



FEDERAL REGISTER

 OF THE UNITED STATES

1934

VOLUME 16 NUMBER 100

Washington, Wednesday, May 23, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State
[Departmental Reg. 108.127]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the date indicated:

1. Effective as of the beginning of the first pay period following April 28, 1951, paragraph (d) is amended by the addition of the following posts:

Japan, all posts on Honshu, Shikoku, Kyushu, and Hokkaido.

(E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,

Deputy Assistant Secretary.

MAY 14, 1951.

[F. R. Doc. 51-5912; Filed, May 22, 1951; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52729]

PART 54—CERTAIN IMPORTATIONS FREE OF DUTY DURING THE WAR

FREE ENTRY OF GIFTS FROM MEMBERS OF U. S. ARMED FORCES

Public Law 1, approved February 21, 1951, amending Public Law 790, approved December 5, 1942, as amended by Public Law 384, approved August 8, 1947, and Public Law 241, approved August 17, 1949, relating to the free entry of bona fide gifts from members of the armed forces of the United States on duty outside the continental limits.

Public Law 1, 82d Congress, approved February 21, 1951, extending for 2 years the existing privileges of free importation of gifts from members of the armed forces of the United States on duty

abroad, is published for your information and guidance:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 2 of the act of December 5, 1942, entitled "An act to accord free entry to bona fide gifts from members of the Armed Forces of the United States on duty abroad", as amended (U. S. C., 1946 edition, Supp. III, title 50 App., sec. 847), is hereby amended by striking out "July 1, 1951" and inserting in lieu thereof "July 1, 1953".

As Public Law 1, 82d Congress, extends Public Law 790, 77th Congress, as amended by Public Law 384, 80th Congress, until the close of business June 30, 1953, the regulations promulgated in 19 CFR 54.3 (T. Ds. 50785, 50869, 51737, 51870, and 52322) are hereby extended until that time, and 19 CFR 54.3, as amended, is further amended by substituting "July 1, 1953", for "July 1, 1951" in paragraph (f).

(Secs. 498, 624, 46 Stat. 728, 759, 56 Stat. 1041, as amended; 19 U. S. C. 1498, 1624, 50 U. S. C. App. Supp. 846, 847)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 17, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5927; Filed, May 22, 1951; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

1. Sections 861.201 to 862.209 and 861.701 to 861.707 are revoked.

2. Sections 861.301 to 861.308, 861.401 to 861.409, 861.501 to 861.508, and 851.751 to 861.753 are hereby rescinded. Sections 861.301 to 861.730 are substituted therefor as follows:

APPOINTMENT OF OFFICERS IN THE AIR FORCE RESERVE OR THE AIR FORCE OF THE UNITED STATES

Sec.

861.301 General.

861.302 Eligibility.

(Continued on p. 4773)

CONTENTS

	Page
Agriculture Department	
See Animal Industry Bureau; Production and Marketing Administration.	
Air Force Department	
Rules and regulations:	
Officers' Reserve	4771
Alien Property, Office of Notices:	
Vesting orders, etc.:	
Aktiebolaget Oscar Ahren	4822
Cerruti, Peter S., et al.	4823
Comptoir des Textiles Artificiels, S. a. r. l.	4825
Goebel, Dr. Carl	4821
Heck, Elsie J.	4825
Jenny, Dr. Richard	4824
Kersting, Kathleen	4824
Kincer, Katherine	4821
Kitani, Akio	4823
Lo Re Villalba (Caltanissetta), Antoinetta, and Maria Bonasera, Vallelunga (Caltanissetta)	4824
Mazzuca, Antonio	4824
Maddaus, Hedvig E. S.	4823
N. V. Effecten En Bankierskantoor Leo Frenkel	4822
Passardi, Vitaliano	4823
Salani, Ettore	4825
Societe de Construction d'Appareils Mecaniques et Electriques pour Automobiles	4824
Societe de Constructions Mecaniques de Stains, S. A.	4824
Societe de la Viscose Francaise	4823
Societe Pour L'Union Des Transports Ferroviaires Et Routiers	4825
Vitale, Mariannina Mazzei	4824
Animal Industry Bureau	
Rules and regulations:	
Imports and exports; overtime, night and holiday inspection and quarantine activities at border, coastal and air ports	4783
Commerce Department	
See Foreign and Domestic Commerce Bureau; National Production Authority.	
Customs Bureau	
Rules and regulations:	
Imports free of duty during war; gifts from members of U. S. Armed Forces	4771


