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# FEDERAL REGISTER

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*Washington, Saturday, May 20, 1950*

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

NOTIFICATION OF PROPOSED ACTIONS; REOPENED APPEALS

1. Effective upon publication in the FEDERAL REGISTER § 22.2 (a) is amended as set out below.

§ 22.2 *Notification of proposed actions; charges and opportunity for answer*—(a) *Advance written notice of at least thirty full days.* No employee covered by the regulations in this part shall be discharged, suspended for more than thirty (30) days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the employee whose discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty (30) full days advance written notice stating any and all reasons, specifically and in detail, for any such proposed action. In computing the above notice period the day on which the notice is furnished to, or received by, the employee is not counted. In other words, the advance notice which is required when a proposed action is sought by an employing agency shall be submitted to the employee at least thirty (30) full days before the effective day of such proposed action, not counting the day on which the notice is given to, or received by the employee, except that:

(1) In cases of furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or emergencies requiring immediate curtailment of activities, advance notice shall not be necessary.

(2) In cases where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed, the employee need not be given thirty (30) days advance written notice, but must be given such advance notice and opportunity to answer as under the circumstances will be reasonable. See § 9.102 (a) (1) of this chapter.

(Interprets or applies sec. 14, 58 Stat. 390, as amended; 5 U. S. C. and Sup. 863)

2. Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of § 22.11 (e) is amended as set out below. As amended, § 22.11 (e) reads as follows:

§ 22.11 *Further appeals to the Commissioners* * * *

(e) *Reopened appeals.* (1) The Commissioners may in their discretion, when in their judgment such action appears warranted by the circumstances, reopen an appeal at the request of the appellant or his designated representative or the employing agency, and may grant a hearing before them. In connection with such appeal, both parties to the proceeding shall be accorded opportunity to make written representations and to participate in any hearing which may be held.

(2) The Commission will at the request of any preference eligible in whose case a decision had in the past been made by the Commission under Section 14 of the Veterans' Preference Act of 1944, as amended, reopen his appeal for the purpose of considering the advisability of a supplementary recommendation when it appears that he did not receive at least thirty (30) full days of advance notice of a proposed adverse action, excluding the day of receipt of notice. Requests for the reopening of appeals under this subparagraph shall be submitted to that office of the Commission from which the last previous decision on the appeal was received by the appellant. Such requests must be received by the appropriate office of the Commission not later than August 1, 1950.

(Continued on p. 3077)

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FEDERAL REGISTER

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## CODIFICATION GUIDE

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



## CODIFICATION GUIDE—Con.



(Interprets or applies sec. 14, 58 Stat. 390, as amended; 5 U. S. C. and Sup., 863)

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
*Chairman.*

[F. R. Doc. 50-4289; Filed, May 19, 1950; 8:45 a. m.]

# TITLE 6—AGRICULTURAL CREDIT

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

### Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS IN MONTANA

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

MONTANA

| County | Average value | Investment limit |
|---|---|---|
| Flathead | $16,000 | $12,000 |
| Golden Valley | 16,000 | 12,000 |
| Lincoln | 12,000 | 12,000 |

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7. U. S. C. 1003, 1018)

Issued this 16th day of May 1950.

[SEAL] CLAUDE R. WICKARD,
*Acting Secretary of Agriculture.*

[F. R. Doc. 50-4292; Filed, May 19, 1950; 8:46 a. m.]

### Subchapter E—Account Servicing

PART 371—SECURITY SERVICING AND LIQUIDATION; OPERATING LOANS

SUBPART A—GENERAL SECURITY SERVICING

Section 371.5 of Title 6, Code of Federal Regulations (13 F. R. 9451), is amended to add paragraph (c) as follows:

§ 371.5 *Disposition of security property other than real estate.* * * *

(c) *Release and subordination of crop liens to remove clouds on titles to real estate.* For the purpose of removing possible clouds on titles to California real estate which is to be conveyed or on which a lien is to be taken as security for new indebtedness or for indebtedness being renewed or refinanced, the State Director of the Farmers Home Administration for the State of California is hereby authorized to subordinate or release, whichever is appropriate, liens held by the United States of America and under the jurisdiction of the Farmers Home Administration on crops, present and future, on such real estate, provided that as soon as the real estate transaction has been consummated the Government receives (1) the full value of the Farmers Home Administration borrower's interest in such crops for application on his indebtedness to the Farmers Home Administration, or (2) as security for such indebtedness, a new recorded crop mortgage of equal coverage and priority to the one released:

(Sec. 6, 50 Stat. 870, sec. 41, 60 Stat. 1066, 62 Stat. 1038; 7 U. S. C. 1015, 16 U. S. C. 590w)

(DERIVATION: § 371.5 (c) contained in Administrator's Order, April 20, 1950)

Dated: April 28, 1950.

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

Approved: May 16, 1950.

CLAUDE R. WICKARD,
*Acting Secretary of Agriculture.*

[F. R. Doc. 50-4291; Filed, May 19, 1950; 8:45 a. m.]

# TITLE 7—AGRICULTURE

## Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

*Correction*

In Federal Register Document No. 50-3630, appearing at page 2622 of the issue for Saturday, May 6, 1950, the following changes should be made:

1. On page 2632, column 1, §§ 420.61 and 420.61-1 should be numbered §§ 420.62 and 420.62-1, respectively.

2. On page 2638, column 3, under paragraph 4 in § 420.64-6, the price for grain sorghums should be $1.95 per cwt.

3. On page 2639, column 3, the third sentence of paragraph 7 under § 420.66-1 should read: "This reduction shall be

made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage."

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

[Plum Order 2]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.371 *Plum Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein 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.) in that, as hereinafter set forth, 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 hereof effective not later than June 1, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 9, 1950; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 9, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 5, 1950; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1950, and ending at 12:01 a. m., P. s. t., October 15, 1950, no shipper shall ship any package or container of Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1; and (ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid: *Provided,* That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 11/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 7/16 inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 7/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 5/16 inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

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

Done at Washington, D. C., this 16th day of May 1950.

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

[F. R. Doc. 50-4265; Filed, May 19, 1950; 8:45 a. m.]

[Plum Order 3]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.372 *Plum Order 3*—(a) *Findings* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions

of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein 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.) in that, as hereinafter set forth, 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 hereof effective not later than May 26, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 9, 1950; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 9, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 1, 1950; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 26, 1950, and ending at 12:01 a. m., P. s. t., August 31, 1950, no shipper shall ship any package or container of Formosa plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 11/16 inches in diameter (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 7/16 inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection;' but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

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

Done at Washington, D. C., this 16th day of May 1950.

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

[F. R. Doc. 50-4266; Filed, May 19, 1950; 8:45 a. m.]

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[Plum Order 4]

## PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### REGULATION BY GRADES AND SIZES

§ 936.373 *Plum Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein 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.) in that, as hereinafter set forth, 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 hereof effective not later than June 8, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 9, 1950; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 9, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 15, 1950, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 8, 1950, and ending at 12:01 a. m., P. s. t., September 30, 1950, no shipper shall ship from any shipping point during any day any package or container of Climax plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 11/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches

in diameter; and (iii) no plums contained in such pack measure less than 1 7/16 inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

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

Done at Washington, D. C., this 16th day of May 1950.

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

[F. R. Doc. 50-4267; Filed, May 19, 1950; 8:45 a. m.]

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[Lemon Reg. 331]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.438 *Lemon Regulation 331*—(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 hereof 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 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 May 17, 1950; 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 thereof.

(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., May 21, 1950, and ending at 12:01 a. m., P. s. t., May 28, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 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 hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "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., 608c)

Done at Washington, D. C., this 18th day of May 1950.

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

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage Date: May 14, 1950

[12:01 a. m. May 21, 1950, to 12:01 a. m. June 4, 1950]

| *Handler* | *Prorate base (percent)* |
|---|---|
| Total | 100.000 |
| American Fruit Growers, Inc., Corona | .335 |
| American Fruit Growers, Inc., Fullerton | .970 |
| American Fruit Growers, Inc., Upland | .148 |
| Hazeltine Packing Co | 1.405 |
| Ventura Coastal Lemon Co | 1.385 |
| Ventura Pacific Co | 2.212 |
| Glendora Lemon Growers Association | 2.083 |
| LaVerne Lemon Association | .588 |
| La Habra Citrus Association | 1.726 |
| Yorba Linda Citrus Association | 1.868 |
| Escondido Lemon Association | 3.660 |
| Alta Loma Heights Citrus Association | .718 |
| Etiwanda Citrus Fruit Association | .255 |
| Mountain View Fruit Association | .327 |
| Old Baldy Citrus Association | .581 |
| San Dimas Lemon Association | 2.010 |
| Upland Lemon Growers Association | 3.745 |
| Central Lemon Association | 1.270 |
| Irvine Citrus Association | .816 |
| Placentia Mutual Orange Association | 1.205 |
| Corona Citrus Association | .589 |
| Corona Foothill Lemon Co | 2.461 |
| Jameson Co | .831 |
| Arlington Heights Citrus Co | 1.031 |
| College Heights Orange & Lemon Association | 2.266 |
| Chula Vista Citrus Association | 1.238 |
| El Cajon Valley Citrus Association | .085 |
| Escondido Cooperative Citrus Association | .282 |
| Fallbrook Citrus Association | 2.087 |
| Lemon Grove Citrus Association | .457 |
| Carpinteria Lemon Association | 2.219 |
| Carpinteria Mutual Citrus Association | 2.699 |
| Goleta Lemon Association | 2.313 |
| Johnston Fruit Co | 3.684 |
| North Whittier Heights Citrus Association | 1.217 |
| San Fernando Heights Lemon Association | 2.510 |
| Sierra Madre-Lamanda Citrus Association | 2.231 |
| Briggs Lemon Association | 2.600 |
| Culbertson Lemon Association | 1.668 |
| Fillmore Lemon Association | 1.235 |
| Oxnard Citrus Association | 4.726 |
| Rancho Sespe | .799 |
| Santa Clara Lemon Association | 3.008 |
| Santa Paula Citrus Fruit Association | 3.819 |
| Saticoy Lemon Association | 3.033 |
| Seaboard Lemon Association | 2.523 |
| Somis Lemon Association | 2.843 |
| Ventura Citrus Association | 1.236 |
| Limoneira Co | 3.533 |
| Teague-McKevett Association | .943 |
| East Whittier Citrus Association | 1.111 |
| Leffingwell Rancho Lemon Association | 1.061 |
| Murphy Ranch Co | 2.266 |
| Whittier Citrus Association | .623 |
| Chula Vista Mutual Lemon Association | .604 |

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

| Handler | Prorate base (percent) |
|---|---|
| Index Mutual Association | 0.674 |
| La Verne Cooperative Citrus Association | 2.261 |
| Orange Belt Fruit Distributors | 1.099 |
| Ventura County Orange & Lemon Association | 2.576 |
| Whittier Mutual Orange & Lemon Association | .155 |
| Evans Brothers Packing Co | .001 |
| Johnson, Fred | .024 |
| Lorbeer, Carroll W. C | .021 |
| San Antonio Orchard Co | .046 |
| Sweet, L. G | .005 |

[F. R. Doc. 50-4377; Filed, May 19, 1950; 10:17 a. m.]

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[Orange Reg. 328]

## PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 966.474 *Orange Regulation 328*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges 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 Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges 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 hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended 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 Orange Administrative Committee on May 18, 1950, 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 oranges; 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 thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 21, 1950, and ending at 12:01 a. m., P. s. t., May 28, 1950, the quantity of oranges grown in the State of California or in the State of Arizona which may be handled is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 738 carloads;

(*c*) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement.

(2) During the period beginning at 12:01 a. m., P. s. t., May 21, 1950, and ending at 12:01 a. m., P. s. t., December 3, 1950, standard size 344 is fixed as the minimum size of Valencia oranges, grown in Prorate District No. 2, which may be handled.

(3) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(4) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "standard size," "344," "Prorate District No. 1," "Prorate District No. 2," and "Prorate District 3" shall have the same meaning as given to the respective term in §§ 966.106 (g) and 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

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

Done at Washington, D. C., this 19th day of May 1950.

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

PRORATE BASE SCHEDULE

[12:01 a. m. (d. s. t.) May 21, 1950, to 12:01 a. m. (d. s. t.) May 28, 1950]

VALENCIA ORANGES

*Prorate District No. 2*

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Alta Loma | .1476 |
| A. F. G. Corona | .0283 |
| A. F. G. Fullerton | .7837 |
| A. F. G. Orange | .4002 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| A. F. G. Riverside | 0.1901 |
| A. F. G. San Juan Capistrano | .8701 |
| A. F. G. Santa Paula | .5575 |
| Eadington Fruit Co., Inc | 4.5801 |
| Hazeltine Packing Co | .4575 |
| Placentia Pioneer Valencia Growers Association | .6720 |
| Signal Fruit Association | .1215 |
| Azusa Citrus Association | .5145 |
| Damerel-Allison Co | .8873 |
| Glendora Mutual Orange Association | .3608 |
| Puente Mutual Citrus Association | .1736 |
| Valencia Heights Orchard Association | .4061 |
| Covina Citrus Association | 1.1020 |
| Covina Orange Growers | .6655 |
| Glendora Citrus Association | .5281 |
| Gold Buckle Association | .6572 |
| La Verne Orange Association | .7957 |
| Anaheim Citrus Fruit Association | .8226 |
| Anaheim Valencia Orange Association | 1.0189 |
| Fullerton Mutual Orange Association | 1.3800 |
| La Habra Citrus Association | 1.0935 |
| Orange County Valencia Association | .2478 |
| Orangethorpe Citrus Association | .5351 |
| Yorba Linda Citrus Association | .7620 |
| Escondido Orange Association | 2.6790 |
| Alta Loma Heights Citrus Association | .0771 |
| Citrus Fruit Growers | .1569 |
| Cucamonga Citrus Association | .1392 |
| Etiwanda Citrus Fruit Association | .0426 |
| Mountain View Fruit Association | .0068 |
| Old Baldy Citrus Association | .1234 |
| Rialto Heights Orange Association | .0641 |
| Upland Citrus Association | .3019 |
| Upland Heights Orange Association | .1342 |
| Consolidated Orange Growers | 1.5654 |
| Frances Citrus Association | 1.0011 |
| Garden Grove Citrus Association | 1.0340 |
| Goldenwest Citrus Association, The | 1.3944 |
| Irvine Valencia Growers | 2.9359 |
| Olive Heights Citrus Association | 1.7440 |
| Santa Ana-Tustin Mutual Citrus Association | .8137 |
| Santiago Orange Growers Association | 4.1025 |
| Tustin Hills Citrus Association | 1.7944 |
| Villa Park Orchards Association, The | 1.5482 |
| Bradford Bros., Inc | .6903 |
| Placentia Coop. Orange Association | .4483 |
| Placentia Mutual Orange Association | 1.8757 |
| Placentia Orange Growers Association | 1.6060 |
| Yorba Orange Growers Association | .5851 |
| Call Ranch | .0683 |
| Corona Citrus Association | .6484 |
| Jameson Co | .0702 |
| Orange Heights Orange Association | .5979 |
| Crafton Orange Growers Association | .5196 |
| East Highlands Citrus Association | .1169 |
| Fontana Citrus Association | .1221 |
| Redlands Heights Groves | .3415 |
| Redlands Orangedale Association | .2776 |
| Break & Son, Allen | .0745 |
| Bryn Mawr Fruit Growers Association | .1973 |
| Mission Citrus Association | .2047 |
| Redlands Cooperative Fruit Association | .4290 |
| Redlands Orange Growers Association | .2625 |
| Redlands Select Groves | .2521 |
| Rialto Citrus Association | .2461 |
| Rialto Orange Co | .2548 |
| United Citrus Growers | .1815 |
| Zilen Citrus Co | .0858 |
| Andrews Bros. of California | .2391 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Arlington Heights Citrus Co. | 0.1348 |
| Brown Estate, L. V. W. | .1626 |
| Gavilan Citrus Association | .1625 |
| Highgrove Fruit Association | .0743 |
| Krinard Packing Co. | .3218 |
| McDermont Fruit Co. | .1930 |
| Monte Vista Citrus Association | .2904 |
| National Orange Co. | .0403 |
| Riverside Heights Orange Growers Association | .0730 |
| Sierra Vista Packing Association | .0773 |
| Victoria Avenue Citrus Association | .2227 |
| Claremont Citrus Association | .1384 |
| College Heights Orange & Lemon Association | .3713 |
| Indian Hill Citrus Association | .2388 |
| Pomona Fruit Growers Exchange | .4006 |
| Walnut Fruit Growers Association | .5650 |
| West Ontario Citrus Association | .3493 |
| El Cajon Valley Citrus Association | .2503 |
| Escondido Cooperative Citrus Association | .3388 |
| San Dimas Orange Growers Association | .3501 |
| Ball & Tweedy Association | .4591 |
| Canoga Citrus Association | .8893 |
| Covina Valley Orange Co. | .0618 |
| North Whittier Heights Citrus Association | .9810 |
| San Fernando Fruit Growers Association | .6839 |
| San Fernando Heights Orange Association | 1.0969 |
| Sierra Madre-Lamanda Citrus Association | .4658 |
| Camarillo Citrus Association | 1.3210 |
| Fillmore Citrus Association | 3.6407 |
| Mupu Citrus Association | 2.2456 |
| Ojai Orange Association | .9412 |
| Piru Citrus Association | 1.9046 |
| Rancho Sespe | .9060 |
| Santa Paula Orange Association | 1.0842 |
| Tapo Citrus Association | 1.1051 |
| Ventura County Citrus Association | .2801 |
| Limoneira Co. | .4847 |
| East Whittier Citrus Association | .3663 |
| Murphy Ranch | .3813 |
| Whittier Citrus Association | .4975 |
| Whittier Select Citrus Association | .2353 |
| Anaheim Cooperative Orange Association | 1.1491 |
| Bryn Mawr Mutual Orange Association | .1035 |
| Chula Vista Mutual Lemon Association | .0555 |
| Euclid Avenue Orange Association | .7530 |
| Foothill Citrus Union, Inc. | .0737 |
| Fullerton Cooperative Orange Association | .3070 |
| Garden Grove Orange Cooperative Inc. | .7703 |
| Golden Orange Groves, Inc. | .2742 |
| Highland Mutual Groves, Inc. | .0288 |
| Index Mutual Association | .3835 |
| La Verne Cooperative Citrus Association | 2.1043 |
| Mentone Heights Association | .0471 |
| Olive Hillside Groves, Inc. | .5095 |
| Orange Cooperative Citrus Association | 1.4506 |
| Redlands Foothill Groves | .8807 |
| Redlands Mutual Orange Association | .2175 |
| Ventura County Orange & Lemon Association | 1.3189 |
| Whittier Mutual Orange & Lemon Association | .1405 |
| Babijuice Corp. of California | .6056 |
| Banks, L. M. | .5877 |
| Borden Fruit Co. | .6034 |
| California Associate Growers | .2519 |
| Cherokee Citrus Co., Inc. | .1858 |
| Chess Co., Meyer W. | .6113 |
| Dunning Ranch | .0171 |
| Evans Bros. Packing Co. | .3169 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Gold Banner Association | 0.2336 |
| Granada Hills Packing Co. | .0355 |
| Granada Packing House | 1.9035 |
| Hill Packing House, Fred A. | .1134 |
| Knapp Packing Co., John C. | .5976 |
| Lawson, William T. | .0092 |
| MacDonald Fruit Co. | .0079 |
| Orange Belt Fruit Distributors | 2.1735 |
| Panno Fruit Co., Carlo | .6071 |
| Paramount Citrus Association | 1.0339 |
| Patitucci, Frank L. | .0099 |
| Placentia Orchards Co. | .5097 |
| Riverside Citrus Association | .0514 |
| Ronald, P. W. | .0224 |
| Ronnerberg, Jerry L. | .0012 |
| Stephens, T. F. | .2637 |
| Stewart, J. B. | .0158 |
| Summit Citrus Packers | .0065 |
| Wall, E. T., Grower-Shipper | .1501 |
| Western Fruit Growers, Inc. | .7824 |
| Wilson, H. G. | .0342 |

[F. R. Doc. 50-4390; Filed, May 19, 1950; 11:19 a. m.]

# TITLE 9—ANIMALS AND ANIMAL PRODUCTS

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

### PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY INTO THE UNITED STATES (EXCEPT FROM MEXICO)

MISCELLANEOUS AMENDMENTS

On April 14, 1950, there was published in the FEDERAL REGISTER (15 F. R. 2108) a notice of proposed amendment of the regulations relating to importation of livestock into the United States (except from Mexico) (9 CFR, Part 92) under sections 6, 7, 8, and 10 of the act of August 30, 1890, as amended (21 U. S. C. 102–105) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111). After due consideration of all relevant material submitted pursuant to the notice and under the authority of said statutory provisions, said regulations are hereby amended as follows:

1. In § 92.1, the introductory phrase following the heading *"Definitions"* is hereby amended to read as follows: "Whenever in the regulations in this part the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:"

2. Section 92.1 (d) is hereby amended to read as follows:

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

3. Section 92.1 is hereby further amended by adding thereto a new paragraph (n) to read as follows:

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

4. Section 92.2 is hereby amended to read as follows:

§ 92.2 *General prohibition.* No person, firm, or corporation shall import or bring into the United States any animal except in accordance with the regulations in this part and Part 94; nor shall any animal be handled or moved after physical entry into the United States and before final release from quarantine or any other form of governmental detention except in compliance with such regulations.

5. Section 92.3 is hereby amended by inserting in paragraph (a) thereof a comma and the word "poultry" after the word "ruminants".

6. Section 92.4 is hereby amended to read as follows:

§ 92.4 *Permits for ruminants, swine, and poultry.* For ruminants, swine and poultry intended for importation from any part of the world except Canada and Mexico, and except as provided in § 92.26, the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American consulate in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed for their arrival or at any time during 3 weeks immediately following, after which time the permit shall be void. Animals will not be eligible for entry if shipped from any foreign port other than that designated in the permit.

7. Section 92.5 is hereby amended by changing the heading thereof to read *"Certificate for ruminants, swine, and poultry"*, by designating the present provisions of the section as paragraph (a) with the heading *"Ruminants and swine"*, and by adding to the section a new paragraph (b) reading as follows:

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

country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pullorum disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

8. Section 92.8 is hereby amended to read as follows:

§ 92.8 *Inspection at port of entry.* Inspection shall be made at the port of entry of all horses, ruminants, swine, and poultry offered for importation from any part of the world (except Mexico), except as provided in §§ 92.24, 92.25 and 92.29. However, the Chief of Bureau may in his discretion waive inspection at the port of entry or provide for inspection at some other point with respect to importations from Canada of eggs for hatching, newly hatched poultry and poultry consigned to a recognized slaughtering center for immediate slaughter. All animals found to be free from communicable disease and not to have been exposed thereto shall be admitted subject to the other provisions in this part. Animals found to be affected with a communicable disease or to have been exposed thereto, shall be refused entry. Ruminants and swine refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890, or quarantined or otherwise disposed of as the Chief of Bureau may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct. Such portions of the transporting vessel, and of its cargo, as have been exposed to any such animals or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, before the cargo is allowed to land.

9. Section 92.11 is hereby amended by adding thereto a new paragraph (c) to read as follows:

(c) *Poultry.* Poultry 60 days of age or older from any part of the world except Canada and Mexico shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Chief of Bureau to determine their freedom from disease or the infection of disease. Any other poultry may be quarantined at the port of entry for such period as the Chief of Bureau may require.

10. A new § 92.25a is hereby added to read as follows:

§ 92.25a *Poultry from Canada.* (a) All poultry offered for importation from Canada, except eggs for hatching, newly hatched poultry, and poultry consigned to a recognized slaughtering center for immediate slaughter, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto.

11. It is further ordered that the heading for Part 92 is hereby amended to read as set forth above.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 6, 7, 8, 10, 26 Stat. 414, as amended, sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 102–105, 111–113, 120)

The foregoing amendments shall be effective 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 16th day of May 1950.

[SEAL] CLAUDE R. WICKARD,
*Acting Secretary of Agriculture.*

[F. R. Doc. 50-4295; Filed, May 19, 1950; 8:46 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 5203]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WORTHMORE SALES CO.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, sales stimulator plans, trade cards, sales cards, premium cards, or other articles so designed that their use in connection with the distribution of merchandise constitutes, or due to such design may constitute, the operation of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Samuel Worth doing business as Worthmore Sales Company, Docket 5203, March 10, 1950]

In the matter of Samuel Worth, an individual trading and doing business as Worthmore Sales Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, and briefs and oral argument in support of and in opposition to the complaint; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Samuel Worth, trading as Worthmore Sales Company or under any other name, his agents, representatives, and employees directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, sales stimulator plans, trade cards, sales cards, premium cards, or other articles so designed that their use in connection with the distribution of merchandise constitutes, or due to such design may constitute, the operation of a game of chance, gift enterprise, or lottery scheme.

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

By the Commission, Commissioner Mason concurring in part and dissenting in part.

Issued: March 10, 1950.

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

[F. R. Doc. 50-4299; Filed, May 19, 1950; 8:47 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 249]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 246]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA AND GEORGIA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 39c, is amended to describe the counties in the defense-rental area as follows:

Santa Clara County, except the City of Palo Alto.

This decontrols the City of Palo Alto in Santa Clara County, California, a portion of the San Jose, California, Defense-Rental Area.

2. Schedule A, Item 70, is amended to describe the counties in the defense-rental area as follows:

DeKalb County, except the Cities of Decatur and Pine Lake; Clayton and Fulton Counties, except the Cities of College Park, Fairburn, Forest Park, Eastpoint and Hapeville, and the Town of Union City; and Cobb County, except the City of Marietta.

This decontrols the City of Pine Lake in DeKalb County, Georgia, a portion of the Atlanta, Georgia, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

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

This amendment shall become effective May 18, 1950.

Issued this 17th day of May 1950.

TIGHE E. WOODS,
*Housing Expediter.*

[F. R. Doc. 50-4311; Filed, May 19, 1950; 8:50 a. m.]

# TITLE 46—SHIPPING

## Chapter I—Coast Guard, Department of the Treasury

[CGFR 50-12]

### Miscellaneous Amendments to Chapter

Notices regarding proposed changes in the inspection and navigation regulations were published in the Federal Register dated February 17 and March 17, 1950, 15 F. R. 871, 1515, and a public hearing was held by the Merchant Marine Council on March 28, 1950, in Washington, D. C.

The purpose of the miscellaneous amendments to the regulations is to clarify their intent, effect editorial changes, and establish additional safety requirements, as well as to change certain marine engineering requirements in accordance with recommendations included in the Interim Guide of the American Bureau of Shipping. The changes in the marine engineering regulations are in line with the recommendations made by an Advisory Panel of Metallurgists and Engineers to the American Bureau of Shipping. This document establishes new specifications for gas masks, self-contained breathing apparatus and supplied-air respirators, flame safety lamps, first-aid kits, life raft skids, and jackknife (with can opener). The specifications for first-aid kits and jackknives (with can opener) are prescribed at this time in order to give manufacturers an opportunity to have such items of equipment available when the 1948 International Convention for Safety of Life at Sea may become effective. All the written and oral comments, data, and suggestions submitted were considered by the Merchant Marine Council and where practicable were incorporated into the miscellaneous amendments to the regulations.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, as amended, and section 101 of Reorganization Plan No. 3 of 1946, 46 U. S. C. 1, 375, as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective ninety (90) days after the date of publication of this document in the Federal Register, except for the amendment to 46 CFR 136.11-10 (b) which shall become effective on the date of publication in the Federal Register:

### Subchapter F—Marine Engineering

### Part 52—Construction

#### Subpart 52.05—Cylindrical Shells

1. Section 52.05-10 (b) is amended to read as follows:

§ 52.05-10 *Computations and factors of safety.* * * *

(b) The efficiency factor *E* for riveted joints and for ligaments between tube holes or other openings shall be calculated as set forth in § 52.10-10 (c). For other than riveted joints, the applicable values of *E* listed below shall be used in the above formulas:

1.0 for seamless shells.

0.95 for class I arc or gas welded shells where weld reinforcing is removed (§ 56.01-25).

0.9 for class I arc or gas welded shells where weld reinforcing is not removed (§ 56.01-25) and for brazed unfired pressure vessels (subpart 56.10).

0.8 for class II arc or gas welded shells § 56.01-30).

0.7 for shells of electric-resistance butt welded pipe.

0.65 for class III arc or gas welded shells § 56.01-35) not less than ¼ inch thick where the longitudinal joint is of the double welded butt type.

0.55 for class III arc or gas welded shells where the longitudinal joint is of the single welded butt or double welded lap type.

