis of an application filed by Wembley, Inc., under section 13 (b) of Ceiling Price Regulation 166. This regulation gives a manufacturer the right to apply for uniform retail ceiling prices for the sale in Puerto Rico of an article or articles manufactured by him whenever it appears that the article or articles were sold at retail in Puerto Rico at a substantially uniform price for the period immediately prior to January 26, 1951, and the Director of Price Stabilization has established a uniform retail ceiling price for sales of the article in the continental United States, and the ceiling prices proposed are no higher than the level of ceiling prices otherwise established under Ceiling Price Regulation 166.

By Delegation of Authority 7, Revised, the authority to establish uniform ceiling prices under this regulation has been vested in the Director of Region XIV.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 13 (b),

of Ceiling Price Regulation 166, this special order is hereby issued.

1. The ceiling prices for the sale by any retailer in Puerto Rico of neckwear manufactured by Wembley, Inc., New Orleans 5, Louisiana, bearing the brand name "Wembley" and "Wembley Nor-East" are the retail prices listed in the application of Wembley, Inc. dated December 10, 1952, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than March 2, 1953, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The applicant must annex a copy of this price list to a copy of this order and, within 15 days of the effective date of this order, supply 10 copies of the list and order to the Director of the Region XIV office of the Office of Price Stabilization and 1 copy to each retailer to whom the applicant had delivered an article covered by this order within the two-month period immediately preceding the issuing of this regulation. A copy of this special order and the attached list shall be sent to all other purchasers for sale at retail on or before the first delivery date after the effective date of this special order of any article covered by this regulation. In addition, the applicant must furnish the Director of Region XIV of the Office of Price Stabilization, Washington 25, D. C., two copies of this notice and the attached list within fifteen days of the effective date of this order and a list of all retailers to whom this order and price list are sent within five days of mailing the orders. The list attached to this order, which must be furnished to sellers of the articles covered by this order, must be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
\$..... Per.....
{unit, dozen, etc.	{per cent EOM, etc.

3. The applicant for this order must, within 60 days from the effective date of this order, either pre-ticket all articles covered by it, or provide to retailers, sufficient tags with each shipment for retailers to ticket the articles, with the retail ceiling price in the following form:

OPS—Sec. 13 (b), CPR 166
Ceiling Price \$.....

4. No retailer may sell or offer to sell any article covered by this order until a ticket as provided in section 3 has been

attached to the article either by him, by the wholesaler, or by the manufacturer.

5. The applicant must file within 45 days of the expiration of the first six-month period following the effective date of this order and within 45 days of the expiration of each successive six-month period with the Director of Region XIV of the Office of Price Stabilization, Washington, D. C., a report setting forth the number of units of each article covered by this regulation which he has delivered in that six-month period.

6. This special order or any provision thereof may be revoked, suspended or amended by the Director of Region XIV of the Office of Price Stabilization at any time.

Effective date. This special order shall become effective on February 25, 1953.

EDWARD J. FRIEDLANDER,
Regional Director

FEBRUARY 24, 1953.

[F. R. Doc. 53-1851; Filed, Feb. 24, 1953;
11:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3004]

CENTRAL AND SOUTH WEST CORP.

NOTICE OF FILING REGARDING ISSUANCE AND
SALE OF ADDITIONAL COMMON STOCK BY A
RIGHTS OFFERING

FEBRUARY 24, 1953.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") by Central and South West Corporation ("Central") a registered holding company. Declarant has designated sections 6 (a) and 7 of the act and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may not later than March 18, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by 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 March 18, 1953, 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 offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Central proposes to issue and sell 606,084 additional shares of its \$5 par value common stock. The shares of common

stock are to be offered first to the holders of the presently outstanding common stock for subscription in the ratio of one share of additional common stock for each fourteen shares now held. The rights to subscribe will be evidenced by transferable subscription warrants. No fractional shares will be issued.

The above described offering is to be underwritten and Central proposes to select the purchasers of any unsubscribed stock at competitive bidding pursuant to Rule U-50. The price per share at which said shares will be offered to stockholders will be fixed by Central not later than 3:30 o'clock p. m., e. s. t., on the second full business day next preceding the day on which bids for the purchase of any shares, not subscribed for and purchased pursuant to said subscription offer, are to be presented to Central pursuant to its invitation for such bids; and prospective bidders will be advised promptly of the subscription price, which will also be the price per share at which unsubscribed shares will be sold to the successful bidder. Prospective bidders are to be required to specify the aggregate amount to be paid by Central as compensation for their commitments.