FEDERAL REGISTER

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1949 Edition

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(For use during 1951)

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CONTENTS—Continued

Defense Department	Page
See Air Force Department; Army Department.	
Economic Stabilization Agency	
See Price Stabilization, Office of.	
Federal Communications Commission	
Notices:	
Class B FM broadcast stations, tentative allocation plan	4818

RULES AND REGULATIONS
CONTENTS—Continued

Federal Communications Commission—Continued	Page
Notices—Continued	
Television broadcast service; hearing	4818
Rules and regulations:	
Experimental and auxiliary broadcast services	4802
Practice and procedure	4802
Radio broadcast services	4802
Federal Power Commission	
Notices:	
Hearings, etc.:	
Alaska Packers Assn. et al.	4819
City of Tacoma, Wash.	4820
Tennessee Gas Transmission Co.	4819
Texas Gas Transmission Corp. et al.	4819
Transcontinental Gas Pipe Line Corp.	4819
Foreign and Domestic Commerce Bureau	
Notices:	
Office of Field Service; location of field offices	4815
Housing and Home Finance Agency	
Rules and regulations:	
Residential controls; relaxation of regulation governing processing and approval of exceptions and terms for critical defense housing areas (CR 3)	4802
Interior Department	
See Land Management, Bureau of.	
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Caustic soda from Baldwin, Ark., to Dallas, Tex.	4820
Furniture in western trunk-line territory	4820
Petroleum products from Mobile to Opelika, Ala.	4820
Various commodities from Easthampton, Mass., and Hartford, Conn., to Kansas City	4820
Rules and regulations:	
Motor carriers; lease and interchange of vehicles	4804
Justice Department	
See Alien Property, Office of.	
Labor Department	
See Wage and Hour Division.	
Land Management, Bureau of	
Notices:	
Restoration of lands:	
California; Tahoe National Forest	4814
Washington; Kittitas Project	4814
National Production Authority	
Rules and regulations:	
Iron and steel (M-1); correction	4785
Maintenance, repair, operating supplies; minor capital additions (Reg. 4)	4799
Rubber (M-2)	4785

CONTENTS—Continued

Price Stabilization, Office of	Page
Rules and regulations:	
Coke, coal chemicals, coke oven gas; participating contracts; distributors (GCPR, SR 13)	4784
Production and Marketing Administration	
Proposed rule making:	
Milk handling in Muskogee, Okla., marketing area	4807
Rules and regulations:	
Cherries, sulfured, U. S. standards for grades; correction	4802
Securities and Exchange Commission	
Notices:	
Allentown-Bethlehem Gas Co.; grant of exception from competitive bidding requirements	4821
State Department	
Rules and regulations:	
Foreign areas, additional compensation in; designation of differential posts; Japan	4771
Treasury Department	
See Customs Bureau.	
Veterans' Administration	
Rules and regulations:	
Veterans claims; disability under certain conditions	4784
Wage and Hour Division	
Notices:	
Employment of handicapped clients by sheltered workshops; issuance of special certificates	4817
Learner employment certificates; issuance to various industries	4816
Proposed rule making:	
Cigar and cigarette industry in Puerto Rico, minimum wage rates	4813
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 5	Page
Chapter III:	
Part 325	4771
Title 7	
Chapter I:	
Part 52	4802
Chapter IX:	
Part 929 (proposed)	4807
Title 9	
Chapter I:	
Part 97	4783
Title 19	
Chapter I:	
Part 54	4771
Title 29	
Chapter V:	
Part 693 (proposed)	4813
Title 32	
Chapter VII:	
Part 861	4771

CODIFICATION GUIDE—Con.