(R. S. 4405, 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 367, 375, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

#### Subpart 52.55—Boiler and Superheater Tubes

2. Section 52.55-10 is amended by changing table 52.55-10 (a1) to read as follows:

§ 52.55-10 *Computations.* * * *

Table 52.55-10 (a1)—Values of *S*—Maximum Allowable Stresses for Tubing

[Pounds per square inch]

| Specification subpart | Grade | Minimum tensile strength, p. s. i. | Maximum mean wall temperature, degrees F. | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 650 | 700 | 750 | 800 | 850 | 900 | 950 | 1,000 | 1,050 |
| Seamless carbon steel: | | | | | | | | | | | |
| 51.25 | A | 48,000 | 9,400 | 9,000 | 8,100 | ..... | ..... | ..... | ..... | ..... | ..... |
| 51.31 | T192 | ..... | 9,400 | 9,000 | 8,600 | 7,900 | ..... | ..... | ..... | ..... | ..... |
| 51.31 | T210 | 60,000 | 12,000 | 11,400 | 10,400 | 9,100 | ..... | ..... | ..... | ..... | ..... |
| Seamless alloy steel: | | | | | | | | | | | |
| 51.31 | T1 | 55,000 | 11,000 | 11,000 | 11,000 | 10,700 | 10,500 | 10,000 | ..... | ..... | ..... |
| 51.31 | T1a | 60,000 | 12,000 | 12,000 | 12,000 | 11,500 | 11,000 | 10,000 | ..... | ..... | ..... |
| 51.31 | T1b | 53,000 | 10,600 | 10,600 | 10,600 | 10,400 | 10,200 | 10,000 | ..... | ..... | ..... |
| 51.31 | T3 | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,000 | 5,800 | 3,800 |
| 51.31 | T5 | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,000 | 5,800 | ..... |
| 51.31 | T11 | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,000 | 5,800 | ..... |
| 51.31 | T12 | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,000 | 5,800 | ..... |
| 51.31 | T14 | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,000 | 5,800 | ..... |
| 51.31 | T16 | 60,000 | 11,000 | 11,000 | 11,000 | 11,000 | 10,800 | 10,000 | 8,000 | 5,800 | ..... |
| 51.31 | T17 | 60,000 | 12,000 | 11,400 | 10,400 | 9,100 | 7,400 | 5,600 | ..... | ..... | ..... |
| 51.31 | T21 | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,200 | 6,200 | 4,800 |
| 51.31 | T22 | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,200 | 6,200 | 4,800 |
| Welded carbon steel: | | | | | | | | | | | |
| 51.28 | A | ..... | 8,000 | 7,600 | 6,900 | 6,100 | ..... | ..... | ..... | ..... | ..... |
| 51.28 | C | 60,000 | 10,200 | 9,700 | 8,400 | 7,000 | ..... | ..... | ..... | ..... | ..... |
| 51.28 | D | 47,000 | 8,000 | 7,600 | 7,300 | 6,700 | ..... | ..... | ..... | ..... | ..... |

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

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### Part 55—Piping Sytems, Pumps, Refrigeration Machinery, and Fuel Tanks

#### Subpart 55.07—Detail Requirements

1. Section 55.07-1 is amended by changing table 55.07-1 (b) and paragraph (c) to read as follows:

§ 55.07-1 *Material.* * * *

(b) * * *

Table 55.07-1 (b)—Piping Materials[1]

| Material | Specification subpart | Grade | Maximum design | | Limitation |
|---|---|---|---|---|---|
| | | | Pressures p. s. i. | Temperatures ° F. | |
| Steel pipe: | | | | | |
| Seamless-Carbon | 51.34 | A and B | None | 800 | ..... |
| | 51.37 | A and B | None | 750 | ..... |
| | 51.34 | P1 (C-Mo) | None | 900 | ..... |
| | 51.34 | P2S0 (Cr-Mo) | None | 950 | ..... |
| Seamless Alloy | 51.34 | P3a and P3b | None | 1,050 | ..... |
| | 51.34 | P5a, P5b, and P5c | None | 1,000 | ..... |
| | 51.34 | P11 | None | 1,050 | ..... |
| | 51.34 | P15 | None | 900 | ..... |
| Electric-resistance welded | 51.37<br>51.40 | A and B | 350 | 650 | ..... |
| Furnace-Welded | 51.37 | Lap-welded | 350 | 450 | ..... |
| | 51.37 | Butt-welded | 150 | 450 | ..... |
| Wrought iron pipe: Furnace-Welded | 51.43 | Lap-welded | 350 | 450 | ..... |
| | 51.43 | Butt-welded | 150 | 450 | ..... |
| Brass pipe: Seamless | 51.70 | Red brass | None | 406 | ..... |
| Copper pipe: | | | | | |
| Seamless | 51.73 | ..... | None | 406 | (2) |
| Brazed | ..... | ..... | 75 | 320 | (3) |
| Plates: Carbon Steel | 51.04 | A, B, C, D | 150 | 650 | (4) (5) |
| | 51.22 | C | 150 | 650 | (4) (5) |

[1] The carbon content of material listed in table 55.07-1 (b) shall not exceed 0.35 percent if welded fabrication is to be employed.

[2] Copper pipe shall not be used for hot oil service other than short flexible connections at the burners. Copper pipe shall be annealed prior to installation for class I piping.

[3] Copper pipe fabricated with brazed longitudinal joints is permitted for water or saturated steam service for pressures not exceed 75 p. s. i.

[4] Not permitted for hubbed flanges. Ring type flanges may be machined from plate.

[5] For temperatures exceeding 500° F. the pressure shall not exceed that permitted by table 55.07-15 (e12).

(c) Forged steel or cast steel, conforming to the requirements of subparts 51.46 and 51.58, may be used for the construction of valves and fittings for any system and for all pressures and temperatures covered by the regulations in this subchapter. Casting and forging material of carbon steel may be used in connection with design temperatures not exceeding 800° F. and carbon molybdenum alloy steel at design temperatures not exceeding 900° F. Special consideration will be given by the Commandant for the use of alloy steel castings and forgings at design temperatures exceeding 900° F. Grades C and D carbon steel forgings, subpart 51.46, may be used in the construction of valves and fittings for pressures and temperatures not exceeding those allowed for 300-pound service pressure rating for steel pipe flanges and flanged fittings.

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

2. Section 55.07–5 is amended by changing paragraphs (a) and (c) to read as follows:

§ 55.07–5 *Design pressures and thickness of pipes.* (a) (1) The maximum allowable pressure and minimum thickness of pipes shall be calculated by the following formulas:

$$P = \frac{2S\ (T-A)}{D-M\ (T-A)} \qquad (1)$$

$$T = \frac{PD}{2S+MP} + A \qquad (2)$$

Where:

$P$ = maximum allowable pressure, p. s. i.[1]
$T$ = minimum wall thickness of pipe, inches.[2]
$D$ = external diameter of pipe, inches.
$S$ = allowable fiber stress, p. s. i. (for pipe stresses see table 55.07–5 (a). When alloy steel tubing material is employed, the allowable fiber stresses shall comply with table 52.55–10 (a1)).
$M$ = multiplier as given in table 55.07–5 (a).
$A$ = allowance for threading or grooving.
= 0.05 inch for threaded pipe ⅜ inch and below.
= depth of thread $h$ for threaded pipe ½ inch and above.
= depth of groove for grooved pipe.

[1] When computing the allowable pressure for a pipe, the pipe wall thickness used in formula (1) shall not be more than the minimum thickness resulting from the application of mill tolerances prescribed in the applicable pipe specifications for the material to be employed, including tubing material when used for piping. For bent sections of pipe, the reduction in wall thickness due to fabrication, in addition to the mill tolerance, shall be subtracted from the nominal pipe wall thickness to obtain the minimum pipe wall thickness.

[2] The wall thickness to which the pipe or tubing is ordered shall not be less than the sum of the minimum wall thickness determined by formula (2), plus the mill tolerance, and the reduction in wall thickness due to bending.

NOTE: The depth of thread $h$ may be determined by the formula $h = 0.8/n$; where, $n$ = the number of threads per inch, or from the following values: $h = 0.100$ inch, 0.0696 inch, and 0.0571 inch, for 8, 11½, and 14 threads per inch, respectively.

TABLE 55.07–5 (a)—MAXIMUM FIBER STRESSES FOR PIPING

[Pounds per square inch]

FERROUS MATERIALS

| Specification subpart | Grade | Minimum tensile strength, p. s. i. | For temperatures not exceeding ° F.[1] | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 650 | 700 | 750 | 800 | 850 | 900 | 950 | 1,000 | 1,050 |
| | | | Multiplier "M"[1] | | | | | | | | |
| | | | 0.8 | 0.8 | 0.8 | 0.8 | 1.1 | 1.7 | 2.0 | 2.0 | 2.0 |
| Seamless carbon steel: | | | | | | | | | | | |
| 51.34 | A | 48,000 | 9,600 | 9,250 | 8,700 | 8,000 | ------ | ------ | ------ | ------ | ------ |
| 51.34 | B | 60,000 | 12,000 | 11,400 | 10,400 | 9,100 | ------ | ------ | ------ | ------ | ------ |
| 51.37 | A | 48,000 | 9,600 | 9,100 | 8,250 | ------ | ------ | ------ | ------ | ------ | ------ |
| 51.37 | B | 60,000 | 12,000 | 11,400 | 9,950 | ------ | ------ | ------ | ------ | ------ | ------ |
| Seamless alloy steel: | | | | | | | | | | | |
| 51.34 | P1 | 55,000 | 11,000 | 11,000 | 11,000 | 10,750 | 10,500 | 10,000 | ------ | ------ | ------ |
| 51.34 | P2S0 | 55,000 | 11,000 | 11,000 | 11,000 | 10,750 | 10,500 | 10,000 | 8,000 | ------ | ------ |
| 51.34 | P3a | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,000 | 5,850 | 3,850 |
| 51.34 | P3b | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,000 | 5,850 | 3,850 |
| 51.34 | P5a | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,000 | 5,850 | ------ |
| 51.34 | P5b | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,000 | 8,800 | 6,000 | 4,200 | ------ |
| 51.34 | P5c | 60,000 | 11,000 | 11,000 | 11,000 | 11,000 | 10,850 | 10,000 | 8,000 | 5,850 | ------ |
| 51.34 | P11 | 60,000 | 12,000 | 12,000 | 12,000 | 11,800 | 11,200 | 10,000 | 8,000 | 5,850 | 3,850 |
| 51.34 | P15 | 60,000 | 12,000 | 12,000 | 12,000 | 11,500 | 11,000 | 10,000 | ------ | ------ | ------ |
| Electric-resistance-welded carbon steel: | | | | | | | | | | | |
| 51.37 Or 51.40 | A | 48,000 | 8,100 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| | B | 60,000 | 10,200 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| Furnace-welded: | | | | | | | | | | | |
| 51.37 | Steel | 45,000 | [2] 4,800 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 51.43 | Wrought iron | 40,000 | [2] 4,400 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |

NONFERROUS MATERIALS

| Specification subpart | Grade | Minimum tensile strength p. s. i. | For temperatures not exceeding ° F.[1] | | | |
|---|---|---|---|---|---|---|
| | | | 250 | 300 | 350 | [3] 400 |
| Seamless pipe: | | | | | | |
| 51.70 | Red brass | 40,000 | 8,000 | 7,000 | 6,000 | 3,000 |
| 51.73 | Copper | 30,000 | 5,000 | 4,750 | 4,500 | 3,000 |
| Brazed pipe | Copper | ------ | 3,000 | [4] 2,000 | ------ | ------ |

[1] Intermediate values of $S$ and $M$ may be obtained by interpolation.
[2] Stress permitted for temperatures not to exceed 450° F.
[3] The same stress may be employed for 406° F.
[4] The same stress may be employed for 320° F.

(2) The value of $P$ in the formula shall not be taken at less than 150 p. s. i. for class I piping nor less than 50 p. s. i. for nonferrous class II piping; however, copper piping shall be of not less than 0.065 inch in thickness except for lines below 1 inch in diameter, nor shall ferrous material to be fabricated by welding be of a thickness less than 0.120 inch.

* * * * *

(c) Carbon steel or wrought iron pipe shall have a wall thickness of not less than standard weight pipe. Where the installation of light wall pipe is deemed satisfactory, the use of pipe having a wall thickness less than standard weight will be given special consideration by the Commandant.

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

3. Section 55.07–15 is amended by changing paragraph (e) (2) and Table 55.07–15 (e12) to read as follows:

§ 55.07–15 *Joints and flanged connections.* * * *

(e) * * *

(2) The service pressure ratings for carbon steel pipe flanges and flanged fittings at design temperatures of 800° F. and below and for low alloy ferritic steel pipe flanges and flanged fittings at design temperatures of 1,000° F. and below shall conform to Tables 55.07–15 (e12) and (e13). Service pressure ratings for high alloy ferritic and austenitic steel pipe flanges and flanged fittings for use in connection with design temperatures exceeding 1,000° F. will be given special consideration by the Commandant.

TABLE 55.07-15 (c12)—SERVICE PRESSURE RATINGS FOR CARBON STEEL PIPE FLANGES AND FLANGED FITTINGS[1]

| | Carbon steel flanges and flanged fittings at temperatures 800° F. and below with standard facings (other than ring joints) | | | | | | | Carbon steel flanges and flanged fittings at temperatures 800° F. and below with ring-joint facings | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Primary service pressure ratings | 150 | 300 | 400 | 600 | 900 | 1,500 | 2,500 | 150 | 300 | 400 | 600 | 900 | 1,500 | 2,500 |
| Maximum hydrostatic shell test pressures [2] | 350 | 750 | 1,000 | 1,500 | 2,000 | 3,500 | 6,000 | 350 | 750 | 1,000 | 1,500 | 2,000 | 3,500 | 6,000 |
| Service temperatures (° F.) | Maximum, nonshock, service pressure ratings. | | | | | | | Maximum, nonshock, service pressure ratings. | | | | | | |
| 100 | 230 | 500 | 670 | 1,000 | 1,500 | 2,500 | 4,170 | 275 | 600 | 800 | 1,200 | 1,800 | 3,000 | 5,000 |
| 150 | 220 | 480 | 640 | 960 | 1,440 | 2,400 | 4,000 | 255 | 575 | 765 | 1,150 | 1,725 | 2,875 | 4,790 |
| 200 | 210 | 465 | 620 | 930 | 1,395 | 2,325 | 3,875 | 240 | 550 | 730 | 1,100 | 1,650 | 2,750 | 4,580 |
| Fluid 250 | 200 | 450 | 600 | 900 | 1,350 | 2,250 | 3,750 | 225 | 525 | 700 | 1,050 | 1,575 | 2,625 | 4,375 |
| 300 | 190 | 435 | 580 | 870 | 1,305 | 2,175 | 3,625 | 210 | 500 | 670 | 1,000 | 1,500 | 2,500 | 4,170 |
| 350 | 180 | 420 | 560 | 840 | 1,260 | 2,100 | 3,500 | 195 | 475 | 635 | 950 | 1,425 | 2,375 | 3,960 |
| 400 | 170 | 405 | 540 | 810 | 1,215 | 2,025 | 3,375 | 180 | 450 | 600 | 900 | 1,350 | 2,250 | 3,750 |
| Water 450 | 160 | 390 | 520 | 780 | 1,170 | 1,950 | 3,250 | 165 | 425 | 565 | 850 | 1,275 | 2,125 | 3,540 |
| 500 | [3] 150 | 375 | 500 | 750 | 1,125 | 1,875 | 3,125 | [3] 150 | 400 | 530 | 800 | 1,200 | 2,000 | 3,330 |
| 550 | 140 | 360 | 480 | 720 | 1,080 | 1,800 | 3,000 | 140 | 380 | 505 | 760 | 1,140 | 1,900 | 3,165 |
| 600 | 130 | 345 | 460 | 690 | 1,035 | 1,725 | 2,875 | 130 | 360 | 480 | 720 | 1,080 | 1,800 | 3,000 |
| Steam 650 | 120 | 330 | 440 | 660 | 990 | 1,650 | 2,750 | 120 | 340 | 450 | 680 | 1,020 | 1,700 | 2,830 |
| 700 | 110 | 315 | 420 | 630 | 945 | 1,575 | 2,625 | 110 | 320 | 425 | 640 | 960 | 1,600 | 2,665 |
| 750 | 100 | [3] 300 | [3] 400 | [3] 600 | [3] 900 | [3] 1,500 | [3] 2,500 | 100 | [3] 300 | [3] 400 | [3] 600 | [3] 900 | [3] 1,500 | [3] 2,500 |
| 800 | 85 | 250 | 335 | 500 | 750 | 1,250 | 2,085 | 85 | 250 | 335 | 500 | 750 | 1,250 | 2,085 |

[1] All pressures are in pounds per square inch, gauge.
[2] All tests shall be made with water at a temperature not to exceed 125° F.
[3] Primary service pressure rating.

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

4. Section 55.07-20 *Bolting* is amended by changing table 55.07-20 (c2) to read as follows:

TABLE 55.07-20 (c2)—MAXIMUM ALLOWABLE STRESSES

| Specification subpart | Grade | For metal temperatures not exceeding ° F. | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | −20 to 650 | 700 | 750 | 800 | 850 | 900 | 950 | 1000 | 1050 |
| 51.49 | BA | 16,200 | 14,900 | 13,600 | | | | | | |
| 51.49 | BB | 18,700 | 17,200 | 15,600 | | | | | | |
| 51.49 | BC | 20,000 | 18,300 | 16,700 | | | | | | |
| 51.49 | B4 | 20,000 | 20,000 | 20,000 | 20,000 | 16,200 | 12,500 | | | |
| 51.49 | B5 | 20,000 | 20,000 | 20,000 | 20,000 | 17,200 | 13,700 | 10,300 | 7,300 | |
| 51.49 | B6 | 20,000 | 18,400 | 16,700 | 14,300 | 11,800 | 8,400 | | | |
| 51.49 | B7 | 20,000 | 20,000 | 20,000 | 20,000 | 16,200 | 12,500 | | | |
| 51.49 | B7a | 20,000 | 20,000 | 20,000 | 20,000 | 17,200 | 13,700 | 10,300 | 7,300 | |
| 51.49 | B8 | 18,700 | 18,700 | 18,200 | 17,800 | 17,500 | 16,700 | 15,300 | 12,500 | 10,000 |
| 51.49 | B8f | 18,700 | 18,700 | 18,200 | | | | | | |
| 51.49 | B11 | 20,000 | 20,000 | 20,000 | 20,000 | 17,200 | 13,700 | 10,300 | 7,300 | |
| 51.49 | B12 | 20,000 | 18,400 | 16,700 | | | | | | |
| 51.49 | B13 | 20,000 | 20,000 | 20,000 | 20,000 | 17,200 | 13,700 | 10,300 | 7,300 | |
| 51.49 | B14 | 20,000 | 20,000 | 20,000 | 20,000 | 18,700 | 16,600 | 14,200 | 11,000 | 6,200 |
| 51.49 | B15 | 20,000 | 20,000 | 20,000 | 20,000 | 17,200 | 13,700 | 10,300 | 7,300 | |
| 51.52 | | [1] 6,800 | | | | | | | | |

[1] Material not permitted for temperatures exceeding 450° F.

R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

SUBPART 55.10—PUMPING ARRANGEMENTS AND PIPING SYSTEMS

5. Section 55.10-10 is amended by changing paragraphs (e) and (f) to read as follows:

§ 55.10-10 *Boiler feed and condensate piping.* * * *

(e) (1) Stop valves and stop check valves shall be attached as close as possible to the feedwater inlet nozzles on boilers not fitted with integral economizers. Boilers fitted with integral economizers shall have a stop check valve fitted to the economizer inlet nozzle or alternatively stop and check valve(s) may be fitted. Where the installation will not permit of direct attachment, a distance piece may be installed between the inlet nozzle and the stop valve. A feedwater regulator may be interposed between the stop and check valves.

(2) Under conditions where space limitations will not permit the attachment of feed valves near the feedwater inlet nozzles, the location of the feed valves shall be subject to special consideration by the Commandant. However, the distance from the feedwater inlet connections to the stop valves shall be kept as short as possible and the piping between the stop valves and the boiler drum or economizer shall be installed without flanged connections and all butt-welded joints 4 inches and above in diameter shall be radiographed the full circumference of the welds as required by § 56.05-5.

(f) Auxiliary feed lines shall be fitted with stop and stop check valves. The valves shall be fitted as close as possible to the junction with the main feed line where independent feed lines are not installed. Boilers not having an auxiliary feed water nozzle shall have the auxiliary feed line to the drum or economizer connected to the main feed line as close as possible to the feed inlet nozzle.

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

6. Section 55.10-70 is amended by changing paragraphs (e) and (f) to read as follows:

§ 55.10-70 *Overboard discharges and shell connections.* * * *

(e) The inboard openings of ash and rubbish-chute discharges shall be fitted with efficient covers. If the inboard opening is located below the freeboard deck, the cover shall be watertight, and in addition, an automatic nonreturn valve shall be fitted in the chute in an easily accessible position above the deepest load line. Means shall be provided for securing both the cover and the valve when the chute is not in use. When ash ejectors or similar expelling devices located in the boiler room have the inboard openings below the deepest load line, they shall be fitted with efficient means for preventing the accidental admission of water. The thickness of pipe for ash-ejector discharge shall be not less than that of extra strong pipe.

(f) Pump connections led through the vessel's sides below the freeboard deck shall be fitted with shut-off valves located as near the shell plating as practicable. The thickness of pipe for pump connections shall be not less than that of extra strong pipe.

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

SUBPART 55.16—INDEPENDENT INTERNAL COMBUSTION ENGINE FUEL TANKS

7. Section 55.16-20 (a) is amended to read as follows:

§ 55.16-20 *Independent heavy oil tanks; cargo vessels.* (a) The construction of independent tanks for heavy fuel oil service on cargo vessels shall comply with § 55.16-10 (a).

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

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PART 56—ARC WELDING, GAS WELDING, AND BRAZING

SUBPART 56.01—ARC WELDING AND GAS WELDING

1. Section 56.01-25 (c) is amended to read as follows:

§ 56.01-25 *Class I welding.* * * *

(c) The joint efficiency *E* for this class may be taken as 0.95 provided the weld reinforcement is removed so that the longitudinal weld(s) on both sides of the joint is substantially flush with the surface of the plate(s), and on all intersecting butt-welded circumferential joints the reinforcement is similarly removed five times the plate thickness

(or 6 inches whichever is the less) on each side adjacent to any longitudinal joint. For butt-welded joints where the reinforcement is not removed the joint efficiency $E$ shall be taken as 0.90.

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

2. Section 56.01–70 (f) (4) is amended to read as follows:

§ 56.01–70 *Preheating and stress relieving.* * * *

(f) * * *

(4) Pipe shall be stress-relieved by heating a circumferential band having a width of at least 3 times the width of the widest part of the welding groove but not less than 6 times the maximum wall thickness at the weld with the weld at the center of the band. Where pipe is welded to a valve the heated zone may be decreased on the valve side of the joint to a minimum of one times the width of the weld reinforcement measured from the edge of the reinforcement toward the valve.

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

SUBPART 56.05—TESTS AND INSPECTION

3. Section 56.05–1 (n) is amended to read as follows:

§ 56.05–1 *Test plates.* * * *

(n) (1) The tension-test specimen of the joint shall be transverse to the welded joint and shall be of the full thickness of the plate after the weld reinforcement has been machined flush. The form and dimensions shall be as shown in figure 56.05–1 (n1). When the capacity of the available testing machine does not permit testing a specimen of the full thickness of the welded plate, the specimen may be cut with a thin saw into as many portions of the thickness as necessary, as shown in figure 56.05–1 (n2), each of which shall meet the requirements. The tensile strength of the joint specimen when it breaks in the weld shall not be less than the minimum of the specified tensile range of the plate used. If the specimen breaks in the plate at not less than 95 percent of the minimum specified tensile range of the plate and the weld shows no sign of weakness, the test is considered acceptable.

(2) Boiler drums fabricated of plate of thicknesses of $\frac{5}{8}$-inch or greater shall have a tension-test specimen of the weld metal machined to form as shown in figure 56.05–1 (n3) taken entirely from the deposited metal. The all-weld tension test specimen shall have a tensile strength of not less than the minimum of the range of the plate which is welded and shall have a minimum elongation in 2 inches of not less than 20 percent.

(R. S. 4417a, 4418, 4426, 4427, 4429–4434, 4453, 4491; 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 1, 363, 366, 367, 391a, 392, 404, 405, 407–412, 435, 1333, 50 U. S. C. 1275)

**Subchapter G—Ocean and Coastwise: General Rules and Regulations**

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

1. Section 59.6 is amended to read as follows:

§ 59.6 *Lifeboats required on vessels of class* (c). (a) Cargo vessels shall carry a sufficient number of lifeboats on each side to accommodate all persons on board.

(b) Towing, fishing, and wrecking vessels, and vessels in special service not carrying passengers or cargo, shall carry sufficient lifeboats to accommodate all persons on board, and the following types of boats may be used in lieu of the standard lifeboats:

(1) Vessels engaged exclusively in the business of purse seining may use their seine boats.

(2) Vessels engaged exclusively in the business of wrecking may use their surf boats.

(3) Vessels engaged exclusively in the business of hook-and-line fishing from dories may use their dories when such dories are fitted with air tanks of sufficient capacity to meet the rule for necessary air-tank equipment.

(4) Vessels engaged exclusively in the business of furnishing pilots to vessels may use their launches and/or yawls when the total capacity of such launches and/or yawls is sufficient to accommodate all persons on board.

(R. S. 4488, 4491; 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 367, 481, 489, 1333, 50 U. S. C. 1275)

2. Section 59.14 *Inspection of lifeboats when built* is deleted.

3. Section 59.43 *Inspection of life rafts when built* is deleted.

4. Section 59.44 is amended to read as follows:

§ 59.44 *Construction and stowage of life rafts.* Life rafts shall be of an approved type. For new vessels and replacements on existing vessels, life rafts shall be of the Type A, constructed in accordance with subpart 160.018 of Subchapter Q of this chapter, and shall be stowed on standard life raft skids constructed in accordance with subpart 160.042 of Subchapter Q of this chapter. Where the use of standard life raft skids is not practicable, other means of stowage will be given special consideration.

(R. S. 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 367, 396, 474, 481, 490, 1333, 50 U. S. C. 1275)

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PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

1. Section 60.4 is amended to read as follows:

§ 60.4 *Lifeboats required on vessels of class* (c). (See § 59.6 of this chapter, as amended, which is identical with this section.)

2. Section 60.11 *Inspection of lifeboats when built* is deleted.

3. Section 60.30 *Inspection of life rafts when built* is deleted.

4. Section 60.31 is amended to read as follows:

§ 60.31 *Construction and stowage of life rafts.* (See § 59.44 of this chapter, as amended, which is identical with this section.)

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PART 62—SPECIAL OPERATING REQUIREMENTS

Part 62 is amended by adding a new § 62.40 reading as follows:

§ 62.40 *Marking of fire and emergency equipment, etc.* Marking of fire and emergency apparatus, watertight doors, lifeboat embarkation stations and direction signs, stateroom notices, instructions for changing steering gears, etc., shall be carried out as set forth in the suceeding paragraphs:

(a) *General alarm bell switch.* The general alarm bell switch in the pilothouse or fire control station shall be clearly marked with lettering on a brass plate or with a sign in red letters on suitable background: "GENERAL ALARM."

(b) *General alarm bells.* General alarm bells shall be marked in not less than ½-inch red letters: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

(c) *Manual alarm boxes.* If not clearly marked "FIRE ALARM—BREAK GLASS" or "IN CASE OF FIRE BREAK GLASS," manual alarm boxes shall be marked in ½-inch letters "IN CASE OF FIRE BREAK GLASS." Each box shall be numbered in red using not less than 1-inch figures.

(d) *Manual alarm bells.* The manual alarm bells on bridge, in engine room, and in fire control station and crew quarters shall be marked "MANUAL FIRE ALARM" in not less than 1-inch red letters.

(e) *Sprinkler alarm bells.* The sprinkler alarm bells on bridge, in engine room and fire control station shall be marked "SPRINKLER ALARM ZONE NO. 1," 2, 3, etc.

(f) *Sprinkler zone valves.* Each sprinkler zone valve shall be numbered in not less than 2-inch red letters and figures or marked with a legible brass plate.

(g) *Steam, foam or $CO_2$ fire smothering apparatus.* Steam, foam or $CO_2$ fire smothering apparatus shall be marked "STEAM FIRE APPARATUS" or "FOAM FIRE APPARATUS" or "$CO_2$ FIRE APPARATUS" as appropriate in not less than 2-inch red letters. The valves of all branch piping leading to the several compartments shall be distinctly marked to indicate the compartments or parts of the vessel to which they lead.

(h) *Fire hose stations.* At each fire hose valve there shall be marked in not less than 2-inch red letters and figures "FIRE STATION 1," 2, 3, etc.

(i) *Watchman detex clock key station.* Each watchman detex clock key station shall be numbered in not less than 1-inch red figures.

(j) *Emergency squad equipment.* Lockers or spaces containing equipment for use of the emergency squad shall be marked "EMERGENCY SQUAD EQUIPMENT." Lockers or spaces where oxygen or fresh air breathing apparatus is stowed shall be marked "OXYGEN BREATHING APPARATUS" or "FRESH

AIR BREATHING APPARATUS" as appropriate.

(k) *Fire extinguishers.* Each fire extinguisher shall be marked with a number and the location where stowed shall be marked in corresponding numbers in not less than 1-inch figures.

(l) *Exit signs on passenger vessels.* An illuminated sign bearing the word "EXIT" shall be displayed at the exit from any main compartment occupied by passengers or crew and shall be illuminated by an emergency light. The signs shall be so arranged in corridors that they can be seen from a distance.

(m) *Emergency lights on passenger vessels.* The emergency lights shall be marked with a red letter "E" of at least 1 inch in height.

(n) *Fire screen door on passenger vessels.* Each fire screen door shall be numbered in not less than 2-inch letters and figures, viz: "F. S. D. 1," 2, 3, etc. The color of the letters and figures shall be in contrast to the background.

(o) *Fire screen doors emergency exits on passenger vessels.* Fire screen door emergency exits shall be marked "EMERGENCY EXIT" in 2-inch letters as follows:

(1) On compartment side of fire screen doors;

(2) On corridor side of stair well doors; and,

(3) On inside of stair well doors leading to embarkation deck.

The signs shall be so located as to insure that passengers and crew may be properly directed to embarkation stations in emergencies under the premise that the doors have been closed. Color of marking should be most legible in contrast to the background.

(p) *Watertight doors on passenger vessels.* Each watertight door shall be numbered in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The color of the marking shall be in contrast to the background. All watertight door remote hand closing stations shall be marked in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The direction of operation of the lever or wheel provided to close or open the door at all watertight door remote hand closing stations shall be marked. The color of the sign shall contrast with the background.

(q) *Lifeboat stations on passenger vessels.* There shall be placed on deck beams or suspended from overhead at each lifeboat station on embarkation deck a sign in 3-inch letters "LIFEBOAT STATION NO. 1," 2, etc. If there is no overhead structure at a boat station, a similar sign shall be placed in a position where it will readily be seen.

(r) *Embarkation direction signs to lifeboats on passenger vessels.* (1) Embarkation direction signs shall be located in alleyways, corridors and stair wells. They shall be of 1-inch letters with arrows indicating the shortest route to follow to reach lifeboats. The arrow shall be of appropriate dimensions, viz:

TO BOATS →

TO BOATS ←

(2) The signs near the exits to the embarkation deck shall be marked with the numbers of the boat stations nearest to such exits, viz:

TO BOAT STATIONS NOS.
1, 3, 5
(or 2, 4, 6, etc.)
→

(3) Any combination of arrows and 1-inch lettering which will clearly indicate the direction to be followed will be acceptable.

(s) *Stateroom notices.* (1) Framed notices shall be conspicuously posted in the passenger staterooms indicating the following:

EMERGENCY SIGNALS

"FIRE AND EMERGENCY—CONTINUOUS RAPID RINGING OF THE SHIP'S BELL AND OF THE GENERAL ALARM BELLS FOR A PERIOD OF NOT LESS THAN TEN SECONDS.

"ABANDON SHIP (OR BOAT STATIONS)—MORE THAN SIX SHORT BLASTS AND ONE LONG BLAST OF THE WHISTLE SUPPLEMENTED BY THE SAME SIGNAL ON THE GENERAL ALARM BELLS.

"THE OCCUPANTS OF THIS ROOM ARE ASSIGNED TO LIFEBOAT NO. ____. ALL PASSENGERS ARE REQUIRED TO PUT ON LIFE PRESERVERS AND GO TO THEIR LIFEBOAT STATIONS WHENEVER GENERAL ALARM BELLS RING.