Central also proposes, if considered necessary or desirable, to stabilize the price of the common stock of the company for the purpose of facilitating the offering and distribution of the shares of additional common stock proposed to be issued. In connection therewith, the company may prior to the opening of the bids, purchase shares of its common stock, but not in excess of 60,608 shares, on the New York Stock Exchange or the Midwest Stock Exchange, or otherwise. Such purchases are to be made through brokers with the payment of regular stock exchange commissions. The prospective bidders will be asked to bid not only for the purchase of the unsubscribed stock but also for the purchase of any shares, within the above limitation, acquired by the company through such stabilizing transactions.

The company proposes to use the proceeds from the sale of the additional shares of common stock, together with funds in its treasury, to purchase additional shares of common stock of its four principal subsidiaries (approximately \$5,000,000 in 1953 and approximately \$7,000,000 in 1954) The subsidiaries, in turn, will utilize the funds to finance in part their construction programs.

Central requests that the ten-day publication period required by Rule U-50 for inviting bids for the unsubscribed shares of common stock be shortened to a period of not less than six days.

The filing indicates that no regulatory agency or authority other than this Commission has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-1870; Filed, Feb. 27, 1953;
8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-5471]

CALIFORNIA OREGON POWER CO. AND
MOUNTAIN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING
DISPOSITION, ACQUISITION, MERGER
OR CONSOLIDATION

FEBRUARY 24, 1953.

Notice is hereby given that on February 24, 1953, the Federal Power Commission issued its order entered February 19, 1953, authorizing and approving disposition and acquisition and merger or consolidation of facilities in the above-entitled matters.

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

[F. R. Doc. 53-1866; Filed, Feb. 27, 1953;
8:45 a. m.]

[Project No. 2019]

PACIFIC GAS AND ELECTRIC COMPANY
NOTICE OF ORDER AMENDING LICENSE
(MAJOR)

FEBRUARY 24, 1953.

Notice is hereby given that on January 5, 1953, the Federal Power Commission issued its order entered December 30, 1952, amending license (Major) in the above-entitled matter.

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

[F. R. Doc. 53-1867; Filed, Feb. 27, 1953;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27813]

ETHYLENE DIBROMIDE FROM CERTAIN
POINTS IN WEST VIRGINIA TO BATON
ROUGE AND NORTH BATON ROUGE, LA.

APPLICATION FOR RELIEF

FEBRUARY 24, 1953.

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

Filed by H. R. Hinsch, Alternate Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 3467, pursuant to fourth-section order No. 17220.

Commodities involved: Ethylene dibromide, carloads.

From: Charleston, Elk, Owens, South Charleston, and South Ruffner, W. Va.

To: Baton Rouge and North Baton Rouge, La.

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

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they

intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1842; Filed, Feb. 26, 1953;
8:43 a. m.]

[4th Sec. Application 27815]

SYNTHETIC RUBBER FROM SOUTHWESTERN
POINTS TO NEW JERSEY POINTS

APPLICATION FOR RELIEF

FEBRUARY 25, 1953.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs ICC Nos. 3906 and 3967

Commodities involved: Rubber, artificial, synthetic or neoprene, carloads

From: Baytown, Borger, Houston, and Port Neches, Tex., and Lake Charles and West Lake Charles, La.

To: East Millstone and South Plainfield, N. J.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3906, suppl. 38. F. C. Kratzmeir, Agent, ICC No. 3967, suppl. 205.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1873; Filed, Feb. 27, 1953;
8:46 a. m.]

[4th Sec. Application 27810]

SCRAP PAPER FROM CANTON, N. C., TO
THOMSON AND TRIONDA, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 25, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1257.

Commodities involved: Paper, scrap or waste, carloads.

From: Canton, N. C.

To: Thomson and Trionda, N. Y.

Grounds for relief: Competition with rail carriers, circuitous, maintain grouping, short line distance formula, additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1257, suppl. 14.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1874; Filed, Feb. 27, 1953;
8:46 a. m.]

[4th Sec. Application 27817]

PETROLEUM AND PITCH COKE FROM CHICAGO
AND LOCKPORT, ILL., TO POINTS IN NEW
YORK AND ONTARIO, CANADA

APPLICATION FOR RELIEF

FEBRUARY 25, 1953.