	Sec.
Title 32A	861.708 Psychological assistant.
Chapter III (OPS):	861.709 Machine records officer.
GCPR, SR 13	861.710 Food service staff officer.
Chapter VI (NPA):	861.711 Subsistence supply officer.
M-1	861.712 Packing officer.
M-2	861.713 Laundry officer.
Reg. 4	861.714 Auditing officer.
Chapter XVII (HHFA):	861.715 Accounting and disbursing officer.
CR 3	861.716 Comptroller.
Title 38	861.717 Program analysis officer.
Chapter I:	861.718 Air installation officer.
Part 3	861.719 Design and development officer (designated type).
Title 47	861.720 Ground safety officer.
Chapter I:	861.721 Topographic engineer.
Part 1	861.722 Photomapping officer.
Part 3	861.723 Map reproduction officer.
Part 4	861.724 Airport engineer.
Title 49	861.725 Weather officer.
Chapter I:	861.726 Air police officer.
Part 207	861.727 Psychological warfare officer.
	861.728 Foreign languages propaganda officer.
	861.729 Prisoner of war interrogators.
	861.730 Special investigations officer.

Sec.
861.303 Ineligibility.
861.304 Citizenship requirements.
861.305 Age and grade.
861.306 Educational requirements.
861.307 Physical requirements.
861.308 Moral requirements.
861.309 Applications.
861.310 Submission of applications.
861.311 Examining boards.
861.312 Examinations.
861.313 Channels of communication.
861.314 Selection and appointment.
861.315 Forms.

APPOINTMENT OF JUDGE ADVOCATE GENERAL OFFICERS	
861.401 Professional qualifications.	
861.402 Applications from Reserve officers.	
861.403 Appointment or assignment.	

APPOINTMENT OF CHAPLAINS	
861.501 Professional qualifications.	
861.502 Church of Jesus Christ of Latter-Day Saints.	
861.503 First Church of Christ, Scientist, in Boston, Mass.	
861.504 Ecclesiastical indorsement.	
861.505 Limitations.	

APPOINTMENT OF OFFICERS IN THE MEDICAL SERVICE	
861.601 Qualifications.	
861.602 Doctors of Dental Surgery and Dental Medicine.	
861.603 Dietitians.	
861.604 Environmental hygiene engineering specialists.	
861.605 Medical research and allied science specialists.	
861.606 Doctors of Medicine.	
861.607 Nurses.	
861.608 Occupational therapists.	
861.609 Optometrists.	
861.610 Pharmacists and medical supply and administration specialists.	
861.611 Physical therapists.	
861.612 Doctors of Veterinary Medicine (or Surgery).	
861.613 Applications from Reserve officers.	

APPOINTMENTS IN OTHER SPECIALTIES	
861.701 General.	
861.702 Postal officer.	
861.703 Electronics officers, ground, and air.	
861.704 Communications officer.	
861.705 Passenger and freight transportation, and priorities and traffic officers.	
861.706 Research and development coordinator.	
861.707 Research psychologist.	

of Interior and overseas, such authority granted to him as he may consider appropriate in carrying out the provisions of the regulations contained in §§ 861.301 to 861.730.

(d) *Procurement objectives.* Appointments will be made in such numbers, grades, and military specialties as may be authorized from time to time by the Chief of Staff, United States Air Force. Persons selected for appointment shall be fully qualified in accordance with requirements contained in §§ 861.301 to 861.730. Only those persons who are best qualified will be appointed. Appointment is not assured merely by reason of meeting the established requirements. Outstanding persons in business, scientific, professional, or technical fields who do not meet eligibility criteria but who have demonstrated through their civilian occupation that they are outstanding in their respective fields may be appointed upon approval of the Chief of Staff, United States Air Force.

§ 861.302 *Eligibility*—(a) *General.* Except for those specified in § 861.303 qualified persons, with or without prior military service, are eligible to apply for appointment under the provisions of §§ 861.301 to 861.730 including all members of the Air Force Reserve seeking appointment in a grade higher than that presently held: *Provided*, That, in the case of officer applicants, they are not currently serving on extended active duty. Persons who have previously made application for appointment under the provisions of §§ 861.301 to 861.730 and whose applications have been denied will be ineligible to apply for one year from date of previous rejection.