"THE ROOM STEWARD WILL PROVIDE LIFE PRESERVERS FOR CHILDREN AT THE START OF THE VOYAGE."

(2) Location of life preservers together with instructions and pictures showing how they are to be worn shall be indicated on the notice.

(t) *Children's life preservers.* The lockers or boxes in which children's life preservers are stowed and also the number contained therein shall be marked in not less than 2-inch letters and figures, viz.:

"20"
"CHILDREN'S LIFE PRESERVERS"

(u) *Instructions for changing steering gear.* Instructions in at least 1-inch letters and figures shall be posted at each emergency steering station and in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve or switch which is used during the change-over shall be numbered or lettered on a brass plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

(v) *Rudder orders.* At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder."

(w) *Vessel's name on equipment.* All lifeboats, rafts, floats, buoyant apparatus, including equipment, also life preservers, ring buoys, fire hose, and axes shall be painted or branded with the name of the vessel.

(R. S. 4405, 4426, 4488; 49 Stat. 1544, 54 Stat. 346, 1028, 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 404, 463a, 481, 1333, 50 U. S. C. 1275)

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PART 65—STEAM YACHTS

Section 65.12 *Inspection of lifeboats when built* is deleted.

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**Subchapter H—Great Lakes: General Rules and Regulations**

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 76.17 *Inspection of lifeboats when built* is deleted.

2. Section 76.33 *Inspection of life rafts when built* is deleted.

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PART 78—SPECIAL OPERATING REQUIREMENTS

1. Part 78 is amended by adding a new § 78.15 reading as follows:

§ 78.15 *Posting placard containing instructions for use of breeches buoy.* A placard containing instructions for use of breeches buoy gear, Form CG 811, shall be posted in the pilothouse, engine room, and in the seamen's, firemen's, and stewards' departments of every vessel of 150 gross tons or over subject to inspection by the Coast Guard.

(R. S. 4405, 4426, 4488; 55 Stat. 244, as amended; 46 U. S. C. 375, 404, 481, and 50 U. S. C. 1275)

2. Part 78 is amended by adding a new § 78.40 reading as follows:

§ 78.40 *Marking of fire and emergency equipment, etc.* Marking of fire and emergency apparatus, watertight doors, lifeboat embarkation stations and direction signs, stateroom notices, instructions for changing steering gears, etc., shall be carried out as set forth in the succeeding paragraphs:

(a) *General alarm bell switch.* The general alarm bell switch in the pilothouse or fire control station shall be clearly marked with lettering on a brass plate or with a sign in red letters on suitable background: "GENERAL ALARM."

(b) *General alarm bells.* General alarm bells shall be marked in not less than ½-inch red letters: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

(c) *Manual alarm boxes.* If not clearly marked "FIRE ALARM—BREAK GLASS" or "IN CASE OF FIRE BREAK GLASS," manual alarm boxes shall be marked in ½-inch letters "IN CASE OF FIRE BREAK GLASS." Each box shall be numbered in red using not less than 1-inch figures.

(d) *Manual alarm bells.* The manual alarm bells on bridge, in engine room, and in fire control station and crew quarters shall be marked "MANUAL FIRE ALARM" in not less than 1-inch red letters.

(e) *Sprinkler alarm bells.* The sprinkler alarm bells on bridge, in engine

room and fire control station shall be marked "SPRINKLER ALARM ZONE NO. 1," 2, 3, etc.

(f) *Sprinkler zone valves.* Each sprinkler zone valve shall be numbered in not less than 2-inch red letters and figures or marked with a legible brass plate.

(g) *Steam, foam or $CO_2$ fire smothering apparatus.* Steam, foam or $CO_2$ fire smothering apparatus shall be marked "STEAM FIRE APPARATUS" or "FOAM FIRE APPARATUS" or "$CO_2$ FIRE APPARATUS" as appropriate in not less than 2-inch red letters. The valves of all branch piping leading to the several compartments shall be distinctly marked to indicate the compartments or parts of the vessel to which they lead.

(h) *Fire hose stations.* At each fire hose valve there shall be marked in not less than 2-inch red letters and figures "FIRE STATION 1," 2, 3, etc.

(i) *Watchman detex clock key station.* Each watchman detex clock key station shall be numbered in not less than 1-inch red figures.

(j) *Emergency squad equipment.* Lockers or spaces containing equipment for use of the emergency squad shall be marked "EMERGENCY SQUAD EQUIPMENT." Lockers or spaces where oxygen or fresh air breathing apparatus is stowed shall be marked "OXYGEN BREATHING APPARATUS" or "FRESH AIR BREATHING APPARATUS" as appropriate.

(k) *Fire extinguishers.* Each fire extinguisher shall be marked with a number and the location where stowed shall be marked in corresponding numbers in not less than 1-inch figures.

(l) *Exit signs on passenger vessels.* An illuminated sign bearing the word "EXIT" shall be displayed at the exit from any main compartment occupied by passengers or crew and shall be illuminated by an emergency light. The signs shall be so arranged in corridors that they can be seen from a distance.

(m) *Emergency lights on passenger vessels.* The emergency lights shall be marked with a red letter "E" of at least 1 inch in height.

(n) *Fire screen doors on passenger vessels.* Each fire screen door shall be numbered in not less than 2-inch letters and figures, viz: "F. S. D. 1," 2, 3, etc. The color of the letters and figures shall be in contrast to the background.

(o) *Fire screen door emergency exits on passenger vessels.* Fire screen door emergency exits shall be marked "EMERGENCY EXIT" in 2-inch letters as follows:

(1) On compartment side of fire screen doors.

(2) On corridor side of stair well doors.

(3) On inside of stair well doors leading to embarkation deck.

The signs shall be so located as to insure that passengers and crew may be properly directed to embarkation stations in emergencies under the premise that the doors have been closed. Color of marking should be most legible in contrast to the background.

(p) *Watertight doors on passenger vessels.* Each watertight door shall be numbered in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The color of the marking shall be in contrast to the background. All watertight door remote hand closing stations shall be marked in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The direction of operation of the lever or wheel provided to close or open the door at all watertight door remote hand closing stations shall be marked. The color of the sign shall contrast with the background.

(q) *Lifeboat stations on passenger vessels.* There shall be placed on deck beams or suspended from overhead at each lifeboat station on embarkation deck a sign in 3-inch letters "LIFEBOAT STATION NO. 1," 2, etc. If there is no overhead structure at a boat station, a similar sign shall be placed in a position where it will readily be seen.

(r) *Embarkation direction signs to lifeboats on passenger vessels.* (1) Embarkation direction signs shall be located in alleyways, corridors, and stair wells, they shall be of 1-inch letters with arrows indicating the shortest route to follow to reach lifeboats. The arrow shall be of appropriate dimensions, viz:

TO BOATS →

TO BOATS ←

(2) The signs near the exits to the embarkation deck shall be marked with the numbers of the boat stations nearest to such exits, viz:

TO BOAT STATIONS NOS.
1, 3, 5
(or 2, 4, 6, etc.) →

(3) Any combination of arrows and 1-inch lettering which will clearly indicate the direction to be followed will be acceptable.

(s) *Stateroom notices.* (1) Framed notices shall be conspicuously posted in the passenger staterooms indicating the following:

EMERGENCY SIGNALS

"FIRE AND EMERGENCY—CONTINUOUS RAPID RINGING OF THE SHIP'S BELL AND OF THE GENERAL ALARM BELLS FOR A PERIOD OF NOT LESS THAN TEN SECONDS.

"ABANDON SHIP (OR BOAT STATIONS)—MORE THAN SIX SHORT BLASTS AND ONE LONG BLAST OF THE WHISTLE SUPPLEMENTED BY THE SAME SIGNAL ON THE GENERAL ALARM BELLS.

"THE OCCUPANTS OF THIS ROOM ARE ASSIGNED TO BOAT STATION NO. ——— ALL PASSENGERS ARE REQUIRED TO PUT ON LIFE PRESERVERS AND GO TO THEIR BOAT STATIONS WHENEVER GENERAL ALARM BELLS RING.

"THE ROOM STEWARD WILL PROVIDE LIFE PRESERVERS FOR CHILDREN AT THE START OF THE VOYAGE."

(2) Location of life preservers together with instructions and pictures showing how they are to be worn shall be indicated on the notice.

(t) *Children's life preservers.* The lockers or boxes in which children's life preservers are stowed and also the number contained therein shall be marked in not less than 2-inch letters and figures, viz:

"20"
"CHILDREN'S LIFE PRESERVERS"

(u) *Instructions for changing steering gear.* Instructions in at least 1 inch letters and figures shall be posted at each emergency steering station and in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve or switch which is used during the changeover shall be numbered or lettered on a brass plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

(v) *Rudder orders.* At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the vessel or device must be turned for "right rudder" and for "left rudder."

(w) *Vessel's name on equipment.* All lifeboats, rafts, floats, including equipment, also life preservers, ring buoys, fire hose and axes, shall be painted or branded with the name of the vessel.

(R. S. 4405, 4426, 4488; 54 Stat. 346, 1028, 55 Stat. 244, as amended; 46 U. S. C. 375, 404, 463a, 481, 1333, 50 U. S. C. 1275)

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PART 79—INSPECTION OF VESSELS

Section 79.17 *Posting of instructions for using gun apparatus* is deleted. (The requirements in this section have been transferred to § 78.15.)

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**Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations**

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Part 94 is amended by adding a new § 94.9a reading as follows:

§ 94.9a *Launches and yawls.* Vessels engaged exclusively in the business of furnishing pilots to vessels may substitute their launches and/or yawls for the lifeboats required by § 94.3: *Provided,* That the total capacity of such launches and/or yawls is sufficient to accommodate all persons on board.

(R. S. 4405, 4426, 4488, 4491; 55 Stat. 244, as amended; 46 U. S. C. 375, 404, 481, 489, 50 U. S. C. 1275)

2. Section 94.16 *Inspection of lifeboats when built* is deleted.

3. Section 94.33 *Inspection of life rafts when built* is deleted.

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PART 96—SPECIAL OPERATING REQUIREMENTS

Part 96 is amended by adding a new § 96.40 reading as follows:

§ 96.40 *Marking of fire and emergency equipment, etc.* Marking of fire and emergency apparatus, watertight

doors, lifeboat embarkation stations and direction signs, stateroom notices, instructions for changing steering gears, etc., shall be carried out as set forth in the succeeding paragraphs:

(a) *General alarm bell switch.* The general alarm bell switch in the pilothouse or fire control station shall be clearly marked with lettering on a brass plate or with a sign in red letters on suitable background: "GENERAL ALARM."

(b) *General alarm bells.* General alarm bells shall be marked in not less than ½-inch red letters: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

(c) *Manual alarm boxes.* If not clearly marked "FIRE ALARM—BREAK GLASS" or "IN CASE OF FIRE BREAK GLASS," manual alarm boxes shall be marked in ½-inch letters "IN CASE OF FIRE BREAK GLASS." Each box shall be numbered in red using not less than 1-inch figures.

(d) *Manual alarm bells.* The manual alarm bells on bridge, in engine room, and in fire control station and crew quarters shall be marked "MANUAL FIRE ALARM" in not less than 1-inch red letters.

(e) *Sprinkler alarm bells.* The sprinkler alarm bells on bridge, in engine room and fire control station shall be marked "SPRINKLER ALARM ZONE NO. 1," 2, 3, etc.

(f) *Sprinkler zone valves.* Each sprinkler zone valve shall be numbered in not less than 2-inch red letters and figures or marked with a legible brass plate.

(g) *Steam, foam or $CO_2$ fire smothering apparatus.* Steam, foam or $CO_2$ fire smothering apparatus shall be marked "STEAM FIRE APPARATUS" or "FOAM FIRE APPARATUS" or "$CO_2$ FIRE APPARATUS" as appropriate in not less than 2-inch red letters. The valves of all branch piping leading to the several compartments shall be distinctly marked to indicate the compartments or parts of the vessel to which they lead.

(h) *Fire hose stations.* At each fire hose valve there shall be marked in not less than 2-inch red letters and figures "FIRE STATION 1," 2, 3, etc.

(i) *Watchman detex clock key station.* Each watchman detex clock key station shall be numbered in not less than 1-inch red figures.

(j) *Emergency squad equipment.* Lockers or spaces containing equipment for use of the emergency squad shall be marked "EMERGENCY SQUAD EQUIPMENT." Lockers or spaces where oxygen or fresh air breathing apparatus is stowed shall be marked "OXYGEN BREATHING APPARATUS" or "FRESH AIR BREATHING APPARATUS" as appropriate.

(k) *Fire extinguishers.* Each fire extinguisher shall be marked with a number and the location where stowed shall be marked in corresponding numbers in not less than 1-inch figures.

(l) *Exit signs on passenger vessels.* An illuminated sign bearing the word "EXIT" shall be displayed at the exit from any main compartment occupied by passengers or crew and shall be illuminated by an emergency light. The signs shall be so arranged in corridors that they can be seen from a distance.

(m) *Emergency lights on passenger vessels.* The emergency lights shall be marked with a red letter "E" of at least 1 inch in height.

(n) *Fire screen doors on passenger vessels.* Each fire screen door shall be numbered in not less than 2-inch letters and figures, viz: "F. S. D. 1," 2, 3, etc. The color of the letters and figures shall be in contrast to the background.

(o) *Fire screen door emergency exits on passenger vessels.* Fire screen door emergency exits shall be marked "EMERGENCY EXIT" in 2-inch letters as follows:

(1) On compartment side of fire screen doors;

(2) On corridor side of stair well doors; and,

(3) On inside of stair well doors leading to embarkation deck.

The signs shall be so located as to insure that passengers and crew may be properly directed to embarkation stations in emergencies under the premise that the doors have been closed. Color or marking should be most legible in contrast to the background.

(p) *Watertight doors on passenger vessels.* Each watertight door shall be numbered in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The color of the marking shall be in contrast to the background. All watertight door remote hand closing stations shall be marked in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The direction of operation of the lever or wheel provided to close or open the door at all watertight door remote hand closing stations shall be marked. The color of the sign shall contrast with the background.

(q) *Lifeboat stations on passenger vessels.* There shall be placed on deck beams or suspended from overhead at each lifeboat station on embarkation deck a sign in 3-inch letters "LIFEBOAT STATION NO. 1," 2, etc. If there is no overhead structure at a boat station, a similar sign shall be placed in a position where it will readily be seen.

(r) *Embarkation direction signs to lifeboats on passenger vessels.* (1) Embarkation direction signs shall be located in alleyways, corridors, and stair wells, they shall be of 1 inch letters with arrows indicating the shortest route to follow to reach lifeboats. The arrow shall be of appropriate dimensions, viz:

TO BOATS →

TO BOATS ←

(2) The signs near the exits to the embarkation deck shall be marked with the numbers of the boat stations nearest to such exits, viz:

TO BOAT STATIONS NOS.
1, 3, 5
(or 2, 4, 6, etc.)
→

(3) Any combination of arrows and 1-inch lettering which will clearly indicate the direction to be followed will be acceptable.

(s) *Stateroom notices.* (1) Framed notices shall be conspicuously posted in the passenger staterooms indicating the following:

EMERGENCY SIGNALS

"FIRE AND EMERGENCY—CONTINUOUS RAPID RINGING OF THE SHIP'S BELL AND OF THE GENERAL ALARM BELLS FOR A PERIOD OF NOT LESS THAN TEN SECONDS.

"ABANDON SHIP (OR BOAT STATIONS)—MORE THAN SIX SHORT BLASTS AND ONE LONG BLAST OF THE WHISTLE SUPPLEMENTED BY THE SAME SIGNAL ON THE GENERAL ALARM BELLS.

"THE OCCUPANTS OF THIS ROOM ARE ASSIGNED TO BOAT STATION NO. ... ALL PASSENGERS ARE REQUIRED TO PUT ON LIFE PRESERVERS AND GO TO THEIR BOAT STATIONS WHENEVER GENERAL ALARM BELLS RING.

"THE ROOM STEWARD WILL PROVIDE LIFE PRESERVERS FOR CHILDREN AT THE START OF THE VOYAGE."

(2) Location of life preservers together with instructions and pictures showing how they are to be worn shall be indicated on the notice.

(t) *Children's life preservers.* The lockers or boxes in which children's life preservers are stowed and also the number contained therein shall be marked in not less than 2-inch letters and figures, viz:

"20"
"CHILDREN'S LIFE PRESERVERS"

(u) *Instructions for changing steering gear.* Instructions in at least 1-inch letters and figures shall be posted at each emergency steering station and in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve or switch which is used during the changeover shall be numbered or lettered on a brass plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

(v) *Rudder orders.* At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the vessel or device must be turned for "right rudder" and for "left rudder."

(w) *Vessel's name on equipment.* All lifeboats, rafts, floats, including equipment, also life preservers, ring buoys, fire hose and axes, shall be painted or branded with the name of the vessel.

(R. S. 4405, 4426, 4488; 54 Stat. 346, 1028; 55 Stat. 244, as amended; 46 U. S. C. 375, 404, 463a, 481, 1333, 50 U. S. C. 1275)

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PART 102—BAY, SOUND AND LAKE STEAM YACHTS

Section 102.7 *Inspection of lifeboats when built* is deleted.

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 113.11 *Inspection of lifeboats when built* is deleted.

2. Section 113.30 *Inspection of life rafts when built* is deleted.

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PART 115—SPECIAL OPERATING REQUIREMENTS

Part 115 is amended by adding a new § 115.40 reading as follows:

§ 115.40 *Marking of fire and emergency equipment, etc.* Marking of fire and emergency apparatus, watertight doors, lifeboat embarkation stations and direction signs, stateroom notices, instructions for changing steering gears, etc., shall be carried out as set forth in the succeeding paragraphs:

(a) *General alarm bell switch.* The general alarm bell switch in the pilothouse or fire control station shall be clearly marked with lettering on a brass plate or with a sign in red letters on suitable background: "GENERAL ALARM."

(b) *General alarm bells.* General alarm bells shall be marked in not less than ½-inch red letters: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

(c) *Manual alarm boxes.* If not clearly marked "FIRE ALARM—BREAK GLASS" or "IN CASE OF FIRE BREAK GLASS," manual alarm boxes shall be marked in ½-inch letters "IN CASE OF FIRE BREAK GLASS." Each box shall be numbered in red using not less than 1-inch figures.

(d) *Manual alarm bells.* The manual alarm bells on bridge, in engine room, and in fire control station and crew quarters shall be marked "MANUAL FIRE ALARM" in not less than 1-inch red letters.

(e) *Sprinkler alarm bells.* The sprinkler alarm bells on bridge, in engine room and fire control station shall be marked "SPRINKLER ALARM ZONE NO. 1," 2, 3, etc.

(f) *Sprinkler zone valves.* Each sprinkler zone valve shall be numbered in not less than 2-inch red letters and figures or marked with a legible brass plate.

(g) *Steam, foam or $CO_2$ fire smothering apparatus.* Steam, foam or $CO_2$ fire smothering apparatus shall be marked "STEAM FIRE APPARATUS" or "FOAM FIRE APPARATUS" or "$CO_2$ FIRE APPARATUS" as appropriate in not less than 2-inch red letters. The valves of all branch piping leading to the several compartments shall be distinctly marked to indicate the compartments or parts of the vessel to which they lead.

(h) *Fire hose stations.* At each fire hose valve there shall be marked in not less than 2-inch red letters and figures "FIRE STATION 1," 2, 3, etc.

(i) *Watchman detex clock key station.* Each watchman detex clock key station shall be numbered in not less than 1-inch red figures.

(j) *Emergency squad equipment.* Lockers or spaces containing equipment for use of the emergency squad shall be marked "EMERGENCY SQUAD EQUIPMENT." Lockers or spaces where oxygen or fresh air breathing apparatus is stowed shall be marked "OXYGEN BREATHING APPARATUS" or "FRESH AIR BREATHING APPARATUS" as appropriate.

(k) *Fire extinguishers.* Each fire extinguisher shall be marked with a number and the location where stowed shall be marked in corresponding numbers in not less than 1-inch figures.

(l) *Exit signs on passenger vessels.* An illuminated sign bearing the word "EXIT" shall be displayed at the exit from any main compartment occupied by passengers or crew and shall be illuminated by an emergency light. The signs shall be so arranged in corridors that they can be seen from a distance.

(m) *Emergency lights on passenger vessels.* The emergency lights shall be marked with a red letter "E" of at least 1 inch in height.

(n) *Fire screen doors on passenger vessels.* Each fire screen door shall be numbered in not less than 2-inch letters and figures, viz: "F. S. D. 1," 2, 3, etc. The color of the letters and figures shall be in contrast to the background.

(o) *Fire screen door emergency exits on passenger vessels.* Fire screen door emergency exits shall be marked "EMERGENCY EXIT" in 2-inch letters as follows:

(1) On compartment side of fire screen doors;

(2) On corridor side of stair well doors; and,

(3) On inside of stair well doors leading to embarkation deck.

The signs shall be so located as to insure that passengers and crew may be properly directed to embarkation stations in emergencies under the premise that the doors have been closed. Color or marking should be most legible in contrast to the background.

(p) *Watertight doors on passenger vessels.* Each watertight door shall be numbered in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The color of the marking shall be in contrast to the background. All watertight door remote hand closing stations shall be marked in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The direction of operation of the lever or wheel provided to close or open the door at all watertight door remote hand closing stations shall be marked. The color of the sign shall contrast with the background.

(q) *Lifeboat stations on passenger vessels.* There shall be placed on deck beams or suspended from overhead at each lifeboat station on embarkation deck a sign in 3-inch letters "LIFEBOAT STATION NO. 1," 2, etc. If there is no overhead structure at a boat station, a similar sign shall be placed in a position where it will readily be seen.

(r) *Embarkation direction signs to lifeboats on passenger vessels.* (1) Embarkation direction signs shall be located in alleyways, corridors, and stair wells, they shall be of 1-inch letters with arrows indicating the shortest route to follow to reach lifeboats. The arrow shall be of appropriate dimensions, viz:

TO BOATS →

TO BOATS ←

(2) The signs near the exits to the embarkation deck shall be marked with the numbers of the boat stations nearest to such exits, viz:

TO BOAT STATIONS NOS.
1, 3, 5
(or 2, 4, 6, etc.) →

(3) Any combination of arrows and 1-inch lettering which will clearly indicate the direction to be followed will be acceptable.

(s) *Stateroom notices.* (1) Framed notices shall be conspicuously posted in the staterooms indicating the following:

EMERGENCY SIGNALS

"FIRE AND EMERGENCY—CONTINUOUS RAPID RINGING OF THE SHIP'S BELL AND OF THE GENERAL ALARM BELLS FOR A PERIOD OF NOT LESS THAN TEN SECONDS.

"ABANDON SHIP (OR BOAT STATIONS)—MORE THAN SIX SHORT BLASTS AND ONE LONG BLAST OF THE WHISTLE SUPPLEMENTED BY THE SAME SIGNAL ON THE GENERAL ALARM BELLS.

"THE OCCUPANTS OF THIS ROOM ARE ASSIGNED TO BOAT STATION NO. —. ALL PASSENGERS ARE REQUIRED TO PUT ON LIFE PRESERVERS AND GO TO THEIR BOAT STATIONS WHENEVER GENERAL ALARM BELLS RING."

(2) Location of life preservers together with instructions and pictures showing how they are worn shall be indicated on the notice.

(t) *Instructions for changing steering gear.* Instructions in at least 1-inch letters and figures shall be posted at each emergency steering station and in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve or switch which is used during the change-over shall be numbered or lettered on a brass plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

(u) *Rudder orders.* At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder."

(R. S. 4405, 4426; 54 Stat. 346, 1028, 55 Stat. 244, as amended; 46 U. S. C. 375, 404, 463a, 1333, 50 U. S. C. 1275)

Subchapter K—Seamen

PART 136—MARINE INVESTIGATION REGULATIONS

SUBPART 136.11—WITNESSES AND WITNESS FEES

Section 136.11–10 (b) is amended to read as follows:

§ 136.11–10 *Witness fees, subsistence, and mileage.* * * *

(b) Upon receipt of such claim with supporting statement, the authorized Coast Guard certifying officer may certify the voucher (Standard Form No. 1034) according to the following scale and submit it to the appropriate Coast Guard Assistant Disbursing Officer for payment:

(1) A fee of $4 for each day or fraction thereof, of actual attendance.

(2) A subsistence allowance of $5 for each day or fraction thereof if the witness resides at a distance so far removed from the place at which the investigation, hearing or other proceeding was held as to prohibit his returning to his place of residence each day: *Provided*, That the witness was required to remain at the place at which the investigation, hearing or other proceeding was held for more than one day: *Provided further*, That in the case of employed merchant marine personnel their place of residence will be construed to be the vessel upon which they are employed, and in the case of unemployed merchant marine personnel their place of residence will be construed to be their actual place of residence when ashore, rather than the residence of their next of kin. In cases where subsistence allowance is payable, additional subsistence allowance of $5 per day may be paid for each day necessarily occupied in traveling from the place of residence to attend the investigation, hearing or other proceeding hereunder and return to such residence or place. No subsistence allowance for travel time shall be paid if witness is already present at place of investigation, hearing or other proceeding hereunder. In computing the subsistence allowance due a witness the day shall be regarded as beginning on the hour at which it was necessary for the witness to leave his home in order to arrive at the appointed time at the place where the investigation, hearing or other proceeding is held. The witness is to leave the place of investigation, hearing or other proceeding by the first available transportation after his dismissal.

(3) In computing the witness fee or the subsistence allowance, a fraction of a day will be considered as a whole day.

(4) Travel money at the rate of 7 cents per mile, not to exceed 100 miles, for actual travel from place of residence or place where subpoena was served to place at which the investigation, hearing or other proceeding was held. Travel money at the rate of 7 cents per mile, not to exceed 100 miles, is also allowed for the actual travel involved in return of witness to his place of residence, or if the subpoena was served at a place other than the witness's place of residence, to the place where said subpoena was served. All payments of travel money shall be computed on the basis of mileage by the shortest route. If a witness is unable to furnish funds for transportation charges, Government transportation requests may be issued for his transportation, at the lowest first class rate available, to and from the place of investigation, hearing or other proceeding, in which case the mileage allowance is not authorized.

(5) The fees provided in this section shall not apply in Alaska. In Alaska such witnesses are entitled to the witness fees and mileage prescribed for witnesses before the United States District Court in the judicial division in which the investigation, hearing or other proceeding is held, as set forth in 28 CFR 21.3.

(R. S. 4450; 49 Stat. 1544, 55 Stat. 244, as amended; 46 U. S. C. 239, 367, 50 U. S. C. 1275)

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

SUBPART 137.05—INVESTIGATING OFFICERS AND INVESTIGATIONS

1. Section 137.05–5 (a) (4) is amended to read as follows:

§ 137.05–5 *Investigating procedures.* (a) * * *

(4) If the investigating officer finds evidence of physical or mental incompetence he may accept surrender of a license or certificate until such time as the person produces a certificate from the U. S. Public Health Service setting forth what if any, mental or physical deficiencies are found to exist, from which it can be determined whether or not such surrendered license or certificate shall be restored. In an action in which the physical or mental condition of a person is in controversy, an order on application may be issued by an examiner requiring such person to submit to a physical or mental examination by a physician. The order may be made only on motion for good cause shown and upon notice to the party to be examined and shall specify the time, place, manner, conditions and scope of the examination and the person by whom it is to be made. If the person fails or refuses to submit to such duly ordered examination, the claim shall be taken to be established for the purposes of the action.

(R. S. 4450; 49 Stat. 1544, 55 Stat. 244, as amended; 46 U. S. C. 239, 367, 50 U. S. C. 1275)

SUBPART 137.09—HEARINGS

2. Part 137 is amended by adding two new §§ 137.09–27 and 137.09–28 reading as follows:

§ 137.09–27 *Preliminary motions.* After appearances have been entered and prior to the arraignment of the person charged for the taking of any testimony, preliminary motions or objections to the charges and specifications shall be heard and disposed of by the examiner.

(R. S. 4450; 49 Stat. 1544, 55 Stat. 244, as amended; 46 U. S. C. 239, 367, 50 U. S. C. 1275)

§ 137.09–28 *Correction of charges and/or specifications.* (a) It shall be the examiner's responsibility to examine the charges and specifications after appearances and prior to the arraignment of the person charged to determine their correctness as to form and legal sufficiency.

(b) The examiner may, on his own motion or on motion of investigating officer or person charged, permit the amendment of charges and specifications to correct harmless errors by deletion or substitution of words or figures: *Provided*, That a legal specification is left remaining. Broad and liberal discretion shall be exercised by examiners in permitting such amendments.

(c) When errors of substance are found in charges and specifications, the examiner shall propose that the defective charge or specification be withdrawn and suggest that the investigating officer prepare and serve on the person charged a new charge and specification. In order that the right of the person charged to due process shall be preserved, the examiner on motion may adjourn the proceedings or hearing to permit an adequate defense to the new charges and specifications. Errors of substance are those of such a nature which would either result in substantial prejudice to the rights of the person charged or in dismissal of the charges and specifications during the hearing or on appeal.

(R. S. 4450; 49 Stat. 1544, 55 Stat. 244, as amended; 46 U. S. C. 239, 367, 50 U. S. C. 1275)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

Part 160 is amended by adding new subparts 160.011, 160.016, 160.041, 160.042, and 160.043, which read as follows:

SUBPART 160.011—GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Sec.

160.011–1 Applicable schedules.
160.011–2 Types.
160.011–3 Requirements.
160.011–4 Inspections and tests.
160.011–5 Marking.
160.011–6 Procedure for approval.

SUBPART 160.016—LAMPS, SAFETY, FLAME, FOR MERCHANT VESSELS

160.016–1 Applicable specification.
160.016–2 Requirements.
160.016–3 Inspections and tests.
160.016–4 Marking.
160.016–5 Procedure for approval.

SUBPART 160.041—KITS, FIRST-AID, FOR MERCHANT VESSELS

160.041–1 Applicable specification and publication.
160.041–2 Type and size.
160.041–3 Construction and workmanship.
160.041–4 Contents.
160.041–5 Inspections and tests.
160.041–6 Marking.
160.041–7 Procedure for approval.

SUBPART 160.042—SKIDS, LIFE RAFT, FOR MERCHANT VESSELS

160.042–1 Applicable specification.
160.042–2 General requirements.
160.042–3 Construction.
160.042–4 Inspection.
160.042–5 Procedure for approval.

SUBPART 160.043—JACKKNIFE (WITH CAN OPENER) FOR MERCHANT VESSELS

160.043–1 Applicable specification and plan.
160.043–2 Type.
160.043–3 Materials.