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

Filed by: H. R. Hinsch, Alternate Agent, for the Wabash Railroad Company and other carriers named in the application.

Commodities involved: Petroleum coke, coke breeze, screenings and pitch coke, carloads.

From: Chicago and Lockport, Ill.

To: Niagara Falls and Suspension Bridge, N. Y., Chippawa, Ont., and other points in Ontario, Canada.

Grounds for relief: Circuitous routes, competition with rail-water and rail-water-truck carriers.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1875; Filed, Feb. 27, 1953;
8:46 a. m.]

[4th Sec. Application 27818]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM IOWA AND NEBRASKA TO TEXAS

APPLICATION FOR RELIEF

FEBRUARY 25, 1953.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 4036.

Commodities involved: Fresh meats and packing house products, carloads.

From: Sioux City, Iowa, and Omaha and South Omaha, Nebr.

To: Dalhart, Amarillo, Plainview and Lubbock, Tex.

Grounds for relief: Circuitous routes, additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 4036, suppl. 6.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1876; Filed, Feb. 27, 1953;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17909, Amdt.]

H. OYENS & ZONEN, N. V.

In re: Stock registered in the name of H. Oyens & Zonen, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1165.

Vesting Order 17909, dated May 18, 1951, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached thereto and by reference made a part thereof, the numbers "5469" and "17501" set forth with regard to certificates for ten (10) shares each of The United States Leather Company no par value common stock, and substituting therefor respectively the numbers "5461" and "17505"

All other provisions of said Vesting Order 17909 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-1884; Filed, Feb. 27, 1953; 8:47 a. m.]

[Vesting Order 19182]

ADOLPHUS KEPPELMAN

In re: Estate of Adolphus Keppelman, deceased. D-28-13136, E & T 17241.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Erich Hermann Losch, Eva Sophie Margarete Ziegler, Hans Dietrich Losch and Wolfgang Losch, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That any other issue, names unknown, of Pauline Adolphine Losch, deceased who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Adolphus Keppelman, deceased, is property which

is and prior to January 1, 1947, was within the United States owned or controlled by payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Alfred J. Keppelman, Jr., Esquire, substituted administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court of Essex County, New Jersey.

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-1881; Filed, Feb. 27, 1953; 8:47 a. m.]

[Vesting Order 19183]

J. H. L. BARTELS

In re: Stock owned by J. H. L. Bartels. F-28-32044.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That J. H. L. Bartels, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany)

2. That the property described as follows: Two (2) shares of stock of Erie Railroad Company, Midland Building, Cleveland 15, Ohio, evidenced by a certificate numbered 76473 registered in the name of Determeyer, Wesling & Zn together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, J. H. L. Bartels, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-1882; Filed, Feb. 27, 1953; 8:47 a. m.]

[Vesting Order 19184]

KARL SCHREIBER

In re: Bank account owned by Karl Schreiber. F-49-1875-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Schreiber, whose last known address is 10 W. Bonselsweg, Ahrensburg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Karl Schreiber, by the Franklin Savings Bank, 656 Eighth Avenue, New York 36, New York, arising out of a savings account, Account Number 517966, entitled Karl Schreiber, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable

or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karl Schreiber, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-1883; Filed, Feb. 27, 1953;
8:47 a. m.]

[Vesting Order 18871, Amdt.]

MARGARETE SAALFELDT

In re: Securities owned by Margarete Saalfeldt.

Vesting Order 18871, dated May 7, 1952, is hereby amended as follows and not otherwise: By deleting subparagraph 2 (b) from said Vesting Order 18871 and substituting therefor the following subparagraph:

2 (b) Five (5) shares of no par value common stock of Shore Crest Hotel Corporation, 1961 North Summit Avenue, Milwaukee, Wisconsin, a corporation or-

ganized under the laws of the State of Illinois, evidenced by a certificate numbered C522, dated October 10, 1940, registered in the name of Magda Winkler, and presently in the custody of Greenebaum Investment Company, 209 South La Salle Street, Chicago 4, Illinois, together with any and all declared and unpaid dividends thereon, and any and all rights to exchange under plan effective June 1936.

All other provisions of said Vesting Order 18871 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-1835; Filed, Feb. 27, 1953;
8:47 a. m.]