(b) *Former Regular Air Force officers.* Upon application, submitted within six months subsequent to discharge, former Regular Air Force officers who were separated honorably by reason of unqualified resignation will be appointed in the United States Air Force Reserve in the highest grade, either temporary or permanent, in which they have served at any time. Appearance before an examining board and qualification in a specialty covered by current procurement directives and §§ 861.301 to 861.730 are not required.

(c) *Former Air National Guard of the United States officers.* Upon application, submitted within six months subsequent to discharge, former Air National Guard of the United States officers who were separated honorably may be appointed in the United States Air Force Reserve in the highest grade in which they satisfactorily served in the Air Force of the United States, United States Air Force Reserve, or Air National Guard of the United States. Appearance before an examining board and qualification in a specialty covered by current procurement directives and §§ 861.301 to 861.730 are not required.

(d) *Present and former commissioned officers.* Present and former commissioned officers of any of the Armed Forces other than those listed in paragraphs (b) and (c) of this section, who are eligible to apply under §§ 861.301 to 861.730 may, in connection with the proc-

EDURE: AFM 36-5; 36-5A.

APPOINTMENT OF OFFICERS IN THE AIR FORCE RESERVE OR THE AIR FORCE OF THE UNITED STATES

§ 861.301 *General*—(a) *Duration of appointment.* All appointments in the United States Air Force Reserve will be made for a period of five years, except that appointments in force at the outbreak of war, and those made during a war, shall continue, unless sooner terminated, for the duration of such war and for six months thereafter, or for a period of five years from date of appointment, whichever is longer. Appointments in the Air Force of the United States effected during a war or emergency shall continue, unless sooner terminated, for the duration of such war or emergency and for six months thereafter.

NOTE: Appointments in the Air Force of the United States, without component (temporary), will not be made under the provisions of regulations contained in §§ 861.301 to 861.730 until specifically directed by the Chief of Staff, United States Air Force.

(b) *Command responsibility.* The Commanding General, Continental Air Command, is responsible for implementation of the regulations contained in §§ 861.301 to 861.730 under such administrative procedures as he may determine necessary for the accomplishment of the procurement required and to insure that appointments are tendered only to properly qualified persons. Final selections for appointment in grades above captain, as well as all selections for appointment in the Medical Service of the United States Air Force Reserve where concurrent active duty is desired, and all selections of chaplains will be made by the Chief of Staff, United States Air Force.

(c) *Delegation of authority.* The Commanding General, Continental Air Command, may delegate to subordinate commanders, not below numbered air force level, and major commanders, Zone

RULES AND REGULATIONS

essing, be exempted from appearance before an examining board. Such exemption will be made, however, only in those instances where adequate determination of qualification in a specialty covered by current procurement directives and §§ 861.301 to 861.730 can be made without such appearance.

§ 861.303 *Ineligibility.* The following persons are ineligible to apply for appointment in the Air Force Reserve:

(a) Commissioned officers of the United States Air Force and commissioned officers of the United States Air Force Reserve, Air National Guard of the United States, or Air Force of the United States on extended active duty.

(b) Officers or enlisted personnel in the Reserve Forces of the Army of the United States, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, unless they have obtained a conditional release from their appointments or enlistments and are not on active duty, or under orders to report for active duty.

(c) Enlisted personnel and warrant officers of the Army, Navy, Marine Corps, or Coast Guard, in the active service of the United States.

(d) Persons who are or ever have been conscientious objectors.

(e) Persons having a record of conviction by any type of military or civil court for other than a minor traffic violation. Such personnel, however, may request the commander responsible for the implementation of the regulations contained in §§ 861.301 to 861.730 to consider granting a waiver in the case of other minor violations which are non-recurrent and which are not considered prejudicial to performance of duty as an officer. Any request for waiver under this paragraph must be submitted by the applicant with his application, stating fully the circumstances of the case. Each request for waiver will be considered on its own merits.

(f) Former officers, warrant officers, flight officers, or enlisted personnel of any of the Armed Forces who were discharged under other than honorable conditions or were released from active service by reason of unsatisfactory service.

(g) Former officers who resigned their commissions in place of court martial, reclassification, or elimination from service.