Sec.
160.043-4 Construction and workmanship.
160.043-5 Inspections and tests.
160.043-6 Marking and packing.
160.043-7 Procedure for approval.

AUTHORITY: §§ 160.011-1 to 160.043-7 issued under R. S. 4405, 4488, and 4491; 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 481, 489, 1333, 50 U. S. C. 1275.

SUBPART 160.011—GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

§ 160.011-1 *Applicable schedules.* (a) The following schedules, of the issue in effect on the date respiratory protective devices are manufactured, form a part of this subpart:

(1) U. S. Bureau of Mines:

Schedule 13C, Procedure for Testing Self-Contained Breathing Apparatus for Permissibility.
Schedule 14E, Procedure for Testing Gas Masks for Permissibility.
Schedule 19A, Procedure for Testing Supplied-Air Respirators for Permissibility.

(b) Copies of the above schedules shall be kept on file by the manufacturer, together with the approved plans and certificate of approval issued by the Coast Guard.

§ 160.011-2 *Types.* (a) Respiratory protective devices specified by this subpart for use on merchant vessels shall be of three types, i. e., self-contained breathing apparatus, gas mask, or Type A supplied-air respirator (hose mask), all in accordance with the applicable schedules of the U. S. Bureau of Mines.

§ 160.011-3 *Requirements.* (a) The materials, construction, workmanship, and performance requirements are that the device shall have met the applicable requirements of, and be approved by, the U. S. Bureau of Mines. Respiratory protective devices are further considered by the Coast Guard relative to their suitability for use on shipboard, particularly with regard to the kind of protection afforded by the device as against the kind of hazards expected aboard ship, and with regard to the bulk and weight of the device as against shipboard conditions of limited space and arrangements of accommodations, ladders, scuttles, hatches, etc.

§ 160.011-4 *Inspections and tests.* (a) Respiratory protective devices are not inspected at regularly scheduled factory inspections by the Coast Guard. A pre-approval sample device is examined and may be tested with respect to its suitability for shipboard use.

§ 160.011-5 *Marking.* (a) No additional marking to that required by the U. S. Bureau of Mines for their approval is required by the Coast Guard.

§ 160.011-6 *Procedure for approval.* (a) *General.* Respiratory protective devices are approved for use on merchant vessels only by the Commandant, United States Coast Guard, Washington 25, D. C. Correspondence relating to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which such devices are manufactured.

(b) *Pre-approval sample and plan.* In order to apply for approval of a respiratory protective device for use on merchant vessels, submit one complete sample and one recharge (where used) together with four copies of an arrangement plan (parts drawings are not required) and of the approval label authorized by the U. S. Bureau of Mines, to the Commander of the Coast Guard District in which the device is manufactured, who will forward same to the Commandant for determination as to its suitability for use on merchant vessels.

SUBPART 160.016—LAMPS, SAFETY, FLAME, FOR MERCHANT VESSELS

§ 160.016-1 *Applicable specification.* (a) The following specification of the issue in effect on the date flame safety lamps are manufactured forms a part of this subpart:

(1) Military Specification:

MIL-L-1204, Lamps, Safety, Flame

(b) A copy of the above specification shall be kept on file by the manufacturer, together with the approved plan and certificate of approval issued by the Coast Guard.

§ 160.016-2 *Requirements.* (a) Flame safety lamps for use on merchant vessels shall comply with the construction requirements of Military Specification MIL-L-1204.

§ 160.016-3 *Inspections and tests.* (a) Flame safety lamps are not inspected at regularly scheduled factory inspections, but the Commander of the Coast Guard District in which the factory is located may detail an inspector at any time to visit any place where approved flame safety lamps are being manufactured to satisfy himself that they are being made in accordance with the requirements of this subpart.

§ 160.016-4 *Marking.* (a) Flame safety lamps shall be permanently and legibly marked with the name and address of the manufacturer and the type or model designation for the lamp.

§ 160.016-5 *Procedure for approval—*(a) *General.* Flame safety lamps are approved for use on merchant vessels only by the Commandant, United States Coast Guard, Washington 25, D. C. Correspondence relating to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which such devices are manufactured.

(b) *Pre-approval sample and plan.* In order to apply for approval of a flame safety lamp for use on merchant vessels, submit one complete sample, together with four copies of an arrangement plan (parts drawings are not required), together with a statement that the lamp meets the construction requirements of Military Specification MIL-L-1204, as amended, to the Commander of the Coast Guard District, who will forward same to the Commandant for determination as to its suitability for use on merchant vessels.

SUBPART 160.041—KITS, FIRST-AID, FOR MERCHANT VESSELS

§ 160.041-1 *Applicable specification and publication—*(a) *Specification.* The following specification, of the issue in effect on the date first-aid kits are manufactured, forms a part of this subpart:

(1) Federal specification:

GG-K-391, Kits (Empty), First Aid, Burn Treatment, and Snake Bite; and Kit Contents.

(b) *Publication.* The following publication, of the issue in effect on the date first-aid kits are manufactured, forms a part of this subpart:

(1) National Bureau of Standards Simplified Practice Recommendation:

No. R178-41, Packaging of First-aid Unit Dressings and Treatments.

(c) *Copies on file.* Copies of the above specification and publication shall be kept on file by the manufacturer, together with the approved plans and certificate of approval.

§ 160.041-2 *Type and size—*(a) *Type.* First-aid kits covered by this specification shall be of the watertight cabinet carrying type designated as Type II, Grade A, class B by Federal Specification GG-K-391. Alternate arrangements of materials meeting the performance requirements of this specification will be given special consideration.

(b) *Size.* First-aid kits shall be of a size (approximately 9" x 9" x 2½" inside) adequate for packing 24 standard single cartons (defined by National Bureau of Standards Simplified Practice Recommendations for Packaging of First-aid Unit Dressings and Treatments), or equivalent combinations of single, double, or triple cartons, the arrangement of the cartons to be such as to permit ready access to each item contained in the kit.

§ 160.041-3 *Construction and workmanship—*(a) *Construction.* The container shall be of substantial and rugged construction, with the body, handle, and all fittings of a corrosion-resistant material or suitably protected against corrosion. All ferrous metal employed shall be protected by hot dip galvanizing, or other equally effective means. The thickness of metal in the container shall be at least equal to 20 USSG and all seams and joints shall be welded or brazed. Either the body or the cover shall contain a gasket of molded rubber or other material which will give a suitable watertight seal, and the mating piece shall be flanged or turned to form an effective bearing surface. The cover shall be fastened to the body by two positive closed type pull-down snap fasteners on one edge, which together with two positive open type pull-down snap fasteners at the opposite edge, and one positive open type pull-down snap fastener at each of the other two edges, shall effectively hold the bearing surfaces together to provide the required watertight closure. The container shall be capable of being opened and reclosed watertight.

(b) *Handle.* A suitable carrying handle, approximately 3" x 1¼", of 0.125"

diameter steel wire, shall be securely mounted on the side or end of the body of the container, and be so arranged that when laid flat against the container it will not project beyond either the upper or lower edge, and shall provide ample finger clearance for carrying.

(c) *Cover fasteners.* The cover fasteners shall be of the pull-down, draw bolt type or equivalent and of sufficient size and strength for the purpose. The fasteners shall be so constructed as not to jar loose by vibration, but to permit easy and quick opening with one hand. There may be no sharp edges and all parts shall be adequately protected against corrosion.

§ 160.041–4 *Contents*—(a) *Individual cartons.* Cartons shall be of the standard commercial unit type referred to by Simplified Practice Recommendation R178–41, properly labeled to designate the name, size of contents, and method of use, and shall contain all information required by Federal and State laws. Each package shall be inclosed in a jacket of tough, transparent material, properly sealed, which shall meet the watertight requirements of § 160.041–5 (f). Each carton and the contents therein shall conform to the applicable requirements of Federal Specification GG–K–391. Medicinal products shall conform to the latest revision of the U. S. Pharmacopoeia. Vials for tablets shall not be made of glass.

(b) *Items.* The items contained in first-aid kit shall be as listed in table 160.041–4 (b).

TABLE 160.041–4 (b)—ITEMS FOR FIRST-AID KIT

| Item | Number per package | Size of package | Number of packages |
|---|---|---|---|
| Bandage compress—4" | 1 | Single | 5 |
| Bandage compress—2" | 4 | do | 2 |
| Waterproof adhesive compress—1" | 16 | do | 2 |
| Triangular bandage—40" | 1 | do | 3 |
| Eye dressing packet, ¼ ounce Opthalmic ointment, adhesive strips, cotton pads. | 3 | do | 1 |
| Bandage, gauze, compressed, 2 inches by 6 yards | 2 | do | 1 |
| Tourniquet, forceps, scissors, 12 safety pins | 1, 1, 1, and 12, respectively. | Double | 1 |
| Wire splint | 1 | Single | 1 |
| Ammonia inhalants | 10 | do | 1 |
| Iodine applicators (½ ml swab type) | 10 | do | 1 |
| Aspirin, phenacetin and caffeine compound, 6½ gr. tablets, vials of 20. | 5 | Double | 1 |
| Sterile petrolatum gauze, 3" x 18" | 4 | Single | 3 |

(c) *Instructions.* Instructions for the use of the contents of the first-aid kit shall be printed in legible type on a durable surface and shall be securely attached to the inside of the cover. The instructions for the use of the contents are as follows:

DIRECTIONS FOR THE USE OF THE FIRST-AID KIT

| *Item title* | *Remarks* |
|---|---|
| Ammonia inhalants | Break one and inhale for faintness, fainting, or collapse. |
| Aspirin, phenacetin, caffeine tablets | Chew up and swallow 2 tablets every three hours for headache, colds, minor aches, pains, and fever. Maximum of 8 in twenty-four hours. |
| Bandage compress, 4" and 2" | Apply as a dressing over wound. DON'T touch part that comes in contact with wound. |
| Bandage, gauze, compressed, 2" | For securing splints, dressings, etc. |
| Bandage, triangular, compressed | Use as arm sling, tourniquet, or for retaining splints or dressings in place. |
| Burn dressing | The petrolatum gauze bandage is applied in at least two layers over the burned surface and an area extending 2" beyond it. The first dressing should be allowed to remain in place, changing only the outer, dry bandage as needed, for at least 10 days unless signs of infection develop after several days, in which case the dressing should be removed and the burn treated as an infected wound. Watch for blueness or coldness of the skin beyond the dressing and loosen the dressing if they appear. |
| Compress, adhesive, 1" | Apply as dressing over small wounds. DON'T touch part that comes in contact with wound. |
| Eye patch | Apply as dressing over inflamed or injured eye. |
| Forceps | Use to remove splinters or foreign bodies. Don't dig. |
| Ophthalmic ointment | Apply in space formed by pulling lower eyelid down, once daily for inflamed or injured eyes. Don't touch eyeball with tube. |
| Splint, wire | Pad with gauze and mold to member to immobilize broken bones. Hold in place with bandage. Do not attempt to set the bone. |
| Tincture of iodine, mild | Remove protective sleeve, crush tube and apply swab end. DON'T use in or around eyes. |
| Tourniquet | For control of hemorrhage. Loosen for a few seconds every 15 minutes. |

§ 160.041–5 *Inspections and tests*—(a) *General.* First-aid kits specified by this subpart are not inspected at regularly scheduled factory inspections of production lots, but the Commander of the Coast Guard District in which the kits are manufactured may detail an inspector at any time to visit any place where approved kits are manufactured to check materials and construction methods and to conduct such examinations and tests as may be required to satisfy himself that the first-aid kits are being manufactured in accordance with the requirements of this subpart and in accordance with the manufacturer's plans and specifications approved by the Commandant.

(b) *Accelerated weathering.* The container without contents shall be exposed to ultra violet light and subjected to a spray of water for about 30 seconds every 20 minutes for 100 hours at 120° F. As an alternate to this test the container may be exposed to an ultra violet light for 100 hours at 130° F. without the water spray. There shall be no evidence of warping or deterioration as a result of this test.

(c) *Salt spray.* The container shall be exposed to a spray of 20% by weight of reagent grade sodium chloride at about 95° F. for 100 hours. There shall be no evidence of corrosion or disintegration of the material as a result of this test.

(d) *Temperature change.* The container shall be exposed to a temperature of 150° F. for one hour and then to a temperature of 30° F. below zero for one hour. There shall be no warping or deterioration of the gasket material as a result of this test.

(e) *Container watertightness.* After the completion of all other container tests, a closed empty container, lined with colored blotting paper, with the cover in a horizontal position and uppermost shall be submerged under a head of one foot of water for a period of two hours. At the end of this period the container shall be removed, opened, and examined for the presence of moisture. No seepage shall be allowed.

(f) *Carton watertightness.* Four cartons from each container tested shall be submerged under a head of one foot of water for a period of two hours. Upon opening the sealed wrappers there shall be no evidence of leakage of water.

§ 160.041–6 *Marking.* (a) Each approved first-aid kit shall be permanently marked with the following information: name of manufacturer, trade name, symbol, model number, or other identification used by the manufacturer, the Coast Guard Approval Number, and the words "FIRST-AID KIT." This information may be embossed on the container or may be applied by silk screen process, using a suitable paint and protected as necessary to withstand the required tests, or by other means shown to be acceptable.

§ 160.041–7 *Procedure for approval*—(a) *General.* First-aid kits for use in conjunction with lifesaving equipment on board merchant vessels are approved only by the Commandant, United States Coast Guard, Washington, D. C. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the kits are manufactured.

(b) *Manufacturer's plans.* In order to obtain approval, submit detailed plans showing fully the construction, material specification, arrangement, and list of contents to the Commander of the Coast Guard District in which the factory is

located. Each drawing shall have an identifying number, and date, and shall indicate the manufacturer's symbol, trade name, or other identification for the first-aid kit. At the time of selection of the pre-approval sample, the manufacturer shall furnish the inspector 4 copies of all plans and specifications, corrected as may be required, for forwarding to the Commandant.

(c) *Pre-approval sample.* After the first drawings have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the manufacturing facilities and methods and to obtain two samples, complete with contents, which will be forwarded, prepaid by the manufacturer, to the Commandant for the necessary conditioning and tests in accordance with § 160.041–5 to determine the suitability of the first-aid kit for use in conjunction with lifesaving equipment on board merchant vessels. The cost of the tests shall be borne by the manufacturer.

SUBPART 160.042—SKIDS, LIFE RAFT, FOR MERCHANT VESSELS

§ 160.042–1 *Applicable specification.* (a) The following specification, of the issue in effect on the date life raft skids are manufactured, forms a part of this subpart:

(1) Coast Guard Specification:

160.018, Life Rafts.

§ 160.042–2 *General requirements.* (a) The requirements of this subpart provide for a standard life raft skid for use on ocean and coastwise vessels in conjunction with the stowage of Type A rafts which may be used on such vessels.

(b) Life raft skids shall be constructed and arranged so as to properly support a Type A life raft in the stowed position and permit the launching of the life raft directly into the water without the application of any force other than that necessary to release the gripping arrangement and operate the release mechanism.

(c) Arrangements other than those specified by this subpart will be given special consideration.

§ 160.042–3 *Construction.* (a) The trackways of the skids shall be constructed of 6" x 3½" x ½" structural angles, or of material of approved shape and equivalent strength, inclined approximately 60 degrees from the horizontal. The trackways shall be spaced 8'–4" from the inside of the 3½" vertical leg of one trackway angle to the inside of the 3½" vertical leg of the other trackway angle. The inside of the 6" leg of the trackway angles shall form the skid surface for the life raft. The trackways shall be supported by a substantial structure suitable for stowing a Type A life raft at a 60-degree angle without having the raft project over the side of the vessel.

(b) The lower end of the life raft shall be supported by a base plate so arranged as to permit launching of the raft by a quick release assembly.

(c) All bearing surfaces of the quick release mechanism shall be constructed of non-corrosive metal. Alemite fittings shall be provided to insure positive lubrication of all bearing surfaces.

§ 160.042–4 *Inspection.* (a) Life raft skids covered by this subpart are not subject to inspection at the place of manufacture, but are inspected on the basis of this specification during the annual or other inspection of the vessel upon which they are placed.

§ 160.042–5 *Procedure for approval.* (a) Life raft skids are not subject to formal approval by the Commandant, but for each merchant vessel on which Type A life rafts are to be installed, plans showing the construction and arrangement of the life raft stowage and launching device on the vessel are required to be submitted for approval to the Commandant through the Commander of the Coast Guard District prior to the actual installation. Life raft skids should comply with the requirements of this specification in order to be acceptable for use in such installations.

(b) Correspondence pertaining to the subject matter of this specification should be addressed to the Commander of the Coast Guard District in which the skids are to be installed.

SUBPART 160.043—JACKKNIFE (WITH CAN OPENER) FOR MERCHANT VESSELS

§ 160.043–1 *Applicable Specification and Plan*—(a) *Specification.* The following specification, of the issue in effect on the date jackknives are manufactured, forms a part of this subpart:

(1) Federal Specification:

QQ–M–151, Metals; General Specification for Inspection of.

(b) *Plan.* The following plan, of the issue in effect on the date jackknives are manufactured, forms a part of this subpart:

(1) Coast Guard:

Dwg. No. 160.043–1 (b), Jackknife (With Can Opener).

(c) *Copies on file.* A copy of the above specification and reference plan shall be kept on file by the manufacturer, together with the approved plans and certificate of approval.

§ 160.043–2 *Type.* (a) The jackknife specified by this subpart shall be of a type as illustrated by Drawing No. 160.043–1 (b), which consists of a one-bladed knife fitted with a can opener and a shackle to which a lanyard is attached, all made from materials as specified in this subpart. Alternate arrangements will be given special consideration.

§ 160.043–3 *Materials* — (a) *Blade, can opener, and springs.* The blade shall be made of AISI Type 440B stainless steel, heat treated to show a Rockwell hardness of C55 to C59. The can opener shall be made of AISI Type 420 stainless steel, heat treated to show a Rockwell hardness of C50 to C54. The springs shall be made of AISI Type 420 stainless steel, heat treated to show a Rockwell hardness of C44 to C48.

(b) *Linings and center.* The linings and center shall be hard brass.

(c) *Bolsters and shackle.* The bolsters and shackle shall be 18 percent nickel-silver.

(d) *Handles.* The handles shall be good quality, thermosetting, high impact plastic.

(e) *Rivets and pins.* The rivets and pins shall be either hard brass or 18 percent nickel-silver as specified in this subpart.

(f) *Lanyard.* The lanyard shall be cotton rope, ⅛ inch nominal diameter.

§ 160.043–4 *Construction and workmanship*—(a) *Blade.* The blade shall be not less than 0.095 inch thick at the tang. Shall have a triangular section and sheeps foot point. It shall have a cutting edge approximately 3⅛ inches in length and shall be approximately 15/16 inch in height at the point. The blade shall be uniformly ground and finished on both sides and sharpened to a uniform and keen edge, and it shall have a common nail nick on one side. Before assembling, the sides of the tang shall be uniformly polished.

(b) *Can opener.* The can opener shall be not less than 0.072 inch thick at the tang, and 1 11/16 to 1 15/16 inches long overall. It shall be so designed that the cutting action turns the ragged edge down into the can, and shall be mounted at the same end of the knife as the blade and in such a manner that both rectangular and circular cans may be opened with a minimum of effort when the knife is held in the right hand and operated in a clockwise direction around the can. The cutting edge shall be suitably formed to obtain a smooth cutting action. It shall have a common nail nick on one side, and the extreme distal end shall be pointed. It shall be polished on both sides, and before assembling, the side of the tang shall be polished.

(c) *Springs.* Each spring shall be of a thickness corresponding to the blade it operates, and the back edge and that section of the front edge coming in contact with the end of the tang of the blade shall be polished.

(d) *Linings and center.* Linings and center shall be not less than 0.022 inch in thickness and shall be polished before assembly.

(e) *Bolsters.* The bolsters shall be approximately 9/16 inch long by 0.100 inch thick measured at the center line.

(f) *Shackle.* The shackle shall be of conventional design, not less than 0.120 inch in diameter, and shall extend not less than ¾ inch from the end of the knife. The shackle shall be attached to the knife by a solid nickel-silver pin not less than 0.080 inch in diameter which shall pass through the shackle and be securely fastened.

(g) *Handles.* The handles shall be approximately 3¾ inches long. They shall be well fitted at the bolsters and fastened to the linings by two solid rivets countersunk on the inside of the linings and smoothly rounded on the outside.

(h) *Rivets and pins.* Pins holding the handles to the linings shall be of hard brass, not less than 0.048 inch in diameter. Middle and end pins shall be of hard brass not less than 0.095 inch in diameter. The bolster rivet shall be 18 percent nickel-silver not less than 0.095 inch in diameter. All rivets and pins shall have carefully spun heads.

(i) *Lanyard.* A lanyard 6 feet in length shall be secured to the shackle.

(j) *Polishing and oiling.* After assembly all outside surfaces shall be buffed, and the metal parts polished uniformly. The working parts shall be cleaned and oiled with a good grade of joint oil.

(k) *Workmanship.* Workmanship shall be first class in all respects, and jackknives shall be free from defects which may affect their serviceability.

§ 160.043–5 *Inspections and tests—*(a) *General.* Jackknives are not ordinarily subjected to regularly scheduled factory inspections, but the Commander of the Coast Guard District in which they are manufactured may detail an inspector at any time to places where jackknives are manufactured to check materials and construction methods, and to conduct such tests as may be required to satisfy himself that jackknives are being manufactured in compliance with the requirements of this specification and the manufacturer's plans and specifications as approved by the Commandant. The manufacturer shall admit the inspector to his plant and shall provide a suitable place and the necessary apparatus for use of the inspector in conducting tests at the place of manufacture.

(b) *Hardness test.* Hardness of the blade, can opener, and spring metal shall be determined in accordance with the Rockwell method as described in Federal Specification QQ–M–151. Hardness impressions shall be made at locations representing the cutting edges and surfaces subject to wear, and they shall fall within the ranges set forth in § 160.043–3 (a).

(c) *Bending and drop tests.* With all of the blade of the knife except the tang clamped in vertical jaws so that the handle is in a horizontal position, a downward load of 15 pounds shall be suspended from the lanyard and allowed to hang for a period of 5 minutes. The knife shall then be turned over, and the test repeated with the can opener in the jaws. The knife shall then be dropped on its side from a height of 8 feet onto a concrete floor. Both the blade and the can opener shall open and close properly, and the knife shall show no other evidence of failure at the conclusion of these tests.

(d) *Cutting test.* The knife shall be used to cut various nonmetallic objects, including at least 10 shavings from a strip of oak or other hardwood, and to open various rectangular and circular cans, and shall show no noticeable loss in cutting ability.

§ 160.043–6 *Marking and packing—*(a) *General.* Jackknives specified by this subpart shall be stamped or otherwise permanently and legibly marked on the tang of the blade with the manufacturer's name or with a trade mark of such known character that the source of manufacture may be readily determined, and with the manufacturer's type or size designation.

(b) *Instructions for can opener.* With each jackknife the manufacturer shall supply instructions, complete with an illustration, indicating the proper method for using the can opener.

(c) *Packing.* Each jackknife, complete with lanyard attached, shall be packed in a heat-sealed bag of waterproof vinyl resin or polyethylene film not less than 0.004 inch in thickness. The bag shall be marked in a clear and legible manner with the Coast Guard approval number, the name and address of the manufacturer, and in letters not less than ¼ inch in height with the words, "JACKKNIFE (WITH CAN OPENER)". The instructions for use of the can opener as required by paragraph (b) of this section may also be printed on the bag.

§ 160.043–7 *Procedure for approval—*(a) *General.* Jackknives for use on merchant vessels are approved only by the Commandant, United States Coast Guard. Correspondence relating to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Pre-approval samples and plans.* Manufacturers who desire to manufacture approved jackknives shall submit to the Commander of the Coast Guard District in which the factory is located 4 sample jackknives, together with 4 copies of fully-dimensioned descriptive drawings, including an assembly drawing, drawings for each of the component parts, and a bill of materials for the knife.

(c) *Pre-approval tests.* The Commander of the Coast Guard District will forward the sample knives and drawings to the Commandant for examination and tests in accordance with § 160.043–5 (b) through (d) to determine compliance with this subpart and suitability of the jackknife for type or brand approval for use on merchant vessels.

Dated: May 16, 1950.

MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard,*
*Commandant.*

[F. R. Doc. 50–4296; Filed, May 19, 1950; 8:56 a. m.]

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# TITLE 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

### PART 516—RECORDS TO BE KEPT BY EMPLOYERS

On April 15, 1950, a notice of the proposed revision of this part was published in the FEDERAL REGISTER, and interested persons were given 15 days to submit written data, views, or arguments relative to the proposed changes. As indicated in the notice, the revision is designed to provide record-keeping requirements related to new provisions in the Fair Labor Standards Act added by the Fair Labor Standards Amendments of 1949, and to make some formal and editorial revisions in the existing regulations consisting for the most part in the elimination of footnotes and rearrangement of the order of the sections.

The notice also recited that the Wage and Hour Division plans a further overall review of the substantive requirements of the record-keeping regulations in the near future with a view to making them more effective in the light of enforcement experience and, wherever possible, to simplify and clarify their provisions both as to form and substance. In connection with such review, all interested persons will be afforded ample opportunity to be heard in connection with the formulation of any revised regulations.

The data, views and comments presented in response to such notice do not indicate a need for modification of the proposed regulations. In order, however, to conform with the language of the act, a change in the proposed wording of § 516.11 (c) (3) is necessary.

Therefore, the regulations contained in this part are revised to read as set forth in the notice of proposed rule making published in the FEDERAL REGISTER on April 15, 1950 (15 F. R. 2159), with the following modification: In § 516.11 (c) (3), the phrase "during each period of 52 consecutive weeks" is amended to read "during the specified period of 52 consecutive weeks."

INTRODUCTORY



SUBPART A—GENERAL REQUIREMENTS



SUBPART B—RECORDS PERTAINING TO EMPLOYEES SUBJECT TO MISCELLANEOUS EXEMPTIONS UNDER THE ACT; OTHER SPECIAL REQUIREMENTS

AUTHORITY: §§ 516.1 to 516.23 issued under sec. 11, 52 Stat. 1066; 29 U. S. C. 211.

SUBPART A—GENERAL REQUIREMENTS

INTRODUCTORY

§ 516.1 *Form of records.* (a) No particular order or form of records is prescribed by the regulations in this part. However, every employer who is subject to any of the provisions of the Fair Labor Standards Act of 1938, as amended (hereinafter referred to as the "act"), is required to maintain records containing the information and data required by the specific sections of this part.

(b) *Scope of regulations.* The regulations in this part are divided into two subparts. Subpart A contains the requirements applicable to all employers employing covered employees, including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum wage provisions of section 6 and the overtime pay provisions of section 7 (a) of the act apply. Since most covered employees fall within this category, employers, in most instances, will be concerned principally with the record-keeping requirements of Subpart A. Section 516.3 thereof contains the requirements relating to executive, administrative, professional, local retailing and outside sales employees.

Subpart B deals with the information and data which must be kept with respect to employees (other than executive, administrative, professional, local retailing and outside sales employees) who are subject to any of the exemptions provided in the act, and with special provisions relating to deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees in Puerto Rico and the Virgin Islands subject to more than one minimum wage. The sections in Subpart B require the recording of more, less or different items of information or data than required under the generally applicable recordkeeping requirements of Subpart A.

§ 516.2 *Employees subject to minimum wage and 40-hour week overtime provisions—sections 6 and 7 (a) of the act*—(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7 (a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed.

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay (only required for any week when overtime is worked and overtime excess compensation is due under section 7 (a) of the act), (ii) basis on which wages are paid (such as "90¢ hr"; "$7 day"; "$40 wk"), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment.

§ 516.3 *Bona fide executive, administrative, professional, local retail and outside sales employees as referred to in section 13 (a) (1) of the act*—(a) *Items required.* With respect to persons employed in a bona fide executive, administrative, professional or local retailing capacity or in the capacity of outside salesman, as defined in the regulations contained in Part 541 of this chapter, employers shall maintain and preserve records containing all the information and data required by § 516.2 (a) except subparagraphs (6) through (10) thereof, and, in addition thereto, the following:

(1) Basis on which wages are paid (this may be shown as "$300 mo."; "$75 wk."; or "on fee").

§ 516.4 (a) *Posting of notices.* Every employer employing any employees engaged in commerce or in the production of goods for commerce shall post and keep posted such notices pertaining to the applicability of the act, as shall be prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy on the way to or from their place of employment.

§ 516.5 *Records to be preserved three years.* (a) Each employer shall preserve for at least three years:

(1) *Pay-roll records.* From the last date of entry, all those pay-roll or other records containing the employee information and data required under any of the applicable sections of this part and

(2) *Certificates, agreements, plans, notices, etc.* From their last effective date, all written:

(i) Union agreements, under sections 7 (b) (1) or 7 (b) (2) of the act, and any amendments or additions thereto,

(ii) Plans, trusts, employment contracts, and collective bargaining agreements under section 7 (d) of the act,

(iii) Individual contracts or collective bargaining agreements under section 7 (e) of the act. Where such contracts or agreements are not in writing, a written memorandum summarizing the terms of each such contract or agreement,

(iv) Agreements under section 7 (f) of the act, and

(v) Certificates and notices listed or named in any applicable section of this part.

§ 516.6 *Records to be preserved two years*—(a) *Supplementary basic records.* Each employer required to maintain records under this part shall preserve for a period of at least two years:

(1) *Basic employment and earnings records.* From the date of last entry, all basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees or of separate workforces, or the individual employee's daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees,

(2) *Wage rate tables.* From their last effective date, all tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages or salary,

or overtime excess compensation, and

(3) *Work time schedules.* From their last effective date, all schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate workforces.

(b) *Order, shipping, and billing records.* Each employer shall also preserve for at least two years from the last date of entry the originals or true copies of any and all customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (other than "cash") which the employer retains or makes in the course of his business or operations.

(c) *Records of additions to or deductions from wages paid.* Each employer who makes additions to or deductions from wages paid shall preserve for at least two years from the date of last entry:

(1) Those records of individual employee accounts referred to in § 516.2 (a) (10),

(2) All employee purchase orders, or assignments made by employees, all copies of addition or deduction statements furnished employees, and

(3) All records used by the employer in determining the original cost, operating and maintenance cost, and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.

§ 516.7 *Place for keeping records and their availability for inspection*—(a) *Place of records.* Each employer shall keep the records required by the regulations in this part safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where such records are customarily maintained. Where the records are maintained at a central recordkeeping office, other than in the place or places of employment, such records shall be made available within 72 hours following notice from the Administrator or his duly authorized and designated representative.