(h) Officers separated or who resigned in place of separation under the provisions of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1081; 10 U. S. C. 580-587, 1001-1007), the Officer Personnel Act of 1947 (Title V, 61 Stat. 883, 10 U. S. C. 559c, 941a) and section 23, of the National Defense Act, as amended (sec. 23, 39 Stat. 181, as amended; 10 U. S. C. 484a) unless they are provided, prior to separation, with a letter by the Chief of Staff, United States Air Force authorizing appointment in the United States Air Force Reserve.

(i) Females who have a child or dependent under 18 years of age. A woman who has any legal or other responsibility for the custody, control, care, maintenance, or support of any child or

children under 18 years of age will not be commissioned. Women who have surrendered all rights to custody and control of natural children through formal adoption may be accepted for a commission. However, women having stepchildren or foster children under 18 years of age, or who otherwise stand in relationship of a parent to such child or children, may not be accepted for a commission. No waivers will be granted.

(j) Persons who, during the period of war or national emergency, will not be available for active duty within 30 days from date of appointment.

(k) Persons who have been ordered to report for preinduction processing under the Selective Service Act of 1948, as amended (62 Stat. 604, as amended; 50 U. S. C., App., 451-470), or subsequent Selective Service laws. As an exception to the above, a registrant who has been ordered to report for preinduction processing, and whose local board subsequently reclassifies him into a class other than available for military service, may then be considered eligible to apply for appointment, provided that he is otherwise qualified under the provisions of §§ 861.301 to 861.730 as his order to report for preinduction processing is thereby administratively canceled. As a further exception, registrants who have received orders from their local boards to report for preinduction processing and who are satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, may be considered eligible to apply for appointment in the Air Force Reserve, if otherwise qualified under the provisions of §§ 861.301 to 861.730 unless they have been issued an order to report for induction.

(l) Persons in attendance at, or eliminated from, an officer candidate school, or an aviation cadet training class of the United States Air Force or United States Navy or from one of the service academies of the Armed Forces for disciplinary reasons. Persons eliminated for other reasons may apply; however, appointment may not be effected until after date of graduation of the class from which they were eliminated.

§ 861.304 *Citizenship requirements.* An officer appointed in the United States Air Force Reserve under the provisions of §§ 861.301 to 861.730 must, at the time of appointment, be a citizen of the United States. Applicants who are not citizens of the United States by birth must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of Citizenship No. _____ (or certified copy of court order establishing citizenship) stating that _____

(Full name) was admitted to United States Citizenship by the Court of _____

(County) (State) on _____ The following person

(Date) was named in the certificate as a minor child: _____ age _____

NOTE: Under no circumstances will facsimiles or copies, photographic or otherwise, be made of naturalization certificates.

§ 861.305 *Age and grade.* (a) Persons will be appointed in grades as outlined in specific procurement directives. Persons must have had the minimum years of experience and/or education pertinent to the specialty for which applying and must be within the age bracket as shown for the appropriate grade. Where a person's age is lower than that shown for the grade in which his experience would place him, his age will determine the grade, except that minimum age shown for grade will not apply for appointment of medical, dental, chaplain, and judge advocate officers. Where appointments are not provided for in the grade of second lieutenant in other specialties covered by §§ 861.301 to 861.730, the minimum age for appointment in the grade of first lieutenant will not apply. By law, female applicants will not be commissioned in a grade above that of lieutenant colonel.

Age	Combined years of experience and/or education (college level)	Grade
53 but less than 56	32	Colonel.
49 but less than 53	25	Lieutenant colonel.
40 but less than 49	18	Major.
34 but less than 40	11	Captain.
28 but less than 34	7	First lieutenant.
18 but less than 28	4	Second lieutenant.

NOTE: Maximum age for appointment of chaplains as first lieutenants, United States Air Force, will be 33.

§ 861.306 *Educational requirements.* (a) Education above high school level at an institution as listed in paragraphs (b) and (c) of this section will be given the following credit toward meeting the qualifying experience criteria:

- (1) Baccalaureate degree—4 years.
- (2) Master degree—5 years.
- (3) Ph. D. degree, LL. B. degree, or equivalent—7 years.

(b) Institutions which will be recognized for credit under the provisions of §§ 861.301 to 861.730 must meet one of the following requirements:

- (1) It must have national or regional accreditation.
- (2) Its graduates must be granted unconditional admission to the graduate school of an accredited (regional or national) university.
- (3) Its students must be accorded full transfer credit to an accredited (regional or national) college or university.

(c) Persons whose credits are from institutions other than those listed in paragraph (b) of this section will be considered as meeting the educational requirements of §§ 861.301 to 861.730 upon presentation of evidence that their credits are acceptable for unconditional admission into the graduate school of, or full transfer to, a nationally or regionally accredited college or university.

§ 861.307 *Physical requirements.* All applicants must be physically qualified for general service, or general service with waiver, in accordance with the provisions of current directives. The report of physical examination will be accomplished not more than 90 days prior to date of application and may be

accomplished and signed by a medical officer of any component of the Armed Forces of the United States, whether he is in an active or inactive duty status. In the absence of such medical officer, the report of physical examination may be accomplished and signed by any reputable doctor of medicine, without expense to the Government. Physical examination will be final-type, less (except where otherwise indicated) serology, chest X-ray, electrocardiogram, audiogram determination, microscopic urinalysis, and lens correction.

§ 861.308 *Moral requirements.* Applicants must possess high moral character and personal qualifications.

§ 861.309 *Applications.* The following documents, properly completed, constitute the application and allied papers. In assembling the application prior to forwarding, the applicable requirements listed in paragraphs (a) through (m) of this section will be used as a check list to insure that all necessary information and papers have been included, thus precluding delays which would result from the return of incomplete applications.

(a) Air Force Form 24, "Application for Appointment in the United States Air Force Reserve," in triplicate. In the upper right corner of Air Force Form 24, applicant will specify the specialty for which application for appointment is being made.

(b) Original or photostat of Honorable Discharge Certificate or Certificate of Service, when applicable.

(c) Completed Standard Form 88, "Report of Medical Examination," in duplicate and completed copy of Standard Form 89, "Report of Medical History."

(d) DA AGO Form 643A, "Personal History Statement," one copy.

(e) Documentary evidence of educational level in the form of transcripts of college work. Graduates of recognized colleges of dentistry, medicine, optometry, pharmacy, and veterinary medicine, and schools of nursing may submit a photostatic or certified copy of college diploma in place of transcript of college work.

(f) Department of Defense Forms 98 and 98A, "Loyalty Certificate." (See Part 886 of this chapter, 14 F. R. 6979-80, 32 CFR, 1949 Supp., 886; 15 F. R. 6857-58.)

(g) Conditional release from parent service, where applicable.

(h) For appointment or assignment in the United States Air Force Reserve, Judge Advocate General's Department, additional information as follows:

(1) A certificate from proper authority showing admission to and present standing at the bar of a Federal court or of the highest court of a State or Territory of the United States.

(2) An affidavit from the applicant containing a chronological statement of his full legal experience. Legal experience may include Governmental, judicial, teaching, military legal experience, and private practice.

(i) For appointment in the Medical Service, additional information as follows:

(1) Photostat of State License, where applicable.

(2) Evidence of the required professional training, as indicated in §§ 861.601 to 861.613.

(j) For appointment as a chaplain, additional information as follows: Copy of letter requesting ecclesiastical endorsement. (See § 861.504.)

(k) Any other documents or information the applicant may desire to submit as evidence of his qualifications for appointment under the provisions of §§ 861.301 to 861.730.

(l) For persons employed in a civilian capacity by any office of the Department of Defense—written approval of the application by the employing office.

(m) For persons employed in occupations classified deferable under existing National policy—written approval of the application by the organization in which they are employed.

§ 861.310 *Submission of applications.* Applications and allied papers will be forwarded as follows:

(a) Air Force enlisted personnel and warrant officers on active duty—through immediate commanding officer to the numbered air force of the Continental Air Command in whose territory the person is stationed; or, if stationed overseas, to the commanding general of the major air command having jurisdiction over the area in which the person is stationed.