(b) *Inspection of records.* All records shall be open at any time to inspection and transcription by the Administrator or his duly authorized and designated representative.

§ 516.8 (a) *Computations and reports.* Each employer required to maintain records under this part shall make such extension, recomputation, or transcription of his records and shall submit to the Wage and Hour Division such reports concerning persons employed and the wages, hours, and other conditions and practices of employment set forth in his records as the Administrator or his duly authorized and designated representative may request in writing.

§ 516.9 *Petitions for exceptions*—(a) *Submission of petitions for relief.* Any employer or group of employers who, due to peculiar conditions under which he or they must operate, desires authority to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period specified in the regulations in this part, may submit a written petition to the Administrator setting forth the authority desired and the reasons therefor.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary investigation supplementary thereto, the Administrator shall find that the authority prayed for, if granted, will not hamper or interfere with enforcement of the provisions of the act or any regulation or orders issued thereunder, he may then grant such authority but limited by such conditions as he may determine are requisite, and subject to subsequent revocation. Where the authority granted hereunder is sought to be revoked for failure to comply with the conditions determined by the Administrator to be requisite to its existence, the employer or groups of employers involved shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or the delay of the Administrator in acting upon such petition shall not relieve any employer or group of employers from any obligations to comply with all the requirements of the regulations in this part applicable to him or them. However, the Administrator shall give notice of the denial of any petition with due promptness.

§ 516.10 *Amendment of regulations*—(a) *Petitions for revision of regulations.* Any person wishing a revision of any of the terms of the regulations in this part with respect to records to be kept by employers may submit to the Administrator a written petition setting forth the changes desired and the reasons for proposing them.

(b) *Action on such petitions.* If upon inspection of the petition the Administrator believes that reasonable grounds are set forth for amendment of the regulations in this part, the Administrator shall either schedule a hearing with due notice to interested parties, or make other provisions for affording interested parties an opportunity to present their views, both in support of and in opposition to the petition.

SUBPART B—RECORDS PERTAINING TO EMPLOYEES SUBJECT TO MISCELLANEOUS EXEMPTIONS UNDER THE ACT; OTHER SPECIAL REQUIREMENTS.

§ 516.11 *Employees under certain union agreements who are partially exempt from overtime as provided in section 7 (b) (1) or 7 (b) (2) of the act*—(a) *Items required.* Every employer of employees who are employed:

(1) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than 1,040 hours during any period of 26 consecutive weeks as provided in section 7 (b) (1) of the act, or

(2) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall be employed not more than 2,240 hours during a specified period of 52 consecutive weeks and shall be guaranteed employment as provided in section 7 (b) (2) of the act,

shall maintain and preserve payroll or other records, with respect to each and every such employee, containing all the information and data required by § 516.2, except that with respect to paragraph (a) (9) thereof, the employer shall record daily as well as weekly overtime excess compensation.

(b) *Submission of copy of agreement to Washington.* The employer shall also keep as part of his records and, within 30 days after such collective bargaining agreement has been made, report and file a copy thereof with the Administrator at Washington, D. C. Likewise, the employer shall keep a copy of each amendment or addition thereto and within 30 days after such amendment or addition has been agreed upon, shall report and file a copy thereof with the Administrator at Washington, D. C.

(c) *Record of persons and periods employed under agreements.* The employer shall also make, keep and preserve a record, either separately or as a part of the pay roll:

(1) Listing each and every employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto,

(2) Indicating the period or periods during which the employee has been or is employed pursuant to an agreement under section 7 (b) (1) or 7 (b) (2) of the act, and

(3) Showing the total hours worked during any period of 26 consecutive weeks, if the employee is employed in accordance with section 7 (b) (1) of the act or during the specified period of 52 consecutive weeks, if employed in accordance with section 7 (b) (2) of the act.

§ 516.12 *Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7 (b) (3) of the act*—(a) *Items required.* With respect to employees employed pursuant to the partial overtime pay exemption for 14 workweeks provided in section 7 (b) (3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2, except that with respect to paragraph (a) (9) thereof, the employer shall record daily as well as weekly overtime excess compensation.

(b) *Establishment operation records.* The employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7 (b) (3) of the act.

(c) *Posting of notice of weeks* taken *under the 14 workweek exemption.* (1) In addition every employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning _____ and ending _____ in this pay period as a part of the 14 workweeks permitted under section 7 (b) (3) of the Fair Labor Standards Act, when overtime, at a rate of not less than time and one-half the regular hourly

rate, need only be paid for any hours worked over 12 hours a day and 56 hours a week.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Signed _____

Date _____

(2) On the date when employees are paid for any pay period involving a week or weeks during which the establishment operates under the 14 workweek partial overtime exemption provided in section 7 (b) (3) of the act, the employer shall prominently post that notice beside the pay window or the person paying the employees during all the time employees are being paid. Before posting the notice the employer shall make the appropriate notations in the blank spaces in the notice.

§ 516.13 *Employees exempt from overtime pay requirements during 14 workweeks pursuant to section 7 (c) of the act*—(a) *Items required.* With respect to employees employed pursuant to the total overtime pay exemption for 14 workweeks provided in section 7 (c) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a) (9) thereof.

(b) *Establishment operation record.* Every such employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7 (c) of the act.

(c) *Posting of notice of weeks taken under 14 workweek exemption.* (1) In addition, every such employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning _____ and ending _____ in this pay period as a part of the 14 workweeks permitted under section 7 (c) of the Fair Labor Standards Act during which overtime excess compensation, as provided in section 7 (a), is not due for overtime worked.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Signed _____

Date _____

(2) On the date when employees are paid for any pay period involving a week or weeks during which the establishment operates under the 14 workweek total overtime exemption provided in section 7 (c) of the act, the employer shall prominently post that notice beside the pay window or the person paying the employees during all the time employees are being paid. Before posting the notice the employer shall make the appropriate notations in the blank spaces in the notice.

§ 516.14 *Employees totally exempt from overtime pay requirements pursuant to section 7 (c) and sections 13 (b) (1), (2), (3), (4) and (5) of the act*—(a) *Items required.* Every employer operating under the complete exemption from the overtime pay requirements of section 7 (a) of the act as provided in sections 7 (c), 13 (b) (1), (2), (3), (4) and (5) of the act, shall maintain and preserve pay roll or other records, with respect to each and every employee to whom section 6 of the act applies but to whom neither section 7 (a) nor 7 (b) applies, containing all the information and data required by § 516.2 (a) except subparagraphs (6) and (9) thereof and, in addition thereto, the following:

(1) Basis on which wages are paid (such as "90¢ hr."; "$7 day"; $40 wk.").

§ 516.15 *Employees exempt from both the minimum wage and overtime pay requirements under section 13 (a) (2), (3), (4), (5), (6), (8), (9), (10), (11), (12), (13), (14), or (15) of the act*—(a) *Items required.* With respect to each and every employee covered by the act but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13 (a) (2), (3), (4), (5), (6), (8), (9), (10), (11), (12), (13), (14) or (15) of the act, employers shall maintain and preserve records containing the information and data required by subparagraph (1) through (4) of § 516.2 (a) and, in addition, thereto, the following:

(1) Place or places of employment.

§ 516.16 *Employees employed pursuant to a bona fide individual contract or a collective bargaining agreement and compensated in accordance with sections 6 and 7 (e) of the act*—(a) *Items required.* Every employer shall maintain and preserve pay roll or other records, with respect to each and every employee to whom both sections 6 and 7 (e) of the act apply, containing all the information and data required by § 516.2 (a) except subparagraphs (8) and (9) and, in addition thereto, the following:

(1) Total weekly guaranteed earnings,

(2) Total weekly compensation in excess of weekly guaranty,

(3) A written memorandum summarizing the terms of the bona fide individual contract or the agreement made as a result of collective bargaining by representatives of employees, pursuant to which the employee is employed, where such contract or agreement is not in writing.

§ 516.17 *Employees compensated for overtime work on the basis of the "applicable" piece rates or hourly rates as provided in sections 7 (f) (1) and 7 (f) (2) of the act*—(a) *Items required.* With respect to each and every employee compensated for overtime work in accordance with sections 7 (f) (1) or 7 (f) (2) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 (a) except subparagraphs (6) and (9) thereof and, in addition thereto, the following:

(1) (i) Each hourly or piece rate at which the employee is employed, (ii) basis on which wages are paid, and (iii) the amount and nature of each payment which, pursuant to section 7 (d) of the act, is excluded from the "regular rate."

(2) The number of overtime hours worked at each applicable hourly rate or the number of units of work performed at each applicable piece rate during the overtime hours.

(3) Total weekly overtime excess compensation at each applicable rate, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked.

(4) The date of the agreement or understanding to use this method of compensation and the period covered thereby. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to use this method of compensation a single notation of the date of the agreement or understanding and the period covered will suffice.

§ 516.18 *Employees compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7 (f) (3) of the act*—(a) *Items required.* With respect to each and every employee compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings in accordance with section 7 (f) (3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a) (6) thereof and, in addition thereto, the following:

(1) (i) The hourly or piece rates applicable to each type of work performed by the employee, (ii) the computation establishing the basic rate at which the employee is compensated for overtime hours. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to accept this method of compensation, a single entry of this computation will suffice, (iii) the amount and nature of each payment which, pursuant to section 7 (d) of the act, is excluded from the "regular rate."

(2) The date of the agreement or understanding to use this method of compensation and the period covered thereby. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to use this method of compensation a single notation of the date of the agreement or understanding and the period covered will suffice.

§ 516.19 *"Red caps" and other employees dependent on tips as part of wages*—(a) *Items required.* Supplementary to the provisions of any section of the regulations in this Part pertaining to the record to be kept with respect to such employees, every employer shall also maintain and preserve pay roll or other records containing the following additional information and data with respect to each and every employee employed in any occupation in the performance of which the employee receives tips or gratuities from third persons and which tips or gratuities are accounted for or turned over by the employee to the employer:

(1) Actual total hours worked each workday in those occupations in the performance of which the employee receives tips or gratuities from third persons,

(2) Actual total hours worked each workday in any other occupation,

(3) Total daily or weekly straight-time earnings segregated according to:

(i) Time paid for under subparagraph (1) of this paragraph, and

(ii) Time paid for under subparagraph (2) of this paragraph,

(iii) Tips or gratuities received and accounted for or turned over by the employee to the employer.

§ 516.20 *Learners, apprentices, messengers, or handicapped workers employed under special certificates as provided in section 14 of the act*—(a) *Items required.* With respect to persons employed as learners, apprentices, messengers or handicapped workers at subminimum hourly rates under Special Certificates pursuant to section 14 of the, act, employers shall maintain and preserve records containing the same information and data required with respect to other employees employed in the same occupation.

(b) *Segregation or designation on payroll and use of identifying symbol.* In addition, each employer shall segregate on his pay roll or pay records the names and required information and data with respect to those learners, apprentices, messengers and handicapped workers employed under Special Certificates. A symbol or letter shall also be placed before each such name on the payroll or pay records indicating that that person is a "learner," "apprentice," "messenger" or "handicapped worker" employed under a Special Certificate.

§ 516.21 *Industrial homeworkers*—(a) *Definition of industrial homeworker.* For purposes of this section, the term "industrial homeworker" means any person producing in or about a home, for an employer, goods from material furnished directly by or indirectly for such employer.

(b) *Items required.* Every employer who directly or indirectly distributes work to be performed by an industrial homeworker shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker (excepting those homeworkers in Puerto Rico to whom Parts 545 or 681 of this chapter apply or in the Virgin Islands to whom Part 695 of this chapter applies) engaged on work distributed directly by the employer or indirectly in his interest:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth if under 19,

(4) With respect to each lot of work issued:

(i) Date on which work is given out to worker, and amount of such work given out,

(ii) Date on which work is returned by worker, and amount of such work returned,

(iii) Kind of articles worked on and operations performed,

(iv) Piece rates paid,

(v) Hours worked on each lot of work returned,

(vi) Wages paid for each lot of work returned,

(vii) Deductions for Social Security taxes,

(viii) Date of wage payment and pay period covered by payment,

(5) With respect to each week:

(i) Hours worked each week,

(ii) Wages earned for each week at regular piece rates,

(iii) Extra pay due each week for overtime worked,

(iv) Total wages earned each week,

(v) Deductions for Social Security taxes,

(6) With respect to the agent, distributor, or contractor—the name and address of each such agent, distributor, or contractor through whom homework is distributed and name and address of each homeworker to whom homework is distributed by each such agent, distributor or contractor.

(c) *Homework handbooks.* In addition to the information and data required in paragraph (b) of this section, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each industrial homeworker employed in a home or outside a plant. The information required therein shall be entered by the employer or the person distributing homework on behalf of such employer each time work is given out to or received from an industrial homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the industrial homeworker until such time as the Wage and Hour Division may request it. Upon completion of the handbook (that is, no space remains for additional entries) or termination of the homeworker's services the handbook shall be returned to the employer for preservation in accordance with the regulations in this part. A separate record and a separate handbook shall be kept for each individual performing work in or about a home.

§ 516.22 *Additional records required when additions or deductions are made to or from wages for "board, lodging, or other facilities" customarily furnished to employees.* (a) In addition to keeping other records required by the regulations in this Part, an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in section 3 (m) of the act) furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" to his employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility. Separate records of the cost of each item furnished to an employee need not be kept. The requirement may be met by keeping combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise furnished through a company store or commissary. Thus, in the case of an employer who furnishes housing, separate cost records need not be kept for each house. The cost of maintenance and repairs for all the houses may be shown together. Original cost and depreciation records may be kept for groups of houses acquired at the same time. Costs incurred in furnishing similar or closely related facilities, moreover, may be shown in combined records. For example, if joint costs are incurred in furnishing both housing and electricity and the records are not readily separable, the housing and electricity together may be treated as a "class" of facility for record-keeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility and the records may show the cost of the operation of the store as a whole, or records showing the cost of furnishing the different kinds of merchandise may be maintained separately. Where cost records are kept for a "class" of facility rather than for each individual article furnished to employees, the records must also show the gross income derived from each such class of facility; i. e. gross rentals in the case of houses, total sales through the store or commissary, total receipts from sales of fuel, etc.

Such records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in Part 531 of this chapter, and shall contain the data required to compute the amount of the depreciated investment in any assets allocable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets. If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

No particular degree of itemization is prescribed. The amount of detail shown in these accounts should be consistent with good accounting practices, and should be sufficient to enable the administrator or his representative to verify the nature of the expenditure and the amount by reference to the basic records which must be preserved pursuant to § 516.6 (c) (3).

(b) If additions to or deductions from wages paid (i) so affect the total cash wages due in any workweek (even though the employee actually is paid semi-monthly) as to result in the employee receiving less in cash than the minimum hourly wage provided in section 6 of the act or in an applicable wage order, or (ii) if the employee works in excess of 40 hours a week and (*a*) any addition to the wages paid are a part of his wages, or (*b*) any deductions made are claimed as allowable deductions under section 3 (m) of the act, the employer shall maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under section 3 (m) and which need not be maintained on a workweek basis, see §§ 777.13–777.15 of Part 777 of this chapter.)

§ 516.23 *Employees under more than one minimum hourly rate (applicable only in Puerto Rico and the Virgin Islands)*—(a) *Additional items required.* An employer of any employees subject

to different minimum wage rates of pay, one or more of which has been established by a wage order, who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data required to be kept with respect to them by any applicable section of the regulations in this part, maintain and preserve pay roll or other records containing the following information and data with respect to each of those employees:

(1) The minimum rate of pay required to be paid for each type of goods upon which each such employee has worked,

(2) The total hours or fractions thereof worked each workweek on work covered by each different applicable minimum rate of pay,

(3) Each type of goods and products upon which the employee has worked at a different applicable minimum rate of pay,

(4) The piece rate, if any, for each operation on each type of goods upon which the employee has worked at a different applicable minimum rate of pay and the number of pieces worked upon at such piece rates,

(5) The total week's piece-work earnings, if any, on each type of goods and products upon which the employee has worked at different minimum rates of pay,

(6) The lot number of each type of goods upon which the employee has worked,

(7) The total wages due the employee at straight-time for the hours worked on each type of goods and products to which is applicable a different minimum rate of pay, including any amounts earned in excess of the applicable minimum rate of pay.

(b) *Continuity of such records.* Every employer who keeps records in accordance with the provisions of paragraph (a) of this section must keep such records continuously. If he ceases or fails to do so in any workweek he may not resume the keeping of such records in such detail for a period of at least two months after the cessation date and then only after written notice of such resumption has been given by him to the Wage and Hour Division.

(c) *Records of workers whose work cannot be segregated.* The provisions of paragraphs (a) and (b) of this section shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated (such as clerical and maintenance employees), and who are, therefore, not subject to different minimum rates of pay.

The above revision shall become effective on June 19, 1950.

Signed at Washington, D. C., this 17th day of May 1950.

WM. R. MCCOMB,
*Administrator.*

[F. R. Doc. 50-4300; Filed, May 19, 1950; 8:47 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

ADDRESS OF MAIL MATTER

Amend § 35.10 *Address of mail matter* (39 CFR 35.10) by adding a new paragraph (i) to read as follows:

(i) *Use of duplicate sales slips as address labels.* (1) The use of duplicate (carbon copy) sales slips as address labels on mail matter has become widespread among large mailers, particularly department stores. Many parcels bearing carbon copy sales slips as address labels have to be returned to senders, some from long distances, because addresses are illegible.

(2) The following instructions are a guide to mailers using this system:

(i) Paper used for the address label must be of a grade suitable for the purpose and either white or of a light tint to permit ease of reading.

(ii) The address label should be designed to allow maximum space for name and address of addressee and arranged in the customary manner with the return address in the upper left corner. The addressee's street address, box number, or the number of his rural route should be placed under his name and above the name of the post office to facilitate the reading of the address during distribution of the mail.

(iii) The pledge of sender to pay forwarding or return postage should be printed below the return card and extraneous printed matter, such as "Dept.," "Sold by," "How sold," etc., should not appear on the label.

(iv) Carbon paper used in connection with the preparation of sales slips used as address labels should be of a quality that will not smudge easily but make a legible copy. This feature should be given particular attention by users as complaints against the system have for the most part stemmed from the fact carbon addresses smudge and cause difficulty in reading them. One development of interest in the search for an agent to overcome the smudge feature revealed that a liquid plastic sprayed over carbon copy after its preparation eliminated the likelihood for smearing.

(R. S. 161, 396, 3921, sec. 24, 20 Stat. 361, sec. 2, 33 Stat. 440, secs. 12, 13, 39 Stat. 162, sec. 5, 41 Stat. 583, secs. 304, 309, 42 Stat. 24, 25, sec. 206, 43 Stat. 1067, sec. 6, 45 Stat. 941, 46 Stat. 264, 526, 62 Stat. 781, 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250, 273, 291, 291a, 295, 365, 370)

[SEAL] J. M. DONALDSON,
*Postmaster General.*

[F. R. Doc. 50-4286; Filed, May 19, 1950; 8:45 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LIST, FOR INFORMATION ONLY, OF TREATIES, AGREEMENTS AND ARRANGEMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of May 1950;

The Commission having under consideration the Appendix to Part 2 of its rules and regulations; and

It appearing, that the proposed editorial changes are not substantive and do not in any way affect the requirements of any of the Commission's rules and regulations; that said changes consist of corrections of typographical omissions, information as to the availability of certain of the final acts of the Atlantic City Telecommunications Conferences at the Government Printing Office and bringing up to date the explanatory note with reference to such final acts; and

It further appearing that because of the editorial and informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons.

*It is ordered*, That, effective immediately, the Appendix to Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 30)

Released: May 15, 1950.

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

1. Insert the letter "A" after "Appendix" in title, so as to read: Appendix A—Laws, Treaties, Agreements and Arrangements Relating to Radio.

2. Insert the number "142" after "E. A. S." with regard to the 1938 treaty concerning radiocommunications between Alaska and British Columbia.

3. Delete paragraph 5, the information with respect to TIAS 1901 appearing in the third column.

4. Substitute therefor the following:

International Telecommunications Convention, Final Proctocol, and Radio Regulations. Signed at Atlantic City, October 2, 1947. Convention effective January 1, 1949, replacing the Madrid Convention of 1932, T. S. 767. The Radio Regulations (replacing the Radio Regulations of Cairo, T. S. 948) came into effect on January 1, 1949, except for the table of allocation of frequencies covering bands below 27,500 kc and certain specified articles—see Article 47—which shall come into force upon the effective date of a new engineered International Frequency List,

as determined by the Extraordinary Radio Conference scheduled for September 1, 1950. However, all or any portion of the band 150–2850 kc, may come into force in Region 2 on or after January 1, 1949, in accordance with special arrangements agreed upon by the interested countries of that Region. (This printing does not contain the Additional Radio Regulations since the United States is not a party thereto. Copies of the Final Acts of Atlantic City which include the Additional Radio Regulations are available only through the International Telecommunication Union, Geneva, Switzerland.)

[F. R. Doc. 50–4303; Filed, May 19, 1950; 8:49 a. m.]

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[Docket No. 8913]

## PART 8—SHIP RADIO SERVICE

## PART 13—COMMERCIAL RADIO OPERATORS

### MISCELLANEOUS AMENDMENTS

On April 5, 1948 (13 F. R. 2000), the Commission released a notice of proposed rule making which set forth proposed rules to govern licensed operator requirements for ship radar stations licensed in the Ship Service. On October 22, 1948 (13 F. R. 6357) the Commission published a further notice of proposed rule making modifying the initially proposed rules and designating the matter of the proposed rules for public hearing and oral argument. On January 24 and 25, 1949, and on September 19 and 20, 1949, a hearing and oral argument were held before the Commission en banc in which representatives of interested manufacturers and users of ship radar equipment and labor unions, as well as members of the Commission's staff, participated.

The operator problem in regard to ship radar stations is comprised of two major aspects, viz, the interference aspect and the safety and navigation aspect. Except possibly in one comparatively narrow aspect, the proposal in Docket 8913 expressly limited itself to dealing directly with only the interference aspect of the ship radar operator problem. Accordingly, this report and order does not purport to dispose directly of the safety and navigational aspect of the ship radar operator problem. This aspect of the problem will continue to be under consideration by the Commission.

The proposed rules as designated for hearing consisted of three main parts:

(a) The normal operation of ship radar stations would be permitted to be performed by a limited class of unlicensed persons.

(b) Installation, servicing and maintenance of the ship radar station would be required to be performed by persons either licensed as radio operators or performing such duties under the immediate supervision and responsibility of a licensed operator with the exception that replacement of "receiving type" tubes and fuses would be permitted to be performed by unlicensed persons on their own responsibility. The licensed operator would be required to possess either a radiotelephone or radiotelegraph, first or second class license bearing a "radar endorsement" on its face. The "radar endorsement" would be issued after ascertainment of the operator's specialized knowledge of radar.

(c) The third part of the proposed rules contained provisions designed to insure, in any event, the continuing responsibility and control of the ship radar station by the station licensee.

The first and third portions of the proposed rules aroused no controversy. The principle of the second portion of the proposed rules, however, engendered comment which to a large extent was generally adverse in nature, and the testimony in the hearing and oral argument in Docket 8913 was, accordingly, directed primarily, and almost solely, to the question of the desirability, from the standpoint of preventing interference, of the proposed requirement of a licensed operator in connection with the installation, servicing, and maintenance of the ship radar station.

The testimony adduced at the hearing showed no substantial conflicts with respect to the interference potentialities of ship radar stations using equipment capable of type approval under the existing rules and dependent upon a pulse type, non-tunable magnetron for the generation of the radio frequency to be transmitted.

It appears from the testimony that mutual interference between ship radar stations is inconsequential in that it is unlikely to occur except under circumstances in which there are a number of ship radar stations operating in close proximity to each other. If such interference does occur, it will not be of a type which is harmful or destructive in that a person trained to read the radar scope would be able to recognize the interference for what it was and probably able also to read the scope accurately despite such interference. There was no testimony dealing directly with the question whether or not installation or maintenance of the radar would have any effect on the production or prevention of this kind of interference.

Interference by ship radar stations to non-radar electronic facilities authorized to operate on frequencies in bands adjacent to the authorized frequency being used by the particular radar, likewise does not appear to present an existing interference problem of any substance. This conclusion seems to be applicable whether or not such non-radar electronic facilities are located aboard the ship carrying the radar. It was the unvarying testimony of all witnesses, both Commission and Industry, that the inherent frequency stability characteristics of the type approved radar employing a pulse type non-tunable, magnetron are such that the probability of its off-frequency operation is very small. It did appear from the testimony, however, that sèvere physical impact to the primary frequency determining component of the radar, viz, the magnetron might cause some frequency shift. The degree of interference, from the standpoint of its being harmful, which might be caused by such a frequency shift seemed to be questionable. If such interference did occur, it could apparently affect only the new microwave point-to-point systems, and its actual occurrence would depend upon an improbable concurrence of two certain conditions in addition to the first condition that the magnetron be operating outside of its authorized frequency band. There was further testimony, however, showing the shock-resistant qualities built into all pulse type non-tunable magnetrons presently capable of type approval, as well as testimony to the effect that in the event of a frequency shift by the magnetron of any considerable degree, the magnetron would destroy itself within a very short space of time, and no longer be capable of causing any interference. No testimony was introduced showing any connection between installation, servicing and maintenance and the production or prevention of this type of interference, except that a person performing such duties at the radar might damage the magnetron by carelessly dropping or striking it.

Interference by the radar to non-radar electronic facilities aboard the same ship authorized to be operated on frequencies well removed from the authorized frequency of emission of the particular radar seemed to raise the most substantial question of connection between such interference and installation, servicing and maintenance of the radar. However, even in this regard there did not appear to be any conflicts of evidence. If a presently type approved radar employing a pulse type non-tunable magnetron is not properly installed, such interference will occur. If such a type approved radar is properly installed, such interference will not occur so long as the conditions of proper installation continue to exist. The conditions of a proper installation may deteriorate or become maladjusted in which case such interference may occur.

With regard to the matter of the installation (aside from servicing and maintenance) of ship radar stations, it is clear from the testimony that persons who install ship radar stations must possess certain minimum qualifications in order that a proper installation be accomplished. This is particularly true in view of the fact that it appeared from the testimony that installations in order to be "proper" must be accommodated to the particular circumstances of each ship.

With regard to the matter of service and maintenance of ship radar stations, it is likewise clear from the testimony that some service and maintenance duties are of such complex nature that only technically competent persons may perform such duties. Other servicing and maintenance duties may be performed by persons with no great degree of technical skill. Adequate service and maintenance is related to the prevention of interference insofar as it is directed to the preservation and restoration of those original conditions of installation which were necessary to prevent interference. Such conditions seem to be concerned primarily with the filtering, bonding and shielding of the radar equipment.

In view of the foregoing, the Commission considers that there is no doubt

but that, in order to prevent interference, persons who perform the installation of and certain servicing and maintenance duties at ship radar stations must possess a minimum level of technical competence. The Commission, therefore, considers that the question of the desirability of a licensed operator requirement raised in Docket 8913 is essentially a question as to whether the Commission should through its operator licensing powers seek to insure that such persons possess the necessary qualifications.

In resolving this question the Commission must be guided by the provisions of section 318 of the Communications Act of 1934, as amended. This section obviously contemplates that the normal pattern for licensed radio stations should include licensed radio operators, despite the grant to the Commission under the terms of section 318 of a limited discretion to dispense with the licensed radio operator requirement in certain cases.

In promulgating the proposed rules under consideration, the Commission has undertaken to exercise its discretion to waive within certain prescribed limits the statutory operator requirement so far as concerns the normal operation of ship radar stations, and the rules herein ordered finalize this portion of the proposals. This action recognizes the status of shipboard radar as an aid to navigation and will, it is believed, facilitate to a very large extent the use of ship radar stations while at the same time serving the interference-prevention purpose of the ship radar operator rules. Such action is in line with previous similar Commission actions permitting the normal operation of certain other types of licensed mobile radio stations to be performed by unlicensed persons in cases where the equipment is so designed that such operation does not involve any physical act which may result in unauthorized radiation.

With regard to the matter of installation, servicing and maintenance, the Commission is unable to find that the public interest, convenience and necessity would be served by a waiver of the statutory requirement of a licensed operator to perform these functions except to the extent heretofore proposed and herein ordered.

As has been pointed out above in this document, there is a clear connection between the prevention of interference by ship radar stations and the manner of performance of installation, servicing and maintenance of such stations. The Commission's present structure of operator licensing requires, without exception, in such cases that adjustments or tests during or coincident with the installation, servicing or maintenance of the licensed radio equipment shall be performed by or under the immediate supervision and responsibility of a licensed radio operator. An adequate showing was not made as to why exceptional provision should be made in this regard for ship radar stations.

A suggested comparison of ship radar stations with other aids to navigation not licensed by the Commission as radio stations is regarded as invalid to the extent that the above-mentioned statutory operator requirement factor is involved. The series of objections expressed to a licensed operator requirement on the grounds that an artificial inflexibility is thereby imposed in employing installation and maintenance personnel, that the mere possession of a license document does not insure the competency of the licensed operator, and that as a matter of self-interest only appropriately qualified persons would be used to perform the tasks involved, all appear, so far as they may have merit, to be disabilities which are inherent in any system of operator licensing and are, therefore, believed to be foreclosed to a large degree by the congressional determination in this regard as embodied in section 318 of the act. Certainly, the Commission may not undertake, as impliedly suggested by the self-interest argument, to delegate elsewhere its specific statutory responsibility for assuring itself as to the qualifications of persons who, by the nature of the radio operating functions performed, must acknowledgedly possess a considerable degree of technical competence. Further, although the reliability of the means proposed to achieve this assurance has been questioned, a system of operator licensing is the means presently provided under the Communications Act and has been traditionally provided for that purpose by Congress since the Radio Act of 1912 (Public Law No. 264, 62d Congress). It is believed that the requirement of a "radar endorsement" in conjunction with an operator license of at least the second class, either radiotelephone or radiotelegraph, is an appropriate exercise of the Commission's operator licensing authority. As more than a general proposition, the Commission is of the opinion that these requirements will tend to insure the possession by ship radar operator licensees of both the general knowledge of radio and the specialized knowledge of radar considered necessary to enable such licensees to perform their functions properly. Although admittedly such operator requirements limit somewhat flexibility in the selection and use of installation and maintenance personnel, it is believed that the operator waiver herein ordered for normal operation and certain types of maintenance of ship radar stations minimizes this objection to an extent consistent with the Commission's statutory responsibilities.