(b) Air Force Reserve personnel in an inactive status—through the commanding officer of the unit to which assigned, to the commanding general of the numbered air force of the Continental Air Command in whose territory the person resides, or if residing overseas, to the commanding general of the major air command having jurisdiction over the area in which the person is located.

(c) Persons applying for appointment as officers in the Medical Service who are concurrently requesting active duty—direct to the Surgeon General, Headquarters United States Air Force, Attention: Director of Medical Staffing and Education, Medical Liaison and Selection Branch, Washington 25, D. C.

NOTE: Air Force enlisted personnel and warrant officers on active duty applying under paragraph (c) of this section will forward applications through immediate commanding officers to address indicated in paragraph (c) of this section.

(d) Persons applying for appointment as chaplains—direct to Chief of Air Force Chaplains, Headquarters United States Air Force, Attention: Personnel Branch, Washington 25, D. C.

(e) All others—direct to the commanding general of the numbered air force of the Continental Air Command in whose territory the person resides, or if residing overseas, to the commanding general of the major air command having jurisdiction over the area in which the person is located.

§ 861.311 *Examining boards—(a) Appointment.* Examining boards (stationary or traveling type) will be appointed in sufficient numbers to insure the interviewing of all applicants within 30 days from date of submission of complete application.

(1) *In Zone of Interior.* The Commanding General, Continental Air Command, will appoint, or cause to be appointed, examining boards at air force level who will be charged with the interview and evaluation of applicants residing within the continental limits of the United States, except for those specified in § 861.310 (c) and (d). The Commanding General, Continental Air Command, may call upon other major commanders in the Zone of Interior to appoint examining boards at bases under their jurisdiction when considerations such as proximity of bases to population centers and provision of adequate area coverage to minimize travel of applicants, dictate such action.

(2) *Overseas.* In the case of applicants who are residing or are stationed overseas, the commanding general of the major air command having jurisdiction over the area in which the applicant is located will appoint examining boards or cause such examining boards to be appointed. In delegating responsibility for the appointment of examining boards, commanders will not delegate such responsibility below air force or comparable level, and in the case of the Commander, Military Air Transport Service, not lower than division level.

(b) *Composition.* Examining boards will be composed of an uneven number of officers totaling not less than three, all of whom will be in a grade equal to, or higher than, the grade for which applicant is being considered. At least one member of the board will be of field grade and, where practicable, all will be field grade. The board will include, when practicable, at least one member who is technically or professionally qualified to determine the applicant's proficiency in the specialty under which he is applying. Where a female is being considered, one of the board members will be a female officer. Reserve officers appointed to these boards may be in an active or inactive status, except that no officer in an inactive status will be appointed without his or her consent.

§ 861.312 *Examinations—(a) Time and place.* Examining boards will notify each applicant of the time and place of appearance before the board. Applicants not in the active military service must provide for travel, quarters, and meals at their own expense. Applicants will be scheduled so that, so far as practicable, no applicant will have to spend more than one day at the place of examination.

(b) *Interviews.* Each applicant will complete a Biographical Information Blank Answer Sheet, and will be interviewed by the examining board. After an applicant has been interviewed, a rest period will be given during which time the board will consider the application and allied papers. The board then will question the applicant on personal history, training, and experience. The questioning should attempt to supplement the facts shown in the application and allied papers which the board will have before them for study and consideration. Each member of the board will make an individual independent appraisal of the applicant.

RULES AND REGULATIONS

(c) *Release of information.* An examining board will not, under any circumstances, inform an applicant of its recommendations, whether favorable or unfavorable, nor will an applicant be given access to any of the Personnel Research Tests used in his case after the board proceedings have been completed.

§ 861.313 *Channels of communication.* Within the Continental United States, applications, allied papers and completed board proceedings from applicants for appointment in grades up to and including captain will be processed as prescribed by the Commanding General, Continental Air Command. Applications, allied papers, and completed board proceedings of recommended applicants from oversea boards will be forwarded through the oversea command to the Commanding General, Continental Air Command. Applications, allied papers, and board proceedings for applicants (Zone of Interior and overseas) recommended for appointment to grade above that of captain will be forwarded by Commanding General, Continental Air Command, to Headquarters United States Air Force, Director of Training, Attention: Officer Initial Procurement Branch, Personnel Procurement Division, Washington 25, D. C.