In view of the foregoing considerations and determinations, the Commission finds that the public interest, convenience and necessity will be served by the adoption of the rules herein ordered. Accordingly, pursuant to the authority of sections 303 (f), (g), (l), (r) and 318 of the Communications Act of 1934, as amended, *It is ordered*, This 11th day of May 1950, that:

1. The foregoing report is adopted.

2. The rules set forth below are adopted and shall become effective on the dates specified therein.

Released: May 12, 1950.

NOTE: Commissioners Hyde, Webster and Jones dissenting; Commissioner Webster filing a separate dissenting opinion (#48604) attached to the original document.

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

Part 8 of the Commission's rules governing ship service and Part 13 governing commercial radio operators are amended as follows:

1. Section 8.195 is amended by adding thereto a new paragraph (o) reading as follows:

(o) *Radio operator requirements.*[1] (1) No radio operator license is required for the operation on board ship, during the course of normal rendition of service, of ship radar stations licensed in the ship service: *Provided*, That the following conditions are met or provided for by the licensee of the station:

(i) The radar equipment shall employ as its frequency determining element a nontunable, pulse-type magnetron.

(ii) The radar equipment shall be capable of being operated during the course of normal rendition of service in accordance with the radio law and the rules and regulations of the Commission by means of exclusively external controls, and

(iii) Operation during the course of normal rendition of service pursuant to this subparagraph, must be performed exclusively by the master of the radar-equipped ship or by one or more other persons responsible to him and authorized by him to do so.

(2) All adjustments or tests during or coincident with the installation, servicing, or maintenance of the equipment while it is radiating energy must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, radiotelephone or radiotelegraph, containing a ship radar endorsement, who shall be responsible for the proper functioning of the equipment in accordance with the radio law and the Commission's rules and regulations and for the avoidance and prevention of harmful interference from improper transmitter external effects: *Provided, however*, That nothing in this subparagraph shall be construed to prevent persons not holding such licenses or not holding such licenses so endorsed from making replacements of fuses or of receiving-type tubes.

(3) Nothing in this paragraph shall be construed to change or diminish in any respect the responsibility of any ship radar station licensee for having and maintaining control over the station licensed to him, or for the proper functioning and operation of such station in accordance with the terms of the station license.

2. Section 8.195 of Part 8 is further amended by adding thereto a further new paragraph (p) reading as follows:

(p) *Installation and maintenance record.*[1] (1) The station licensee of each ship radar station shall provide and require to be kept at the station a permanent installation and maintenance

[1] Effective January 2, 1951.

record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, but the station licensee shall have joint responsibility with the responsible operator concerned for the faithful and accurate making of such entries as are required by this paragraph.

(2) Each entry in this record shall be personally signed by the responsible operator concerned.

(3) The following entries shall be made in this record:

(i) The date and place of initial installation.

(ii) Any necessary steps taken to remedy any interference found to exist at the time of such installation.

(iii) The nature of any complaint (including interference to radio communication) arising subsequent to initial installation, and the date thereof.

(iv) The reason for the trouble leading to the complaint, including the name of any component or component part which failed or was misadjusted.

(v) Remedial measures taken, and the date thereof.

(vi) The name, license number, and date of the ship radar operator endorsement on the first or second class radio operator license of the responsible operator performing or immediately supervising the installation, servicing, or maintenance.

3. Section 8.195 (b) of Part 8 is amended to read as follows:

(b) *Application for license and condition of issuing licenses.*[2] (1) Applications for ship radar station licenses shall be made in accordance with the provisions of Part 1 of the Commission's rules and regulations.

(2) Any license issued shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

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

4. Section 13.21 of Part 13 is amended by adding thereto a new examination element to read as follows:

8. *Ship radar techniques.*[3] Specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes.

5. Section 13.61 is amended by adding to paragraphs (a), (b), (d) and (e) new exceptions numbered (5),[1] (6),[2] (3)[1] and (8)[1] respectively to read in each instance as follows:

At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided*, That nothing in this sub-paragraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

6. Section 13.61 is further amended by adding to paragraphs (c) and (f) new exceptions numbered (6)[1] and (7),[3] respectively, to read in each instance as follows:

At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided*, That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes.

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

[F. R. Doc. 50-4302; Filed, May 19, 1950; 8:48 a. m.]

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## PART 12—AMATEUR RADIO SERVICE

### EXAMINATION POINTS FOR RADIO OPERATOR LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of May, 1950;

The Commission having under consideration the necessity of amending the Appendix to Part 12 of the rules and regulations to reflect certain changes in its list of points at which examinations for radio operator licenses may be taken; and

It appearing, that since the proposed amendment is concerned with agency procedure and practice, in designation of the points at which such examinations may be taken and the frequency of examination at each point, publication of the notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not necessary; and

It further appearing, that authority for the proposed amendment is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

*It is ordered*, That effective June 3, 1950, the Appendix to Part 12 of the Commission's rules and regulations, be, and it is hereby amended, as set forth below.

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

Released: May 15, 1950.

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

EXAMINATION POINTS

1. Delete Cleveland, Ohio, from and add Mobile, Alabama, to the list of points at which examinations are given by appointment.

2. Delete the list of points at which examinations are given quarterly, semiannually, and annually, and substitute the following list therefor:

QUARTERLY POINTS

| | |
|---|---|
| Birmingham, Ala. | Milwaukee, Wis. |
| Charleston, W. Va. | Nashville, Tenn. |
| Cincinnati, Ohio. | Oklahoma City, Okla. |
| Cleveland, Ohio. | Omaha, Nebr. |
| Columbus, Ohio. | Phoenix, Ariz. |
| Corpus Christi, Tex. | Pittsburgh, Pa. |
| Davenport, Iowa. | St. Louis, Mo. |
| Des Moines, Iowa. | Salt Lake City, Utah. |
| Fort Wayne, Ind. | San Antonio, Tex. |
| Fresno, Calif. | Schenectady, N. Y. |
| Grand Rapids, Mich. | Sioux Falls, S. Dak. |
| Indianapolis, Ind. | Syracuse, N. Y. |
| Jackson, Miss. | Tulsa, Okla. |
| Knoxville, Tenn. | Williamsport, Pa. |
| Little Rock, Ark. | Winston-Salem, N. C. |
| Memphis, Tenn. | |

SEMIANNUAL

| | |
|---|---|
| Albuquerque, N. Mex. | Louisville, Ky. |
| Amarillo, Tex. | Manchester, N. H. |
| Bakersfield, Calif. | Marquette, Mich. |
| Bangor, Maine. | Portland Maine. |
| Boise, Idaho. | Roanoke, Va. |
| Butte, Mont. | Spokane, Wash. |
| El Paso, Tex. | Tallahassee, Fla. |
| Hartford, Conn. | Tucson, Ariz. |
| Hilo, Hawaii, T. H. | Wichita, Kans. |
| Jacksonville, Fla. | Wilmington, N. C. |
| Jamestown, N. Dak. | Wailuku, Maui, T. H. |
| Lihue, Kauai, T. H. | |

ANNUAL

| | |
|---|---|
| Billings, Mont. | Rapid City, S. Dak. |
| Cumberland, Md. | Reno, Nev. |
| Klamath Falls, Oreg. | Springfield, Mo. |
| Las Vegas, Nev. | |

LIST OF RADIO DISTRICTS

1. Add to Item No. 8 the following:

Sub-Office,
324 U. S. Courthouse and Customhouse,
Mobile 10, Ala.

2. Change Item No. 17 to read:

3200 Fidelity Building,
911 Walnut Street,
Kansas City 6e, Mo.

3. Delete from Item No. 19 reference to Cleveland, Ohio sub-office.

[F. R. Doc. 50-4304; Filed, May 19, 1950; 8:49 a. m.]

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[1] Effective January 2, 1951.
[2] Effective June 1, 1950.
[3] Effective at a date to be announced after June 1, 1950, but prior to January 2, 1951.

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[S. O. 850-A]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of May A. D. 1950.

Upon further consideration of Service Order No. 850 (15 F. R. 2878) and good cause appearing therefor: It is ordered that:

Section 95.850 *Demurrage on cars held under load at Great Lakes ports*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 7:00 a. m., May 20, 1950; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-4336; Filed, May 19, 1950; 8:53 a. m.]

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[Rev. S. O. 562, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of May A. D. 1950.

Upon further consideration of the provisions of Revised Service Order No. 562 (14 F. R. 2697), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 562 be, and it is hereby, further amended by substituting the following paragraph (d) of § 97.562, *Rerouting of freight traffic and empty cars; appointment of agent*, for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., May 25, 1941, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*It is further ordered*, That this amendment shall become effective at 11:59 p. m., May 25, 1950; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485, secs. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-4337; Filed, May 19, 1950; 8:53 a. m.]

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# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR, Part 924 ]

[Docket No. AO-225]

HANDLING OF MILK IN DETROIT, MICH., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Highland Park Y. W. C. A., 13130 Woodward Avenue, Highland Park, Michigan, beginning at 10:00 a. m., e. s. t., June 5, 1950.

The public hearing is for the purpose of receiving evidence with respect to a proposed marketing agreement and order regulating the handling of milk in the Detroit, Michigan, marketing area, the provisions of which are hereinafter set forth, and any modifications thereof. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order and any modification thereof. The provisions of the proposals for a marketing agreement and order heretofore filed with the undersigned, are as follows:

Marketing agreement and order proposed by the Michigan Milk Producers Association, Detroit, Michigan:

DEFINITIONS

§ 924.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 924.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 924.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 924.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area" hereinafter called the "marketing area" means all of Wayne and Macomb counties, including all municipalities therein; all of Oakland County, and municipalities therein, except Holly, Groveland, and Brandon townships; Ash, Berlin, Exeter, and London townships, including municipalities therein, in Monroe County; Ann Arbor, Augusta, Salem, Scio, Superior, and Ypsilanti townships and municipalities therein, in Washtenaw County; all of St. Clair County and municipalities therein, except the townships of Berlin, Brockway, Emmett, Greenwood, Kenockee, Lynn, Mussey, Riley, and Wales, all in the State of Michigan.

§ 924.6 *Handler.* "Handler" means any of the following:

(a) A person who operates a plant in which Class I milk is processed for distribution on a route or routes in the marketing area: *Provided*, That any such plant located outside the marketing area and having less than a daily average of 600 pounds of Class I disposition on routes within the marketing area during the month shall be exempt for such month from all provisions of this order except §§ 924.30 through 924.34;

(b) A person who operates a plant other than one described in paragraph (a) of this section in which is received only milk from dairy farms approved by the Detroit Department of Health for the production of milk for Class I utilization within the marketing area, except a plant receiving such milk, all of which is subject to a contract with a cooperative association as described in paragraph (c) of this section;

(c) A cooperative association with respect to producer milk received at a plant operated by such association or by a person with whom such association has a contract to act as marketing agent for such milk and disposed of other than by movement to a plant described under paragraph (a) of this section having

more than a daily average of 600 pounds of Class I disposition on routes within the marketing area.

§ 924.7 *Producer.* "Producer" means a dairy farmer who produces milk which is received in a plant described in § 924.6 or diverted for a handler's account to a plant not described in § 924.6.

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and produces milk, but receives no milk from other producers or from a cooperative association.

§ 924.9 *Producer milk.* "Producer milk" means milk produced by one or more producers and handled under the conditions set forth in § 924.7.

§ 924.10 *Other source milk.* "Other source milk" means all skim milk and butterfat in any form other than that contained in producer milk.

§ 924.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 907.10 of this chapter and which the Secretary determines after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have the entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales or marketing milk or its products for its members.

§ 924.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day (see § 924.70), for which a producer shall be entitled to receive the uniform base price.

§ 924.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days of deliveries in the month.

§ 924.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.15 *Route.* "Route" means a delivery (including a sale from a store) of a Class I product to a wholesale or retail stop(s).

MARKET ADMINISTRATOR

§ 924.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 924.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 924.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 924.87

(1) The cost of his bond and of the bonds of his employees.

(2) His own compensation, and

(3) All other expenses, except those incurred under § 924.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 924.30, 924.31 and 924.32, or (2) payments pursuant to §§ 924.80 through 924.85;

(g) Calculate a daily base for each producer in accordance with § 924.70 and advise the producer and the handler who purchases the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions hereof; and

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month, computed pursuant to §§ 924.51 through 924.54, and

(2) On or before the 10th day of each month, the uniform prices for base milk and excess milk for the preceding month, computed pursuant to §§ 924.60 through 924.63, and the butterfat differential computed pursuant to § 924.82.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 *Monthly reports of receipts and utilization.* On or before the 5th day of each month, each handler, except a producer-handler, shall report to the market administrator, for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product which is disposed of in the same form as received) received at a plant(s) described in § 924.6:

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 924.31 *Deliveries of producers having no base.* On or before the 10th day after the effective date of this order each handler shall report to the market administrator with respect to each producer not having a base pursuant to § 924.70 the records of milk deliveries (a) for the base period, (b) if not shipped for the full base period for the first three full months of his deliveries, or (c) for each full month's deliveries prior to the effective date of this order if less than three full months.

§ 924.32 *Other reports.* (a) Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer pay roll for the preceding month.

§ 924.33 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 924.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or

when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 924.40 *Basis of classification.* All receipts of (a) producer milk, (b) skim milk and butterfat in any form from other handlers, and (c) skim milk and butterfat in other source milk required to be reported pursuant to § 924.30 shall be classified (separately as skim or butterfat) in the classes set forth in § 924.41.

§ 924.41 *Classes of utilization.* Subject to the conditions set forth in §§ 924.42 and 924.43 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, or flavored milk; and (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of as sweet or sour cream;

(2) Accounted for as used to produce ice cream, ice cream mix, and cottage cheese; and

(3) Any product, disposed of in fluid form, not named in Class III, which contains in excess of 6 percent butterfat.

(c) Class III utilization shall be all skim milk and butterfat accounted for (1) as used to produce, or disposed of as, whole or skimmed, condensed or evaporated milk (sweetened or unsweetened), cheese (except cottage cheese), livestock feed, dried whole milk, nonfat dry milk solids, butter, or dumped;

(2) As actual shrinkage of skim milk and butterfat in producer milk, but not to exceed 2 percent of such receipts of skim milk and butterfat respectively; and

(3) As actual shrinkage of skim milk and butterfat respectively, in other source milk.

§ 924.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purposes of weighing and testing in the transferring handler's plant shall be included in the receipts at the plant of the second handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferring handler in computing his shrinkage.

(c) With respect to producer milk received at a plant described in § 924.6 (b) which is operated by a cooperative association, shrinkage shall be prorated between the volume of such milk moved to a plant described in § 924.6 (a) (prior to the proviso) and the volume otherwise handled.

§ 924.43 *Transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler in the form of milk or skim milk shall be Class I utilization, and skim milk and butterfat so disposed of in the form of cream shall be Class II utilization unless use in another class is mutually indicated in writing to the market administrator by both parties on or before the 5th day after the end of the month within which such transfer was made: *Provided*, That in no event shall the amount so reported be greater than the amount used in such class by the receiving handler after allocating other source milk in the receiving handler's plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a person not a handler shall be Class I utilization, and skim milk and butterfat so disposed of in the form of cream shall be Class II utilization, unless (1) utilization is mutually indicated in writing to the market administrator by both the handler and the receiver on or before the 5th day of the month following the month within which such transfer was made, and (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization: *Provided*, That if such plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next-lowest priced available class of utilization as if the classes of utilization set forth in § 924.41 were applicable to such plant.

§ 924.44 *Responsibility of handlers and reclassification.* (a) All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 924.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II, and Class III utilization for such handler.

§ 924.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 924.41 (d) (2);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 924.43 (a); and

(d) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; or, if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 924.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

MINIMUM PRICES

§ 924.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c), and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

*Present Operator and Location*

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the average wholesale price per pound of 92-score butter at Chicago as reported by the U. S. D. A. for the month;

(2) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Cheddars" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin.

(3) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(d) The average prices per hundredweight paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

*Present Operator and Location*

Pet Milk Co., Hudson, Mich.
Elsie Cooperative Creamery, Elsie, Mich.
Nestle's Milk Products Co., Ubly, Mich.
Borden's Co., Perrington, Mich.
Carnation Co., Sheridan, Mich.

§ 924.51 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6, for skim milk and butterfat in milk received from producers or from a cooperative association, during the month, which is classified as Class I utilization shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price $1.40.

(b) Add together the amounts determined in § 924.50 (b) (1) and (2) and divide the sum into the amount determined in § 924.50 (b) (1).

(c) Multiply the price determined in paragraph (a) of this section by the percentage determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount computed in paragraph (c) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

§ 924.52 *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for skim milk and butterfat in milk received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be as follows, as computed by the market administrator:

(a) The price of butterfat shall be the average price of butter as computed pursuant to § 924.50 (b) (1) multiplied by 120.

(b) The price of skim milk shall be the simple average of the weighted average of carlot prices per pound of nonfat dry milk solids spray and roller process, respectively, in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., less 5.5 cents, multiplied by 8.5.

§ 924.53 *Class III prices.* The respective prices per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.50 for skim milk and butterfat in milk received from producers or from a cooperative association, during the month, which is classified as Class III utilization shall be as follows, as computed by the market administrator:

(a) The price of butterfat shall be the price of Class II butterfat less $5.00.

(b) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the month by the U. S. D. A. less 5.5 cents, multiplied by 8.5.

*Provided*, That in all months other than in May, June and July such prices shall be as computed in § 924.50 (d) converted to butterfat and skim milk prices in the manner provided in § 924.51 (b) (c) and (d) when such prices are higher.

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 *Computation of value of milk for each handler.* (a) Subject to paragraphs (c), (d), (e) and (f) of this section the value for each month for each handler shall be a sum of money computed by the market administrator by multiplying by the applicable prices for skim milk and butterfat in each class pursuant to §§ 924.51 through 924.54, the skim milk and butterfat in milk received from producers according to their classification pursuant to § 924.41 and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts of skim milk and butterfat, respectively, other than in milk received from producers has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount equal to the quantity of such excess of skim milk or butterfat classified pursuant to § 924.46 (d) multiplied by the applicable prices.

(b) A handler who receives no producer milk and who sells Class I milk within the marketing area shall pay to the producer-equalization fund each month an amount computed by multiplying the butterfat and skim milk in such Class I by the difference between the price of butterfat and the price of skim milk in Class III and the prices of butterfat and skim milk, respectively, in Class I.

(c) A handler who receives producer milk at any plant located more than 64 miles from the Detroit City Hall shall receive a credit each month with respect to such producer milk disposed of as Class I or Class II utilization, computed at the rate for the zone in which the plant is located, as determined by the market administrator, as follows:

| Zone No. | Shortest road distance from City Hall, Detroit, to handler's plant | Rate |
|---|---|---|
| 1 | More than 64 miles, but not more than 72 miles | $0.17 |
| 2 | More than 72 miles but not more than 80 miles | .18 |
| 3 | More than 80 miles, but not more than 88 miles | .19 |
| 4 | More than 88 miles, but not more than 96 miles | .20 |
| 5 | More than 96 | .21 |

(d) A handler who receives producer milk at a plant as described in § 924.6 (b), which is located more than 30 miles by shortest highway distance from Grand Boulevard, Detroit, as determined by the market administrator, shall receive a credit with respect to milk, skim milk or cream moved from such plant to a plant as described in § 924.6 (a), computed by multiplying the weight thereof actually transported by the rates, for the applicable zone, as follows:

| Zone No. | Shortest road distance from Grand Boulevard, Detroit | Rate |
|---|---|---|
| 1 | More than 30 miles, but not more than 45 miles | $0.14 |
| 2 | More than 45 miles, but not more than 53 miles | .15 |
| 3 | More than 53 miles, but not more than 61 miles | .16 |
| 4 | More than 61 miles, but not more than 69 miles | .17 |
| 5 | More than 69 miles, but not more than 77 miles | .18 |
| 6 | More than 77 miles, but not more than 85 miles | .19 |
| 7 | More than 85 miles, but not more than 93 miles | .20 |
| 8 | More than 93 miles | .21 |

(e) A handler shall be given a credit with respect to transfers of bulk, unpasteurized milk for Class I utilization by persons who are not handlers, computed at the following rate for the zone in which the plant of the receiver is located in the State of Michigan, as determined by the market administrator as follows:

17 cents beginning with the 64 to 72 mile zone from the Detroit City Hall and 1 cent for each additional 8-mile zone thereafter.

(f) A handler who transports producer milk from a plant where received to another plant for manufacturing in excess of producer milk moved from such plant shall be given a credit for the transportation of such milk of 6 cents per hundredweight when the shortest road distance from transferring plant to manufacturing plant, as determined by the market administrator, is ½ mile to 5 miles, and an additional 1 cent per hundredweight for each additional 8 miles or fraction thereof, with a maximum credit of 18 cents per hundredweight.

§ 924.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to paragraph (a) of § 924.60;

(b) Adding an amount representing the monies received in payment of obligations computed under paragraph (b) of § 924.60;

(c) Adding the aggregate value of all allowable producer location adjustments computed at the maximum rates for the appropriate zones as provided in § 924.81;

(d) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.82 multiplied by 10.

(e) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 *Computation of uniform price for excess milk.* For each month the market administrator shall compute to the nearest full cent the "uniform price" for excess milk in the following manner:

(a) Multiply the Class II price for butterfat for the month by 0.035.

(b) Multiply the Class II price for skim milk by 0.965.

(c) Add together the butterfat value arrived at in paragraph (a) of this section and the skim milk value arrived at in paragraph (b) of this section, the resultant hundredweight price shall be the uniform price for excess milk of 3.5 percent butterfat content received at plants described in § 924.6.

§ 924.63 *Computation of uniform price for base milk.* (a) Multiply the total pounds of excess milk for the month by the uniform price of excess milk arrived at in § 924.62;

(b) Subtract the total value of excess milk arrived at in paragraph (a) of this section, from the total 3.5 percent value of all milk arrived at in § 924.61;

(c) Divide the resultant value by the total hundredweight of base milk; and

(d) Subtract not less than four cents nor more than five cents from the price computed in paragraph (c) of this section. The resultant hundredweight price shal be the uniform price of base milk of 3.5 percent butterfat content received at plants described in § 924.6.

§ 924.64 *Notification.* On or before the 10th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his skim milk and butterfat in each class and the total of such amounts and values;

(b) The uniform price of base milk;

(c) The uniform price of excess milk;

(d) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(e) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80 through 924.91.

BASE RULES

§ 924.70 *Determination of base.* (a) Subject to the approval of the market administrator, each producer having a base on the effective date of this order shall retain such base for each month preceding February 1951.

(b) A producer who delivered milk during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator for the twelve months' period beginning the following February 1, equal to 100 percent of his daily average deliveries during such August 1–December 31 period: *Provided,* That a producer may retain the same base by delivering an average of not less than 90 percent of such base during the base period, and a producer delivering less than 90 percent of his base shall have his base reduced by subtracting the difference between 90 percent of same and his actual daily average delivery during such period.

(c) A producer who started delivering milk to a handler subsequent to August 1, 1949, shall be paid the price applicable to base milk for the following percentages of his milk deliveries for the first three full months he is a producer and the price applicable to excess milk for the remainder of his deliveries: 40 percent for May and June, 60 percent for April and July, 70 percent for March, 75 percent for January and February, and 80 percent for all other months. Except as provided in § 924.72 (b), at the conclusion of the first three full months' delivery, a base shall be established in the following manner: Multiply the total deliveries during each such month by the applicable percentages. Add the amounts so computed and divide by the number of days in the three months. Such base shall be applicable until a new base is established pursuant to paragraph (b) of this section.

(d) A producer who has no base on the effective date of this order shall have a base computed by the market administrator from deliveries reported to him pursuant to § 924.31 according to the applicable method of computation in paragraphs (b) and (c) of this section: *Provided,* That if a producer has not delivered milk for three full months prior to the effective date of this order, he shall be paid in accordance with paragraph (c) of this section until such deliveries have been made at which time the market administrator shall compute his base.

§ 924.71 *Rules governing ownership of base.* (a) A landlord who rents to a tenant is entitled to the entire base if the landlord owns the entire herd.

(b) A tenant who rents a farm is entitled to the entire base if the tenant owns the entire herd.

(c) In the event both landlord and tenant have ownership in a herd and such landlord-tenant relation ceases, division of base shall be made according to the average number of cows owned during the last base-forming period, regardless of the name under which the landlord-tenant business is conducted. Special provisions for base ownership and division may be made between landlord and tenant through a legal contract entered into by both parties: *Provided,* That the market administrator is provided a copy of the contract.

(d) A producer with a base, whether landlord or tenant, may retain his base when moving his entire herd from one farm to another.

(e) A tenant or landlord who owns a herd having no base, who joins with a landlord or tenant having a base shall be paid for deliveries in excess of existing base pursuant to the percentages set forth in paragraph (c) of § 924.70, and shall earn base pursuant to such paragraph on the basis of such deliveries. Base so earned shall be combined with the existing base.

(f) A producer who does not deliver milk to a handler for more than 45 consecutive days shall lose his base.

§ 924.72 *Rules governing transfer of base.* (a) A producer with a base, who sells his entire herd to one purchaser at one time, may transfer his base to such purchaser: *Provided,* That a base so transferred shall not exceed a maximum of twenty-five (25) pounds for each cow in the herd at the time such disposal is made and that no base may be transferred by a producer who has not shipped milk 20 out of the 30 days immediately prior to the date of sale of herd.

(b) A producer who sells his herd and transfers his base to another producer shall, if he re-enters the market, within a six months' period, receive only the excess price for a period of two (2) full months following such re-entry, unless he purchases a herd with base as provided in paragraph (a) of this section.

§ 924.73 *Adjustment of base.* A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 924.70 (c) once during any twelve-month period ending with January 31.

PAYMENT FOR MILK

§ 924.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler or cooperative association shall pay for milk received during such month

(a) To each producer; or

(b) To a cooperative association with respect to all milk which was caused to be delivered by such association from producers who have authorized such association to collect payment for them, or directly to producers who are members of a cooperative association, if agreeable to the association, at not less than the base price and excess price pursuant to §§ 924.62 and 924.63, adjusted by the butterfat differential pursuant to § 924.82 and the location adjustment pursuant to § 924.81; or

(c) To a cooperative association with respect to milk received directly from such association at not less than the uniform price for base milk adjusted by the butterfat differential pursuant to §924.-82 for all such milk.

§ 924.81 *Location adjustments to producers.* In making payments to producers pursuant to § 924.80, a handler or a cooperative association may deduct with respect to all milk received from producers at a plant located more than 30 miles by shortest highway distance from Grand Boulevard, Detroit, as determined by the market administrator, the amount per hundredweight applicable to the zone in which such plant is located at set forth in § 924.60 (d).

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price shall both be increased or decreased for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential of seven (7) cents, when the average wholesale price per pound of 92-score butter at Chicago, as reported by the U. S. D. A. for the month, is sixty cents which differential shall be increased one-half cent for each full five cents variance in such price of butter above sixty cents and decreased one-

half cent for each full five-cent variance in such price of butter below 64.99 cents.

§ 924.83 *Cooperative association.* A cooperative association shall pay to (on or before the 13th day after the end of each month) or receive from (on or before the 15th day after the end of each month) the producer equalization fund any amount by which the total value of producer milk for which such association is a handler computed pursuant to paragraph (a) of § 924.60, plus the total value of all milk sold to handlers at the uniform price for base milk pursuant to paragraph (c) of § 924.80 exceeds or is less than, respectively, the total payments to be made to producers pursuant to paragraph (a) of § 924.80.

§ 924.84 *Producer-equilization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments made pursuant to § 924.85 and out of which he shall make all payments pursuant to § 924.86.

§ 924.85 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler

(a) Whose value of milk is required to be computed pursuant to § 924.60 (a) shall pay to the market administrator the amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 924.80; and

(b) Whose obligation is required to be computed pursuant to § 924.60 (b) shall pay to the market administrator such obligation for such month.

§ 924.86 *Payment out of the producer-equalization fund.* On or before the 15th day after the end of each month, the market administrator shall pay to each handler the amount by which such handler's value pursuant to § 924.60 (a) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator pursuant to § 924.85: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.87 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 924.22 (d), each handler shall pay the market administrator on or before the 13th day after the end of each delivery period, two cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator after the end of such month, with respect to all receipts within the month, of milk from producers including milk of such handler's own production.

§ 924.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 924.80, with respect to all milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of each month; and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such monies shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 12th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 924.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due

(a) The market administrator from such handler

(b) Such handler from the market administrator, or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the 5th day after such notice.

§ 924.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to § 924.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 924.100 *Exempt milk.* Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

§ 924.101 *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

TERMINATION OF OBLIGATION

§ 924.110 The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in §§ 924.111 and 924.112, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(a) The amount of the obligation;

(b) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(c) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association or, if the obligation is payable to the market administrator, the account for which it is to be paid.

§ 924.111 If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in § 924.110, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

§ 924.112 Notwithstanding the provisions of §§ 924.110 and 924.111, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

§ 924.113 Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

SUSPENSION OR TERMINATION

§ 924.120 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.121 *When suspended or terminated.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

§ 924.122 *Continuing obligations.* If, under the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 924.123 *Liquidation.* Under the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 924.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 924.131 *Separability of provisions.* If any provision hereof, or its application to any person or circumstance, is held invalid the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Proposed by V. A. Nye Dairy, Pontiac, Michigan: Proposal No. 2:

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area" hereinafter called the "marketing area" means all of Wayne, Macomb, Oakland and Genessee counties, including all municipalities therein; Ash, Berlin, Exeter, and London townships, including municipalities therein, in Monroe County; Ann Arbor, Augusta, Salem, Scio, Superior, and Ypsilanti townships and municipalities therein, in Washtenaw County; all of St. Clair County and municipalities therein, except the townships of Berlin, Brockway, Emmett, Greenwood, Kenockee, Lynn, Mussey, Riley, and Wales, all in the State of Michigan.

Proposed by London's Farm Dairy, Inc., Port Huron, Michigan: Proposal No. 3.

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area" hereinafter called the "marketing area" means all of Wayne and Macomb counties, including all municipalities therein; all of Oakland County, and municipalities therein, except Holly, Groveland, and Brandon townships; Ash, Berlin, Exeter, and London townships, including municipalities therein, in Monroe County; Ann Arbor, Augusta, Salem, Scio, Superior, and Ypsilanti townships and municipalities therein, in Washtenaw County; all of St. Clair County and municipalities therein; all of Sanilac County and municipalities therein; all in the State of Michigan.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: May 17, 1950.

[SEAL] JOHN I. THOMPSON,
*Assistant Administrator.*

[F. R. Doc. 50-4290; Filed, May 19, 1950; 8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR, Part 3 ]

[Docket No. 9650]

RADIO BROADCAST SERVICES

NON-COMMERCIAL EDUCATIONAL FM BROADCAST CHANNEL FOR UNITED NATIONS

In the matter of amendment of § 3.501 of the Commission's rules to reserve a non-commercial educational FM broadcast channel for the United Nations.

Notice is hereby given of proposed rule-making in the above-entitled matter.

The Commission has been advised by the Department of State, in a letter dated November 14, 1949, and signed for the Secretary of State by Mr. Durward V. Sandifer, Acting Assistant Secretary for United Nations Affairs, that the United Nations is contemplating negotiations for an agreement, pursuant to section 4 of Public Law 357, 80th Congress, 1st Session, 61 Stat. 759, looking towards the installation and operation of an FM broadcast transmitter in the new headquarters of the United Nations in New York City. The letter states that the Department will appreciate it if this Commission will take no action to jeopardize the availability of an FM channel for the purposes outlined in Mr. Frank E. Stoner's letter of March 15, 1948, to the Commission. In his letter Mr. Stoner, Chief Communications Engineer for the United Nations, stated that the contemplated station would be used for the broadcast of programs in English, and that these programs would consist of running commentaries of important meetings in the Council Chambers, the General Assembly, and periodic news summaries.

In view of the desires of the Department of State in this matter the Commission proposes to reserve the frequency 89.1 Mc, Channel No. 206, for the prospective use of the United Nations in New York City. This is a channel made available for non-commercial educational broadcasting by § 3.501 of the Commission's rules.

The Commission therefore proposes to add the following footnote to § 3.501 of Subpart C (Rules Governing Non-commercial Educational FM Broadcast Stations) of Part 3 (Rules Governing Radio Broadcast Services) of the Commission's rules:

[1] The frequency 89.1 Mc, Channel No. 206 in the New York City metropolitan area is reserved for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kw, and the Commission will make no assignments which would cause objectionable interference with such use.

Authority for the proposed action is contained in section 4 of 61 Stat. 759, and in sections 4 (i), 303 (c) and 303 (r) of the Communications Act of 1934, as amended.

This notice is issued pursuant to section 4 of the Administrative Procedure Act. Any interested person may file with the Commission, on or before June 19, 1950, written data, views, or arguments relating to this proposal. The Commission will consider all relevant submittals before taking final action in this matter.

In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all data, views, or arguments should be submitted.

Adopted: May 12, 1950.

Released: May 15, 1950.

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

[F. R. Doc. 50-4307; Filed, May 19, 1950; 8:49 a. m.]

### [ 47 CFR, Part 3 ]

[Docket No. 9649]

RADIO BROADCAST SERVICES

BROADCASTS BY CANDIDATES FOR PUBLIC OFFICE

In the matter of amendment of Subpart C of Part 3 of the Commission's rules and regulations to add a new section pertaining to broadcasts by candidates for public office.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to add a new section, to be designated § 3.590, to Subpart C of Part 3 of its rules and regulations, which governs noncommercial educational FM broadcast stations. The proposed new section, pertaining to broadcasts by candidates for public office, will be substantially in the same language as the present §§ 3.190, 3.290 and 3.690, which concern, respectively, stand-

ard broadcast stations, FM broadcast stations, and television broadcast stations, and will be as set forth below.

3. Authority for the adoption of the proposed section is contained in section 315 of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed section should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before June 19, 1950 a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments, briefs, and arguments presented before taking final action with respect to the proposed rules.

5. Fifteen copies of each brief or written statement should be filed in accordance with § 1.764 of the Commission's rules and regulations.

Adopted: May 12, 1950.

Released: May 15, 1950.

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

§ 3.590 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who—

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bonafide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Practices.* No licensee shall make any discrimination in practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests.

[F. R. Doc. 50-4305; Filed, May 19, 1950; 8:49 a. m.]

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## [ 47 CFR, Part 6 ]

[Docket No. 9648]

LICENSING OF MISCELLANEOUS COMMON CARRIERS IN DOMESTIC PUBLIC LAND MOBILE RADIO SERVICES

ESTABLISHMENT OF POLICY OF EFFECTING 60 KC. ADJACENT CHANNEL FREQUENCY ASSIGNMENTS

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. It is proposed to amend the existing policy of the Commission with respect to licensing of miscellaneous carriers in the Domestic Public Land Mobile Radio Services on alternate channels (120 kc. channel spacing in the same geographical area) so as to provide, in lieu thereof, adjacent channel assignments (60 kc. channel spacing). (See attached Appendix.)

3. This proposed change in policy would be implemented pursuant to the provisions of § 6.401 of the Commission's rules and regulations and sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed policy should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before June 19, 1950, a written statement or brief setting forth his comments. At the same time persons favoring the policy as proposed may file statements in support thereof. The Commission will consider all comments that are received before taking final action in the matter, and if any comments are submitted which appear to warrant the holding of oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

5. In accordance with the provisions of § 1.764 of Part 1 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed, shall be furnished the Commission.

Adopted: May 12, 1950.

Released: May 15, 1950.

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

APPENDIX—PROPOSED POLICY STATEMENT REGARDING ASSIGNMENT OF ADJACENT CHANNELS TO COMMON CARRIERS IN THE DOMESTIC PUBLIC LAND MOBILE RADIO SERVICES

The Federal Communications Commission proposes that, from and after the effective date hereof, it will grant authorizations to all common carriers in the Domestic Public Land Mobile Radio Services on an adjacent channel basis (60 kc. separation) within a given geographical area. Such new policy would supplant the existing practice of making only alternate assignments (120 kc. separation) to miscellaneous common carriers and other non-Bell System licensees.

A recent survey of representative radio equipment manufacturers indicates that equipments capable of satisfactory interference-free operation on adjacent channels (60 kc. separation) in the 152-162 Mc. band are now available. From such survey it also appears that transmitters presently in use could be modified, where necessary, to operate on a 60 kc. separation basis, at reasonable cost. Existing receivers, however, would probably have to be replaced in some cases in order to eliminate undesirable interference from new systems operating 60 kc. removed in the same area.

Under such circumstances, and in order (1) to meet the demand for additional spectrum space for the growth and development of these services, particularly in the larger urban areas, and (2) to insure the most efficient utilization of the spectrum allocation available for these services, it appears that the present policy of effecting alternate channel assignments for these services in this band should be discontinued.

[F. R. Doc. 50-4306; Filed, May 19, 1950; 8:49 a. m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Forest Service

GILA NATIONAL FOREST, NEW MEXICO

REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS

Whereas a number of horses, mules, and burros are trespassing and grazing on land in the Cave Creek, the Mineral Creek, and the Jordan Mesa Community Allotments in the Gila National Forest, State of New Mexico; and

Whereas these horses, mules, and burros are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Gila National Forest described as follows:

*Temporary closure from livestock grazing.* (a) The following described areas within the Gila National Forest are hereby closed from July 1, 1950 to June 30, 1951, to the grazing of horses, mules, and burros, excepting those that are lawfully grazing on or crossing land in such areas pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or used as riding, pack, or draft animals by persons traveling over such lands:

Jordan Mesa Community allotment located on the Elk Mountain District of the Gila National Forest in Catron County, New Mexico, described as follows: Beginning at a point on Beaver Creek at the SE corner of Sec. 6, T. 11 S., R. 12 W.; thence westerly along the Beaver Points-Jordan Mesa fence to the top of Black Mountain; thence southerly along Jordan Canyon along the Black Mountain and Jordan Mesa Allotments fence to the White Rocks Allotment fence; thence easterly along the White Rocks-Jordan Mesa fence approximately 4 miles to a pasture fence; thence south and east along the fence between this pasture and the White Rocks Allotment to the East Fork; thence south along the bluffs of the East Fork and a fence between another pasture and the White Rocks Allotment to the Diamond Bar Allotment fence; thence east and north along the fence between the pasture and the Diamond Bar allotment to the North Star fence; thence northwesterly to Beaver Creek; thence northerly along the rim of Beaver Creek to the place of beginning.

Cave Creek and Mineral Creek Allotments located on the Black Range District of the Gila National Forest in Sierra County, New Mexico, described as follows:

*Cave Creek allotment.* Beginning at the Forest boundary on Animas Canyon; thence west along the canyon bottom 1½ miles; thence NW to the north rim of Animas Canyon; thence west along ridge via Vic's Park Mountain, west to Mimbres Lake and the Black Range crest; thence south and west along Black Range crest to Hillsboro PK LO pasture; thence from the east side of said pasture NE down ridge to bottom of Mineral Creek and old goat camp in NE¼ Sec. 33, T. 15 S., R. 9 W.; thence NE to top of ridge north side Mineral Creek; thence in an easterly direction along this ridge to a point in the center of Sec. 26, T. 15 S., R. 9 W.; thence SE down slope into Mineral Creek across to south side Mineral Creek; thence along south side Mineral Creek to north Percha Road across Mineral Creek and thence east to a point on boundary in the NE¼ Sec. 31, T. 15 S., R. 8 W.; thence north along national-forest boundary to point of beginning.

*Mineral Creek allotment.* Beginning at a point in the SE¼ Sec. 5, T. 16 S., R. 8 W.; on the forest boundary; thence SW to Picket Spring Canyon; thence SW along Canyon bottom to center Sec. 7; thence west to top of ridge across ridge between Picket Spring Canyon and Ladrone Canyon and into Ladrone Canyon; thence NW along Ladrone to point in SE¼ Sec. 3, T. 16 S., R. 9 W.; thence NW out of canyon and along ridge between Ladrone Canyon and Carbonate Creek to Hillsboro Peak LO Pasture; thence from NE side of pasture in a NE direction down ridge into Mineral Creek to old goat camp in NE¼ Sec. 33, T. 15 S., R. 9 W.; thence to top of ridge north side Mineral Creek; thence NE along ridge to point in center Sec. 26, T. 15 S., R. 9 W.; thence SE down into Mineral Creek, across creek, and along south side Mineral Creek in a SE direction to North Percha Road; thence across road and Mineral Creek; thence west to a point in NE¼ Sec. 31 on the forest boundary; thence south, east, and south along national-forest boundary to point of beginning.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all animals found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Gila National Forest is located.

Done at Washington, D. C., this 16th day of May 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
*Acting Secretary of Agriculture.*

[F. R. Doc. 50-4293; Filed, May 19, 1950; 8:46 a. m.]

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NEVADA NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS

Whereas a number of horses, mules, and burros are trespassing and grazing on lands in the Mt. Moriah, Snake, Schell Creek, Ward Mountain, White Pine, and Charleston Divisions of the Nevada National Forest, State of Nevada, and

Whereas, these horses, mules, and burros are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Mt. Moriah, Snake, Schell Creek, Ward Mountain, and White Pine Divisions in White Pine County, and Charleston Division in Clark County, Nevada National Forest, State of Nevada:

*Temporary closure from livestock grazing.* (a) The Mt. Moriah, Snake, Schell Creek, Ward Mountain, and White Pine Divisions in White Pine County, and the Charleston Division in Clark County, Nevada, are hereby closed from June 1, 1950 to May 31, 1952 to grazing by horses, mules, and burros, excepting those that are lawfully grazing on or crossing land in such Divisions pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Nevada National Forest is located.

Done at Washington, D. C., this 16th day of May 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
*Acting Secretary of Agriculture.*

[F. R. Doc. 50-4294; Filed, May 19, 1950; 8:46 a. m.]

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# DEPARTMENT OF COMMERCE

## Bureau of Foreign and Domestic Commerce

[Docket FC-5, O. I. T. Case 79]

SIEGEL CHEMICAL CO., INC., ET AL.

DECISION OF APPEALS BOARD

In the matter of Siegel Chemical Company, Incorporated, Robert Siegel, Thomas A. Arnholz, One Hanson Place, Brooklyn 17, New York, on appeal—Docket FC-5, O. I. T. Case No. 79.

Upon reading the transcript of the hearing held in Washington, D. C., November 29, 1949, by Milton M. Thompson, Compliance Commissioner, together with the exhibits introduced in evidence at said hearing, the report and recommendations dated February 17, 1950 of said Commissioner to E. P. Hawk, Acting Director, Commodities Division, Office of International Trade, the order suspending license privileges, dated February 23, 1950, issued by said E. P. Hawk thereon (15 F. R. 1122, March 1, 1950), and upon oral arguments of counsel for Office of International Trade and appellants before the Appeals Board in Washington, D. C., April 26, 1950 upon appeal from said order suspending license privileges.

The Appeals Board finds as follows:

(1) That an order suspending license privileges was justified by the evidence;

(2) That the provisions of the order suspending license privileges, dated February 23, 1950, while generally appropriate in view of the nature of the acts of the appellants and the need for elimination of fraud and misrepresentations by exporters in their dealings with the Office of International Trade in connection with the administration of export controls, can be safely modified in this instance;

(3) That although appellant, Robert Siegel (and, accordingly, Siegel Chemical Company, Inc.) properly assumed and did not disclaim his legal responsibility for the acts of appellant Thomas A. Arnholz, said Arnholz did, as fully relied upon export manager and because of his facility in the German language, personally conduct relevant negotiations by correspondence and overseas telephone and was in effect an intermediary between Siegel and his consignee, Hacoba S. A., in fact, the prime negotiator.

(4) That although Siegel did fully rely on Arnholz as stated in (3) above, he (Siegel) admitted making a distorted use of an export license application as a means of determining if he had been

discriminated against in favor of a competitor and, what is far more serious, Siegel attempted to obtain an export license without disclosing pertinent information of value in protecting the national security.

*Now, therefore, it is ordered that,* (1) The provisions of the order suspending license privileges, dated February 23, 1950, be and they are hereby modified as to appellants Siegel Chemical Company, Incorporated, and Robert Siegel, by amending the period of suspension set forth in paragraph (2) of the ordering portion of said order to three months from the date of said order instead of six months, but as to appellant Arnholz said order is affirmed in all respects.

(2) As so modified, said order is in all respects sustained, and the appeal of appellants be and it is hereby denied.

(3) Appellants are hereby warned that proof of future substantial violations of export control regulations may result in suspension of license privileges for the period of export controls.

FREDERIC W. OLMSTEAD,
*Chairman, Appeals Board.*

MAY 10, 1950.

[F. R. Doc. 50-4301; Filed, May 19, 1950; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25104]

ACETALDEHYDE FROM BROWNSVILLE, TEX., TO THE EAST

APPLICATION FOR RELIEF

MAY 17, 1950.

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: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariffs I. C. C. Nos. 3894 and 3752.

Commodities involved: Acetaldehyde, tank carloads.

From: Brownsville, Tex.

To: Mississippi River crossings and points in official territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3894, Supplement 5. D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 431.

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

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 50-4335; Filed, May 19, 1950; 8:53 a. m.]

[4th Sec. Application 25105]

ALUM FROM EAST ST. LOUIS, ILL., TO LITTLE ROCK, ARK.

APPLICATION FOR RELIEF

MAY 17, 1950.

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: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3738.

Commodities involved: Alum, sodium (sodium aluminum sulphate), carloads.

From: East St. Louis, Ill.

To: Little Rock, Ark.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3738, Supplement 98.

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

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 50-4334; Filed, May 19, 1950; 8:53 a. m.]

[4th Sec. Application 25106]

COAL FROM KENTUCKY AND TENNESSEE TO GOLDSBORO, N. C.

APPLICATION FOR RELIEF

MAY 17, 1950.

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 and on behalf of the Atlantic and East Carolina Railway Company and other carriers named in the application.

Commodities involved: Coal, carloads.

From: Mines in Kentucky and Tennessee.

To: Goldsboro, N. C.

Grounds for relief: Circuitous routes.

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

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 50-4333; Filed, May 19, 1950; 8:52 a. m.]

[4th Sec. Application 25107]

COPPER FROM EAST ALTON, ILL., TO NEW HAVEN, CONN.

APPLICATION FOR RELIEF

MAY 17, 1950.

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: B. T. Jones, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Copper, in coils, carloads.

From: East Alton, Ill.

To: New Haven, Conn.

Grounds for relief: Circuitous routes.

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

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 50-4332; Filed, May 19, 1950; 8:52 a. m.]

[4th Sec. Application 25108]

POTATOES FROM MAINE TO NEW JERSEY AND PENNSYLVANIA

APPLICATION FOR RELIEF

MAY 17, 1950.

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

Filed by: C. W. Boin and I. N. Doe, Agents, for and on behalf of carriers parties to I. N. Doe's tariff I. C. C. No. 570.

Commodities involved: Potatoes, carloads.

From: Points in Maine.

To: Points in New Jersey and Pennsylvania.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 570, Supplement 18.

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

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-4331; Filed, May 19, 1950; 8:52 a. m.]

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[Rev. S. O. 562, Rev. King's I. C. C. Order 23-A]

PENNSYLVANIA RAILROAD CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 23, and good cause appearing therefor: *It is ordered,* That:

(a) Revised King's I. C. C. Order No. 23 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., May 16, 1950.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 16, 1950.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 50-4338; Filed, May 19, 1950; 8:53 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. G-1281]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF SECOND AMENDED APPLICATION

MAY 16, 1950.

Take notice that Mississippi River Fuel Corporation (Applicant), a Delaware corporation, of 407 North 8th Street, St. Louis, Missouri, filed on May 15, 1950, second amended application for certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas transmission pipe line facilities hereinafter described.[1]

Applicant proposes to construct and operate additions to two previously authorized compressor stations and to lease and operate seven new compressor stations to be constructed by a third party, as follows:

| | Number of units | Rated horsepower per unit | Total rated horsepower |
|---|---|---|---|
| Perryville, La. | 2 | ---------- | [1] 2,100 |
| Fountain Hill, Ark. | 4 | 880 | [2] 3,520 |
| Glendale, Ark. | 5 | 1,100 | [2] 5,500 |
| Carlisle, Ark. | 4 | 1,100 | [2] 4,400 |
| West Point, Ark. | 2 | 1,000 | [1] 2,000 |
| Tuckerman, Ark. | 4 | 880 | [2] 3,520 |
| Biggers, Ark. | 4 | 1,100 | [2] 4,400 |
| Poplar Bluff, Mo. | 4 | 660 | [2] 2,640 |
| Twelvemile, Mo. | 4 | 1,100 | [2] 4,400 |
| Total | 33 | ---------- | 32,480 |

[1] Additions to existing stations to be owned by Applicant.
[2] New stations to be leased by Applicant.

Applicant proposes also to construct and operate approximately 40 miles of 20-inch diameter natural gas pipe line extending from a point near Dubach, Lincoln Parish, Louisiana, easterly to a point of connection with the southern terminus of Applicant's existing natural gas pipe line system, namely, its Perryville Compressor Station near Perryville, Ouachita Parish, Louisiana, for the purpose of connecting additional sources of natural gas supply. In addition, to deliver additional volumes of gas to the Laclede Gas Company in the St. Louis metropolitan area, Applicant proposes to construct and operate approximately 0.7 mile of 24-inch diameter pipe and four 12-inch diameter pipe lines in a manifold crossing of the Mississippi River, to extend from Applicant's existing facilities in St. Clair County, Illinois, to a point on the west side of the Mississippi River near the Coke Plant Station of Laclede Gas Company.

The proposed additional facilities, according to the second amended application, will have the effect of increasing Applicant's system daily sales capacity from 266,000 to 375,000 Mcf. By means of this increased capacity Applicant proposes to meet increased demands of its existing customers, to deliver natural gas for distribution in 30 communities in Arkansas and Missouri which are now without natural gas service, and to make available to main line industrial customers additional volumes of natural gas.

The estimated total cost of all facilities to be installed by the Applicant is $3,947,696, including $1,130,000 for the compressor station additions, $610,440 for the Mississippi River crossing facilities, and $2,207,256 for the 40-mile Dubach-Perryville 20-inch pipe line. Applicant states this construction will be financed by it out of cash on hand. The estimated construction cost of the new compressor stations to be leased by Applicant is $5,392,200, which cost is to be financed by the lessor.

The second amended application recites that Applicant's gas supplies are presently obtained from Hope Producing Company, Interstate Natural Gas Company, Inc., Southern Carbon Company, United Carbon Company, Arkansas Louisiana Gas Company, and United Gas Pipe Line Company, and states that Applicant has contracted for an additional 55,000 Mcf. per day from several producers in the North Ruston, D'Arbonne, Unionville and Downsville (Louisiana) gas fields.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 24, 1950, the date set by the Commission's order of April 25, 1950, for the commencement of hearings herein. The application and first and second applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-4298; Filed, May 19, 1950; 8:46 a. m.]

[1] Notice of the original application filed on September 19, 1949, in Docket No. G-1281 was published in the FEDERAL REGISTER on October 1, 1949 (14 F. R. 6028), and of the first amended application filed on January 30, 1950, was published in the FEDERAL REGISTER on February 16, 1950 (15 F. R. 850). On April 25, 1950, the Commission entered an order setting the above-entitled matter for hearing commencing on May 24, 1950, to be preceded by a prehearing conference commencing on May 22, 1950, in Washington, D. C.; this order fixing date of hearing was published in the FEDERAL REGISTER on April 29, 1950 (15 F. R. 2453).

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[Docket No. G-1387]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

MAY 16, 1950.

Take notice that Arkansas Louisiana Gas Company (Applicant), a Delaware corporation, of Shreveport, Louisiana, filed on May 8, 1950, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the con-

struction and operation of a compressor station, at the junction of Applicant's Longwood-Monroe line and its Waskom-Perla line, near Blanchard, Louisiana.

The proposed compressor station will ultimately consist of 7,000 hp, but immediately it is proposed to install 4,200 hp. The proposed construction will make natural gas service available to additional customers in Central Arkansas, and will make additional volumes of natural gas available to presently connected customers. It is anticipated that approximately 60,000 Mcf. per day will be compressed during peak periods of the 1950–1951 heating season.

The estimated cost of the proposed facilities is $1,170,000, to be financed out of cash reserves and additional bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of June, 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 50-4297; Filed, May 19, 1950; 8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 37-55, 54-50, 54-82, 54-147, 59-10, 59-39]

NORTH AMERICAN CO. ET AL.

NOTICE OF FILING OF APPLICATIONS FOR PAYMENT OF FEES AND EXPENSES, ORDER CONSOLIDATING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING ON ALL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of May 1950.

In the matter of the North American Company and its subsidiary companies, File No. 59-10; the North American Company, File No. 54-82; North American Light & Power Company holding company system and the North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

In the matter of D. E. Ackers, North American Light & Power Company and the Kansas Power and Light Company, File No. 37-55.

The Commission, by orders dated February 28, 1947, and June 25, 1947, having approved, subject to amendment in certain respects, a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by the North American Company ("North American"), a registered holding company, providing for the disposition of certain claims asserted among North American, its registered holding company subsidiary North American Light & Power Company ("Light & Power"), and Illinois Power Company ("Illinois Power"), a registered holding company and then a subsidiary of Light & Power, and also providing for the liquidation and dissolution of Light & Power; and

Said plan having been amended to provide, among other things, that Light & Power and North American would pay such fees and expenses for services as the Commission might approve, including those incurred in connection with the matters involved in the settlement of the claims and counterclaims involving Illinois Power (but not including those incurred for the benefit of Illinois Power); and

The Commission in its aforementioned orders having reserved jurisdiction to pass upon the fees and expenses for services rendered in connection with said plan and related matters (the matters over which such fee jurisdiction has been reserved being hereinafter for convenience referred to as the "Light & Power reorganization"):

Notice is hereby given that applications for the payment of fees and reimbursement for expenses have been filed by the following persons and in the following amounts:

| Name and capacity | Fees | Expenses |
|---|---|---|
| Sullivan & Cromwell, counsel for North American | $605,000 | $10,909.28 |
| Burns, Currie Walker & Rich, counsel for North American | 29,500 | 413.71 |
| Dean E. Ackers, president of Light & Power | [1] 175,000 | |
| Doran, Kline, Cosgrove, Jeffrey & Russell, counsel for Light & Power | 264,975 | 24,513.10 |
| James F. Masterson, counsel for Light & Power | 43,950 | 615.47 |
| Caleb S. Layton, counsel for Light & Power | 500 | |
| John Jirgal, financial consultant to Light & Power | 125,400 | 9,018.31 |
| Carl J. Austrian and Robert G. Butcher, trustees of Central States Electric Corp., debtor, et al., common stockholders of North American | | 1,725.00 |
| George Rosier, counsel for Carl J. Austrian et al., common stockholders of North American | 50,000 | 715.24 |
| Lewis M. Dabney, Jr., counsel for Crystal Ross Dabney et al., common stockholders of North American | 7,500 | 107.22 |
| Lawrence R. Condon, counsel for Nellie D. Walters et al., preferred stockholders of Light & Power | 725,000 | 32,763.24 |
| Percival E. Jackson, counsel for William D. Dana et al., common stockholders of Light & Power | 125,000 | 2,034.21 |
| Louis Braun, counsel for William M. Dedrick, a common stockholder of Light & Power | 75,000 | (2) |
| Irving Steinman, counsel for Oscar Schleiff, a common stockholder of Light & Power | 25,000 | |
| Arthur E. Whittemore and Robert W. Meserve, counsel for Frances W. Emerson et al., common stockholders of Light & Power | 25,000 | 78.98 |
| I. S. Friedman, counsel for Nathaniel Friedman, a common stockholder of Light & Power | 4,000 | |
| Amelie A. Wallace, a common and preferred stockholder of Illinois Power, and John Wallace, her husband and financial consultant | 72,000 | |
| Total | 2,352,825 | 82,894.66 |

[1] The application requests further compensation at the rate of $25,000 per year for the period commencing April 1949 until the affairs of Light & Power have been wound up and the company dissolved.
[2] Not yet filed.

The above claims for fees and reimbursement for expenses, with the exception of those of Lawrence R. Condon and of Amelie A. and John Wallace, are against Light & Power or North American. Condon requests that the amount awarded him be equitably allocated between North American and Illinois Power, or, in the alternative, that the entire amount be allocated to North American. The Wallaces' claim is against Illinois Power.

Notice is further given that Light & Power, North American and Illinois Power have advised the Commission that certain persons, who have not filed applications for approval thereof, have received payment of fees and reimbursement for expenses, aggregating $646,775.98 and $6,871.50 respectively, for services rendered in connection with the above-entitled matters. The major payments are indicated below:

| Name and capacity | Fees | Expenses |
|---|---|---|
| Mayer, Meyer, Austrian & Platt, counsel for Illinois Power | $370,000 | |
| Pam, Hurd & Reichmann, counsel for Illinois Power | 87,500 | |
| J. G. White Engineering Corp., engineering consultant to North American | 82,220.68 | |
| Schenker & Schenker, counsel for Light & Power | 18,500 | $1,020.38 |
| Shaw-Rutan, Inc., expert witness for Illinois Power | 14,692.50 | 1,807.85 |
| Arthur Andersen & Co., accountants for Illinois Power | 13,500 | 442.66 |
| Price, Waterhouse & Co., accountants for North American | 7,500 | |
| Sargent & Lundy, expert witness for Illinois Power | 5,961.54 | 1,214.27 |
| Drexel & Company, financial adviser to Illinois Power | 5,000 | |

It appearing to the Commission that Dean E. Ackers, one of the aforementioned applicants, is President of Light & Power and also of the Kansas Power and Light Company, a public utility company and a former subsidiary of Light & Power, and that he is and has been compensated in such capacity by both companies; and the Commission having heretofore, upon the basis of the representations made in proceedings under section 13 (a) of the act (File No. 37-55), exempted such transactions from the provisions of such Section for the period beginning on or about April 1, 1942, to December 30, 1943, and the Commission having reserved jurisdiction to re-examine the transactions exempted in said proceeding and to take such further action as it might deem appropriate to insure compliance with the act; and

It appearing to the Commission that payment by Light & Power of the requested compensation to Dean E. Ackers

would exceed the amount authorized by the aforesaid exemption, and it further appearing that no exemption has been granted for the period subsequent to December 30, 1943; and

The Commission deeming it appropriate to construe the application of Dean E. Ackers filed in the proceedings bearing File Nos. 59-10, 54-82, 59-39, 54-50 and 54-147, for approval of the payment of compensation to him by Light & Power, as also constituting an application in the proceedings in File No. 37-55 for an appropriate exemption from the provisions of section 13 (a) of the act; and it appearing to the Commission that consideration and determination of such applications of Dean E. Ackers involve common questions of law and fact, and the Commission deeming it appropriate that the proceedings in File No. 37-55 should be consolidated with the proceedings in File Nos. 59-10, 54-82, 59-39, 54-50 and 54-147:

*It is ordered*, Pursuant to Rule XVIII of the Commission's rules of practice, that the proceedings entitled "In the Matter of D. E. Ackers, North American Light & Power Company and the Kansas Power and Light Company, File No.37-55" be, and hereby are, consolidated with the previously consolidated proceedings in File Nos. 59-10, 54-82, 59-39, 54-50 and 54-147, and that jurisdiction be, and hereby is, reserved to separate, either for hearing or disposition or otherwise, in whole or in part, the matters herein consolidated.

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that a hearing be held in these consolidated proceedings to inquire into and to adduce evidence with respect to all aforementioned applications and with respect to all payments for fees and expenses which have been made by Light & Power, North American and Illinois Power in connection with the Light & Power reorganization:

*It is further ordered*, That a hearing in these consolidated proceedings be reconvened for the purpose of inquiring into and taking evidence with respect to the aforesaid applications and all payments of fees and expenses made by Light & Power, North American and Illinois Power in connection with the Light & Power reorganization. Such reconvened hearing shall commence on June 13, 1950, at 10:00 a. m. e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On that date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby empowered to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the aforesaid applications and a preliminary inquiry into the fees and expenses paid in connection with the Light & Power reorganization and that upon the basis thereof the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the services and disbursements for which remuneration has been paid or is sought are compensable, whether such payments are lawful or appropriate, and whether it is lawful or appropriate to grant any allowances for fees and expenses to the persons seeking such allowances;

(2) Whether the amounts, including expenses, paid or sought for such services are fair and reasonable, and if not, what amounts should be fixed by the Commission;

(3) In what manner such fees and expenses as may be approved by the Commission should be allocated among Light & Power, North American and Illinois Power;

(4) Whether in connection with the application filed by Dean E. Ackers, the Commission's orders entered in the proceedings in File No. 37-55 should be amended or modified, and if so, in what respect;

(5) Whether payment by Light & Power of the compensation, or any portion thereof, requested by Dean E. Ackers, should be exempted from the provisions of section 13 (a) of the act:

*It is further ordered*, That particular attention be directed at said hearing to the foregoing matters and questions.

*It is further ordered*, That any persons, other than the applicants named herein and all fee recipients, desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before June 9, 1950, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail upon Light & Power, North American, Illinois Power, the Kansas Power and Light Company, the aforementioned applicants and all fee recipients, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the act, and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 50-4287; Filed, May 19, 1950; 8:45 a. m.]

[File No. 70-2221]

DUQUESNE LIGHT CO.

ORDER RELEASING JURISDICTION OVER FEES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 16th day of May 1950.

The Commission having, by orders dated October 6, 1949 and October 19, 1949, granted the application, as amended, of Duquesne Light Company, a public utility company and a subsidiary of Standard Power and Light Corporation, Standard Gas and Electric Company, and Philadelphia Company, all registered holding companies, with respect to the issuance and sale at competitive bidding of $15,000,000 principal amount of First Mortgage Bonds, Series due October 1, 1979; and

The Commission having reserved jurisdiction with respect to fees and expenses to be paid for legal and accounting services in connection with the proposed transactions; and

The record having been supplemented with respect to fees and expenses in the amounts of $15,000 and $1,394, respectively, requested by Reed, Smith, Shaw & McClay, counsel for the company, fees and expenses in the amounts of $8,500 and $1,200, respectively, requested by Cahill, Gordon, Zachry & Reindel, counsel for the underwriters, and fees and expenses in the amounts of $5,984.84 and $247, respectively, requested by Haskins & Sells for accounting services; and

The Commission having examined the statements filed in support of such fees and expenses and finding that such fees and expenses are not unreasonable and that the jurisdiction heretofore reserved with respect thereto should be released:

*It is ordered*, That jurisdiction heretofore reserved herein with respect to fees and expenses to be paid for legal and accounting serivces be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 50-4288; Filed, May 19, 1950; 8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Mexican Change List 115]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 3, 1950.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph #47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

| Call letters | Location | Power | Time designation | Class | Probable date to commence operation |
|---|---|---|---|---|---|
| XEZU | Zacapu, Michoacan | 1270 kilocycles (assignment of call letters) | | | |
| XEGJ | Guadalajara, Jalisco | 1280 kilocycles (assignment of call letters) | | | |
| XEAM | Matamoros, Tamaulipas | 1400 kilocycles (delete—see assignment on 1450 kc). | | | |
| XEVH | Valle Hermoso, Tamaulipas | 1410 kilocycles 200 w | U | IV | Sept. 1, 1950 |
| XEAM | Matamoros, Tamaulipas | 1450 kilocycles 250 w | U | IV | Do. |
| XEXP | do | (Delete) | | | |

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

[F. R. Doc. 50-4309; Filed, May 19, 1950; 8:50 a. m.]

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[Mexican Change List 116]

## MEXICAN BROADCAST STATIONS

### LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 11, 1950.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph #47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

| Call letters | Location | Power | Time designation | Class | Probable date to commence operation |
|---|---|---|---|---|---|
| XEAF | Tala, Jalisco | 550 kilocycles (assignment of call letters) | | | |
| XEAH | Santa Rosalia, Baja California. | 560 kilocycles (assignment of call letters) | | | |
| XEAK | Tecate, Baja California | | | | |
| XEAY | Villa Acuna, Coahuila | 570 kilocycles (assignment of call letters) | | | |
| XEBB | Acapulco, Guerrero | 600 kilocycles (assignment of call letters) | | | |
| XECO | Zapopan, Jalisco | 760 kilocycles (assignment of call letters) | | | |
| XEBE | Tijuana, Baja California | 800 kilocycles (assignment of call letters) | | | |
| XEBD | Saltillo, Coahuila | 920 kilocycles (assignment of call letters) | | | |
| XEBF | Mexicali, Baja California | 940 kilocycles (assignment of call letters) | | | |
| XEBN | Agua Prieta, Sonora | 1010 kilocycles (assignment of call letters) | | | |
| XELB | La Barca, Jalisco | 1090 kilocycles (assignment of call letters) | | | |
| XERO | Nuevo Laredo, Tamaulipas | | | | |
| XECB | Aguascalientes, Aguascalientes. | 1170 kilocycles (assignment of call letters) | | | |
| XECE | Oaxaca, Oaxaca | 1240 kilocycles (assignment of call letters) | | | |
| XECG | Nogales, Sonora | | | | |
| XEBY | Agua Prieta, Sonora | 1310 kilocycles (assignment of call letters) | | | |
| XESR | Santa Rosalia, Baja California. | 1320 kilocycles (assignment of call letters) | | | |
| XECI | Acapulco, Guerrero | 1340 kilocycles (assignment of call letters) | | | |
| XECJ | Apatzingan, Michoacan | | | | |
| XECK | Durango, Durango | | | | |
| XECM | Manzanillo, Colima | | | | |
| XECN | Progreso, Yucatan | 1400 kilocycles (assignment of call letters) | | | |
| XEDQ | San Andres, Tuxtla, Veracruz. | | | | |
| XEBC | Ciudad Guzman, Jalisco | 1430 kilocycles (assignment of call letters) | | | |
| XECP | Ciudad Victoria, Tamaulipas. | 1450 kilocycles (assignment of call letters) | | | |
| XECS | Ciudad Mante, Tamaulipas. | | | | |
| XECT | Ojinaga, Chihuahua | | | | |
| XECU | Los Mochis, Sinaloa | 1470 kilocycles (assignment of call letters) | | | |
| XECV | Guasave, Sinaloa | 1490 kilocycles (assignment of call letters) | | | |
| XECW | Veracruz, Veracruz | | | | |
| XECX | Queretaro, Queretaro | 1520 kilocycles (assignment of call letters) | | | |
| XECY | Huamantla, Tlaxcala | | | | |
| XEDB | Tehuacan, Puebla | | | | |
| XEDC | Aguascalientes, Aguascalientes. | 1560 kilocycles (assignment of call letters) | | | |
| XEDD | Monterrey, Nuevo Leon | 1570 kilocycles (assignment of call letters) | | | |
| XEDI | Queretaro, Queretaro | 1580 kilocycles (assignment of call letters) | | | |
| XEDM | Hermosillo, Sonora | 1590 kilocycles (assignment of call letters) | | | |
| XEKT | Tecate, Baja California | 1600 kilocycles (assignment of call letters) | | | |
| XEDO | Acapulco, Guerrero | | | | |

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

[F. R. Doc. 50-4310; Filed, May 19, 1950; 8:50 a. m.]

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[Docket No. 9647]

## GRAHAM BROTHERS, INC.

### ORDER DESIGNATING APPLICATION FOR HEARING UPON STATED ISSUES

In the matter of application of Graham Brothers, Inc., Los Angeles, California, for authorization in the Special Industrial Radio Service, File Nos. 6393-D4-ML-E and 3296-D4-P-E; Docket No. 9647.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of May 1950;

The Commission having under consideration the application of Graham Brothers, Inc., Los Angeles, California, for an authorization in the Special Industrial Radio Service;

It appearing, that the above-mentioned application raises a question as to applicant's eligibility to operate a station under the provisions of § 11.501 of the rules governing the Industrial Radio Services, and that a hearing is necessary for the purpose of resolving this question:

*It is ordered,* That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of Graham Brothers, Inc., for an authorization in the Special Industrial Radio Service be designated for hearing before a Commission Examiner at 10:00 a. m., on the 6th day of June 1950, at the Commission's offices in Washington, D. C., upon the following issues:

(1) To determine whether the applicant is engaged in an industrial activity, the primary function of which is devoted to production, construction, fabrication, manufacturing, or similar processes, as distinguished from activities of a service or distribution nature.

(2) If the applicant is found to be engaged in any of the activities set forth in (1) above, is the industrial operation for which radio is desired being conducted in a remote or sparsely settled region.

(3) If the applicant is found to be engaged in any or all of the activities mentioned in (1) above, is the industrial operation for which radio is desired a construction project of a public character.

(4) If the applicant is found to be engaged in any of the activities mentioned in (1) above, is there shown to be a requirement for the use of radio within the yard area of a single plant which could not be accomplished through the use of Low Power Radio Service.

(5) To determine whether the activities of the applicant are such as to render him eligible under the provisions of § 11.501 for an authorization in the Special Industrial Radio Service.

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

[F. R. Doc. 50-4308; Filed, May 19, 1950; 8:50 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14614]

FRANCISCA BOVENSIEPEN AND OLEA MARIA GERBER

In re: Debt owing to and a bank account owned by Francisca Bovensiepen, also known as Franzisca Haralda de Bovensiepen, and as Francisca H. de Bovensiepen, and Olea Maria Gerber, also known as Olea Maria Haralda de Gerber and as Olea Maria H. de Gerber. F-28-25660-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Francisca Bovensiepen, also known as Franzisca Haralda de Bovensiepen and as Francisca H. de Bovensiepen, whose last known address is Thriftstrasse 20, Germisch-Partenkirchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Olea Maria Gerber, also known as Olea Maria Haralda de Gerber and as Olea Maria H. de Gerber, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of National Aniline & Chemical Co., U. S. A., 40 Rector Street, New York, New York, in the amount of $1,142.45 as of May 3, 1949, arising out of a post-employment allowance granted by the aforesaid company to Edward Storm Bull, retired employee, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York, New York, arising out of an account entitled "Edvard Storm Bull", maintained with the aforesaid trust company, and any and all rights to demand, enforce and collect the same,

is property 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, Francisca Bovensiepen, also known as Franzisca Haralda de Bovensiepen and as Francisca H. de Bovensiepen, and Olea Maria Gerber, also known as Olea Maria Haralda de Gerber and as Olea Maria H. de Gerber, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as 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 May 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4313; Filed, May 19, 1950; 8:50 a. m.]

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[Vesting Order 14628]

OTTO ACKERMANN

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Otto Ackermann, deceased. F-28-30620-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Otto Ackermann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a savings account, account numbered 1,036,294, entitled Otto Ackermann, maintained at the Fourteenth Street branch office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Otto Ackermann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Otto Ackermann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as 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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4314; Filed, May 19, 1950; 8:50 a. m.]

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[Vesting Order 14630]

HERBERT BOETTCHER

In re: Debt owing to Herbert Boettcher. F-28-30738.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herbert Boettcher, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Herbert Boettcher by Kalio Inc., 120 Broadway, New York, New York, in the amount of $296.27, as of February 3, 1950, representing an account payable on the books of the aforesaid Kalio Inc., entitled "Erectors-Wages", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as 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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4315; Filed, May 19, 1950; 8:50 a. m.]

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[Vesting Order 14631]

TATSUCHIRO CHIBA

In re: Bank account owned by Tatsuchiro Chiba also known as Tatsushiro Chiba. F 39-1459-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsuchiro Chiba also known as Tatsushiro Chiba, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tatsuchiro Chiba also known as Tatsushiro Chiba, by United States National Bank of San Diego, San Diego, California, arising out of a Savings Account, account number 30008, entitled Tatsuchiro Chiba, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4316; Filed, May 19, 1950; 8:50 a. m.]

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[Vesting Order 14632]

WILLIAM HEEPER AND GESINE HEEPER

In re: Debts owing to, and a bank account and stock owned by, William Heeper and Gesine Heeper. F-28-30028-A-1; D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Heeper and Gesine Heeper, each of whose last known address is 80 Moeckernstrasse, Bremen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to William Heeper and Gesine Heeper, by Elfriede Margarete Heeper, also known as Elfriede M. Heeper, and as Peggy E. M. Heeper, 300 West 23rd Street, New York, New York, in the aggregate amount of $9,382.23, representing the net rentals and the net proceeds of sale from real property, said funds received by the aforesaid Elfriede Margarete Heeper, also known as Elfriede M. Heeper, and as Peggy E. M. Heeper, from Henry Schnakenberg, 12 Collamore Terrace, West Orange, New Jersey, on the dates and in the amounts set forth below:

| Date: | *Amount* |
|---|---|
| May 9, 1944 (rentals) | $200.00 |
| October 14, 1944 (rentals) | 100.00 |
| November 10, 1944 (rentals) | 50.00 |
| December 8, 1944 (rentals) | 50.00 |
| December 27, 1944 (rentals) | 50.00 |
| February 1, 1945 (rentals) | 50.00 |
| August 7, 1945 (rentals) | 400.00 |
| July 14, 1948 (rentals) | 110.00 |
| August 17, 1948 (proceeds of sale) | 8,372.23 |
| Total | 9,382.23 |

and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

b. That certain debt or other obligation of the Orange First National Bank, Orange, New Jersey, arising out of a savings account, entitled William Heeper and Gesine Heeper, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. Fifty-four (54) shares of $20.00 par value common capital stock of the Orange First National Bank, Orange, New Jersey, a national banking corporation, evidenced by a certificate numbered 893, registered in the name of William Heeper and Gesine Heeper, together with all declared and unpaid dividends thereon,

is property 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, William Heeper and Gesine Heeper, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as 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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4317; Filed, May 19, 1950; 8:51 a. m.]

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[Vesting Order 14633]

KENJI ITANORE

In re: Bank account owned by Kenji Itanore also known as Kenji Itanori. F-39-1426-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenji Itanore also known as Kenji Itanori, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kenji Itanore also known as Kenji Itanori, by United States National Bank of San Diego, San Diego, California, arising out of a Savings Account, account number 30020, entitled Kenji Itanore, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4318; Filed, May 19, 1950; 8:51 a. m.]

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[Vesting Order 14635]

B. KAWATE

In re: Cashier's check owned by B. Kawate, also known as Buichi Kawate. F-39-1515.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That B. Kawate, also known as Buichi Kawate, whose last known address is No. 355 Ushida-Machi, Higashi-ku, Hiroshima-shi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by that certain cashier's check in the sum of $1,049.09, dated 24 March 1948 and numbered 8240482, drawn by and on the Bank of America National Trust and Savings Association, Fowler Branch, Fowler, California, in favor of B. Kawate, and presently in the custody of the Attorney General of the United States, and any and all rights in, to and under, including particularly the right to possession and presentation for collection and payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4319; Filed, May 19, 1950; 8:51 a. m.]

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[Vesting Order 14634]

SHINZO KAWAI AND SADA KAWAI

In re: Stock owned by Shinzo Kawai and Sada Kawai. F-39-136-D-1, D-2, D-3, F-39-6707-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shinzo Kawai and Sada Kawai, whose last known address is 433-3 Chome Mabashi, Suginami P. O. Division, Tokyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of The Commonwealth and Southern Corporation, 902 Market Street, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered TCB49658, registered in the name of Shinzo Kawai, together with all declared and unpaid dividends thereon, and any and all rights under a Dissolution Plan approved by United States District Court in Delaware on July 6, 1949,

b. Ten (10) shares of $3.00 par value common capital stock of The Aviation Corporation (now Avco Manufacturing Corporation), 420 Lexington Avenue, New York 17, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 37676, registered in the name of Shinzo Kawai, together with all declared and unpaid dividends thereon, and

c. Ten (10) shares of $1.00 par value common capital stock of American Airlines, Inc., 100 East 42d Street, New York 17, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 040333 for one (1) share of $10.00 par value common capital stock of the aforesaid company, registered in the name of Shinzo Kawai, together with all declared and unpaid dividends thereon, and any and all rights to receive new certificates for $1.00 par value stock of the aforesaid company,

is property 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, Shinzo Kawai, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: Ten (10) shares of no par value common capital stock of The Commonwealth and Southern Corporation, 902 Market Street, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered TCB66051, registered in the name of Sada Kawai, together with all declared and unpaid dividends thereon, and any and all rights under a Dissolution Plan approved by United States District Court in Delaware on July 6, 1949,

is property 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 Sada Kawai, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4246; Filed, May 17, 1950; 8:48 a. m.]

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[Vesting Order 14637]

HIDEO KIDOSAKE

In re: Cashiers check and bonds owned by and debt owing to Hideo Kidosake. D-39-9326-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Ex-

ecutive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hideo Kidosaki, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the California Bank, Los Angeles, California, arising out of cashiers check No. 32-57578 in the amount of $3,386.73 issued in favor of Sadao Okumoto by the branch office of said bank located at 863 South San Pedro Street, Los Angeles 14, California, and presently held in safekeeping by said branch office pursuant to its Safekeeping Receipt No. 6419, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under, including particularly the right to possession and presentation for collection and payment of, the aforesaid cashiers check,

b. That certain sealed package presently held in safekeeping by the branch office of the California Bank, Los Angeles, California, located at 863 South San Pedro Street, Los Angeles 14, California, pursuant to its Safekeeping Receipt No. 6419, together with the contents thereof including particularly but not limited to those certain forty-four (44) bonds described in Exhibit A, attached hereto and by reference made a part hereof, and together with all rights in, to and under said bonds, and

c. That certain debt or other obligation of The Yokohama Specie Bank, Ltd., Los Angeles Office, Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a commercial checking account entitled Sadao Okumoto, maintained at the aforesaid Los Angeles Office and any and all rights to demand, enforce and collect the same,

is property 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, Hideo Kidosaki, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

EXHIBIT A

| Description of Issue | Bond No. | Face value |
|---|---|---|
| Shinyetsu Electric Power Co., Ltd., 6½% bonds, due 1952. | M 421/3 | [1] $1,000 |
| | M 430 | 1,000 |
| | M 1165/7 | [1] 1,000 |
| | M 2801 | 1,000 |
| | M 2663 | 1,000 |
| | M 3132/3 | [1] 1,000 |
| | M 3195 | 1,000 |
| | M 3725 | 1,000 |
| | M 3929 | 1,000 |
| | M 4119 | 1,000 |
| | M 4179 | 1,000 |
| | M 4355 | 1,000 |
| | M 4467 | 1,000 |
| | M 4598 | 1,000 |
| | M 4917/8 | [1] 1,000 |
| | M 4940 | 1,000 |
| | M 5244 | 1,000 |
| | M 5515 | 1,000 |
| | M 5696 | 1,000 |
| | M 6190/1 | [1] 1,000 |
| | M 6389 | 1,000 |
| | M 6566/8 | [1] 1,000 |
| | D 261/4 | [1] 500 |
| Nippon Electric Power & Light Co., Ltd., 6½% Bonds, due 1953. | 1483/9 | [1] 1,000 |
| | 2091 | 1,000 |
| | 8878/80 | [1] 1,000 |

[1] Each.

[F. R. Doc. 50-4272; Filed, May 18, 1950; 8:56 a. m.]

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[Vesting Order 14643]

SABURO YAMANE

In re: Bond owned by Saburo Yamane. D-39-16827-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saburo Yamane, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One United States Savings Bond, Series E, of $500.00 face value, bearing the number D1352401E, registered in the name of Mr. Saburo Yamane or Mrs. Sadako Yamane, presently in the custody of Mrs. Fay Nitta, 1912 Kalani Street, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4273; Filed, May 18, 1950; 8:56 a. m.]

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[Vesting Order 14636]

Y. KAWATE

In re: Cashier's check owned by Y. Kawate, also known as Yoneichi Kawate. F-39-3122.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Y. Kawate, also known as Yoneichi Kawate, whose last known address is 960-2, Ushida-cho, Hiroshima-shi, Hiroshima-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by that certain cashier's check in the sum of $4,962.71, dated 24 March 1948 and numbered 8240483, drawn by and on the Bank of America National Trust and Savings Association, Fowler Branch, Fowler, California, in favor of Y. Kawate, and presently in the custody of The Attorney General of the United States, and any and all rights in, to and under, including particularly the right to possession and presentation for collection and payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4320; Filed, May 19, 1950; 8:51 a. m.]

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[Vesting Order 14638]

KOMEO MATSUKAWA

In re: Bank account owned by Komeo Matsukawa also known as Kameo Matsukawa. F-39-1775-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Komeo Matsukawa also known as Kameo Matsukawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Komeo Matsukawa also known as Kameo Matsukawa by United States National Bank of San Diego, San Diego, California, arising out of a Savings Account, account number 30022, entitled Komeo Matsukawa, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4321; Filed, May 19, 1950; 8:51 a. m.]

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[Vesting Order 14639]

KOZO MIURA

In re: Bank account owned by Kozo Miura also known as Miura Kozo. F-39-1798-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kozo Miura also known as Miura Kozo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kozo Miura also known as Miura Kozo, by United States National Bank of San Diego, San Diego, California, arising out of a Savings Account, account number 30009, entitled "Miura Kozo", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4322; Filed, May 19, 1950; 8:51 a. m.]

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[Vesting Order 14641]

WILLIAM STOEBER

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of William Stoeber, deceased. F-28-30742-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of William Stoeber, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Two and seven-tenths (2.7) shares of $10.00 par value common capital stock of The Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered VL-790864 and BL-94050 for ten (10) shares each and XL-208330 for seven (7) shares of no par value common stock of the aforesaid company, registered in the name of William Stoeber, together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for shares of $10.00 par value stock of the aforesaid company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of William Stoeber, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of William Stoeber, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as 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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4323; Filed, May 19, 1950; 8:51 a. m.]

[Vesting Order 14642]

FRITZ WENG

In re: Debt owing to Fritz Weng. F-28-25695-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Weng, whose last known address is Nissenstrasse 6, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Dominick & Dominick, 14 Wall Street, New York 5, New York, in the amount of $270.00, as of December 31, 1945, arising out of the collection by the said Dominick & Dominick on April 9, 1942, of the proceeds of coupons due October 15, 1940, and April 15, 1941, from one (1) Kingdom of Denmark 4½% Bond and coupons due September 1, 1940, and March 1, 1941, from five (5) Kingdom of Norway 4½% Bonds and representing a portion of an account entitled Union de Banques Suisses, Zurich, Switzerland, Special G. R. No. 6 Account, maintained with Dominick & Dominick, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as 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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4324; Filed, May 19, 1950; 8:51 a. m.]

[Vesting Order 12604, Amdt.]

ERICH RASSBACH AND ELSA RASSBACH

In re: Bonds and stock owned by Erich Rassbach and Elsa Rassbach. F-63-4717.

Vesting Order 12604, dated December 31, 1948 is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Rassbach and Elsa Rassbach, each of whose last known address is Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

c. Ten (10) shares of $100.00 par value capital stock of American Telephone & Telegraph Company, 195 Broadway, New York 7, New York, a corporation organized under the laws of the State of New York, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

d. Ten (10) shares of $5.00 par value common capital stock of Middle West Corporation, 92 Market Street, Wilmington 99, Delaware, a corporation organized under the laws of the State of Delaware, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends or other distributions thereon,

e. One (1) share of $15.00 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

f. Forty (40) shares of $12.50 par value common capital stock of Westinghouse Electric Corp. (formerly Westinghouse Electric & Mfg. Co.), 306 4th Avenue, Pittsburgh, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company in a General Ruling No. 6 Account for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

g. Ten (10) shares of $25.00 par value common capital stock of Pacific Gas and Electric Corporation, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

h. Ten (10) shares of $25.00 par value common capital stock of Standard Oil Company (New Jersey), 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

i. Thirty (30) shares of no par value capital stock of International Harvester Company, 18 North Michigan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of New Jersey, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

j. Forty (40) shares of no par value capital stock of Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Illinois, a corporation organized under the laws of the State of New York, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

k. That certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York 15, New York in the amount of $5,142.20 as of February 15, 1949, on deposit in a regular blocked account of Credit Suisse, Zurich, Switzerland, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

1. That certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York 15, New York in the amount of $2,652.16 as of January 24, 1949 on deposit in a General Ruling No. 6 Account of Credit Suisse, Zurich, Switzerland representing accretions from and accumulations on the securities described in subparagraphs (a) through (j) above together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, together with the proceeds of sales of one and five fifteenths (1 1/15) shares of stock of Public Service Company of Indiana, and two and two fourths (2 2/4) shares of stock of Wisconsin Power and Light Company, on deposit in the aforesaid account,

m. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, in the amount of $752.00 as of February 15, 1949, on deposit in a blocked account of Credit Suisse, Zurich, Switzerland, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

n. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, in the amount of $1,113.11 as of February 15, 1949, on deposit in a General Ruling No. 6 Account of Credit Suisse, Zurich, Switzerland, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

o. Those certain bonds described in Exhibit C, attached hereto and by reference made a part hereof, presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York for the account of Credit Suisse, Zurich, Switzerland, together with any and all rights thereunder and thereto.

p. Ten (10) shares of $50.00 par value capital stock of The Pennsylvania Railroad Company, Broad Street Station Building, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, registered in the name of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon, and

q. One (1) New York Central Railroad Company, Series A, 4 1/2% bond, due October 1, 2013, presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, for the account of Credit Suisse, Zurich, Switzerland, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, hold on behalf of or on account of, or owing to, or which is evidence of ownership or control by Erich Rassbach and Elsa Rassbach, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as 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 May 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

EXHIBIT A

| *Description of issue* | *Total face value* |
|---|---|
| Baltimore & Ohio R. R. Co. convertible, 4 1/2% due 1960 | $2,000.00 |
| Missouri Pacific R. R. Co., 4% general gold due 1975 | 2,000.00 |
| The New York, New Haven & Hartford R. R. Co., 6% convertible debenture gold, due 1948 | 2,000.00 |

EXHIBIT B

| Name and address of issuing corporation | State of incorporation | Number of shares | Par value | Type of stock |
|---|---|---|---|---|
| Electric Bond & Share Co., 2 Rector St., New York 6, N. Y. | New York | 3 | $5.00 | Common. |
| Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y. | Montana | 15 | 50.00 | Do. |
| General Motors Corp., 3044 West Grand Blvd., Detroit, Mich. | Delaware | 10 | 10.00 | Do. |
| Bendix Aviation Corp., Fisher Bldg., Detroit 2, Mich. | do | 50 | 5.00 | Capital. |
| The United Corp., 37 Wall St., New York 5, N. Y. | do | 5 | 1.00 | Common. |
| General Electric Co., 1 River Rd., Schenectady, N. Y. | New York | 25 | No par | Do. |
| Public Service Corp. of New Jersey, 80 Park Pl., Newark 1, N. J. | New Jersey | 10 | No par | Do. |
| Radio Corp. of America, RCA Bldg., 30 Rockefeller Plaza, New York 20, N. Y. | Delaware | 12 | No par | Do. |
| Central Illinois Public Service Co., 607 East Adams St., Springfield, Ill. | Illinois | 5 | 10.00 | Do. |
| Central & South West Corp., 902 Market St., Wilmington 99, Del. | Delaware | 10 | 5.00 | Do. |
| International Nickel Co., of Canada, Ltd., 67 Wall St., New York 5, N. Y. | Dominion of Canada. | 20 | No par | Do. |
| Texas Gulf Sulphur Co., Second National Bank Bldg., Houston 2, Tex. | Texas | 5 | No par | Do. |

EXHIBIT C

| *Description of issue* | *Total face value* |
|---|---|
| Dominion of Canada 3 1/4% | $2,000.00 |
| Canadian National Ry. Co. 4 1/2% | 2,000.00 |
| Canadian Pacific Ry. Co., consolidated debentures 4% | 1,000.00 |
| New York Central R. R. Co., 4% | 1,000.00 |

[F. R. Doc. 50-4325; Filed, May 19, 1950; 8:52 a. m.]

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[Return Order 633]

EMILIE MACK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

Emilie Mack, a/k/a Emily Mack, Murrhardt, Wurttemberg, Germany; Claim No. 4833; March 18, 1950 (15 F. R. 1559); $4,663.92 in the Treasury of the United States. An undivided one-seventh (1/7) interest in five hundred (500) shares of the $1.00 par value capital stock of the Mexico Oil Corporation, evidenced by Certificate No. 32951 registered in the name of Richard Klier, presently in the custody of the Comptroller's Branch, Office of Alien Property, Department of Justice, New York, New York. An undivided one-seventh (1/7) interest in an Option Warrant for the purchase of 8 shares of the no par value common stock of the American and Foreign Power Company, Inc. (Maine), at $25.00 per share, evidenced by Certificate No. 90239 registered in the name of the Alien Property Custodian, Washington, D. C., Account No. 28-8907, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York. All right, title, interest and claim of any kind or character whatsoever of Emily Mack in and to the Estate of Richard Klier, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4326; Filed, May 19, 1950; 8:52 a. m.]

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PAUL ANGELUS AND MIHALY ANGELUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

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

Paul Angelus, Administrator of the estate of Mihaly Angelus, deceased, New York, N. Y.; Claim No. 5408; $4,381.51 in the Treasury of the United States.

Executed at Washington, D. C., on May 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4327; Filed, May 19, 1950; 8:52 a. m.]

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IGNAZIO HORNIK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

*Claimant, Claim No., Property and Location*

Ignazio Hornik, New York, N. Y., and Mexico D. F., Mexico; Claim No. 5798; $3,757.50 in the Treasury of the United States.

Executed at Washington, D. C., on May 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4328; Filed, May 19, 1950; 8:52 a. m.]

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HANS NUETZEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

*Claimant, Claim No., Property and Location*

Hans Nuetzel, a/k/a Hans Nutzel, Cincinnati, Ohio; Claim No. 11343; $9,466.74 in the Treasury of the United States. The following securities presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York: United States Treasury Bonds, 1955-60, 2½%, dated March 15, 1935, due March 15, 1960, with coupons due September 15, 1950, and s. c. a. No. 97848 for $1,000, 97849 for $1,000, 314421 for $1,000 and 1471 for $5,000. United States Treasury Bonds, 1965-70, 2½%, dated February 1, 1944, due March 15, 1970, with coupons due September 15, 1950, and s. c. a., Nos. 143227, 426697 and 426698 for $1,000 each.

Executed at Washington, D. C., on May 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4329; Filed, May 19, 1950; 8:52 a. m.]

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SOCIETE POUR L'APPLICATION DES TRANSMISSIONS AUTOMATIQUES FLEISCHEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

*Claimant, Claim No., and Property*

Societe pour l'Application des Transmissions Automatiques Fleischel, Luxembourg, Luxembourg; Claim No. 6974; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,993,544 and 1,996,915.

Executed at Washington, D. C., on May 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-4330; Filed, May 19, 1950; 8:52 a. m.]

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## UNITED STATES TARIFF COMMISSION

[List No. 19 (E)]

NEW MEXICO MINERS AND PROSPECTORS ASSN. AND LEAD PRODUCERS OF NEW MEXICO

APPLICATION FOR INVESTIGATION

MAY 17, 1950.

Application has been filed with the United States Tariff Commission for investigation, under the escape clause procedure, to determine whether as a result of unforeseen developments and of the concession granted in a trade agreement the articles listed below are being imported in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles. The application was filed under the provisions of Part III of Executive Order 10082 of October 5, 1949.

| Name of article | Purpose of request | Date received | Name and address of applicant |
|---|---|---|---|
| Lead-bearing ores and products of lead concentrating plants, smelters and lead-scrap reclamation depots (Items 391 and 392, Schedule II of the trade agreement with Mexico). | Increase in duty. | May 16, 1950 | New Mexico Miners and Prospectors Assn. on behalf of Lead Producers of New Mexico, Albuquerque, N. Mex. |

The application listed above is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Tariff Commission, located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN,
*Secretary.*

[F. R. Doc. 50-4339; Filed, May 19, 1950; 8:53 a. m.]