§ 861.314 *Selection and appointment.* The Commanding General, Continental Air Command, is authorized to tender appointments, pursuant to the direction of the Secretary of the Air Force and by direction of the President, to those persons best qualified for appointment in accordance with §§ 861.301 to 861.730 and procurement directives issued by the Chief of Staff, United States Air Force. The authority to make appointments in company grades may be delegated to subordinate commanders not below air force level. The appointment of officers to field grades will be made by the Commanding General, Continental Air Command, after final selection by Headquarters United States Air Force. Such letters of appointment will specify the Military Occupational Specialty descriptive of the person's experience and education which was considered in making the appointment. Each applicant will be notified of his appointment or non-selection. Oversea commanders will be advised by the Commanding General, Continental Air Command, of final action on each application submitted from their areas.

§ 861.315 *Forms.* Applicants may obtain forms by writing to the Air Adjudant General, Headquarters United States Air Force, Washington 25, D. C., or to the Air Force commander having jurisdiction over the area in which they reside. The addresses of the numbered Air Forces and the area served by each are as follows:

ADDRESS AND AREA RESPONSIBILITY

Commanding General, First Air Force, Mitchel Air Force Base, Hempstead, N. Y.; Maine, Vermont, New Hampshire, Massachusetts, New York, New Jersey, Connecticut, Rhode Island, Pennsylvania, Maryland, Virginia, West Virginia, Kentucky, Ohio, Delaware, and the District of Columbia.

Commanding General Fourth Air Force, Hamilton Air Force Base, San Rafael, Calif.; Arizona, Utah, Idaho, Montana, Nevada, Washington, Oregon, and California.

Commanding General, Tenth Air Force, Selfridge Air Force Base, Mount Clemens, Mich.; Michigan, Wisconsin, Illinois, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Missouri, and Indiana.

Commanding General, Fourteenth Air Force, Robins Air Force Base, Ga.; North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, New Mexico, and Texas.

APPOINTMENT OF JUDGE ADVOCATE GENERAL OFFICERS

§ 861.401 *Professional qualifications.* Applicants possessing the following professional qualifications and otherwise qualified may apply for appointment or assignment (where appropriate) in the United States Air Force Reserve, Judge Advocate General's Department.

(a) *First lieutenant.* For appointment or assignment as first lieutenant, applicant must be a graduate of an accredited law school and be a member of the bar of a Federal court or of the highest court of a State or Territory of the United States.

(b) *Grades above first lieutenant.* For appointment or assignment in grades above that of first lieutenant, applicant must possess all the qualifications specified in paragraph (a) of this section for appointment as first lieutenant and meet the age and legal experience requirements as specified in §§ 861.305 and 861.306. Appointment or assignment in any field grade will be limited to those applicants who have shown exceptional and unequivocal prominence and ability in their professional field and who have had previous military experience performing duties of a legal nature commensurate with the grade sought.

§ 861.402 *Applications from Reserve officers.* Reserve officers holding effective commissions in the Air Force Reserve may apply for assignment to the Judge Advocate General's Department by letter, inclosing all the documents required for appointment with the exception of DA AGO Form 643A. Assignment will be made in a grade warranted by the applicant's professional qualifications. (Provisions of §§ 861.311 to 861.313 will not apply for assignment to the Judge Advocate General's Department.)

§ 861.403 *Appointment or assignment—(a) By Continental Air Command.* Upon recommendation of his air judge advocate or the Judge Advocate General, United States Air Force, the Commanding General, Continental Air Command, is authorized to tender appointments or to issue orders of assignment in the Judge Advocate General's Department of the United States Air Force Reserve to eligible applicants.

(b) *By the Chief of Staff, United States Air Force.* The Chief of Staff, United States Air Force, will issue orders of assignment in the United States Air Force Reserve, Judge Advocate General's Department, to the following classes of Air Force Reserve officers who are members of the bar of a Federal court or of

the highest court of a State or Territory of the United States.

(1) Those who have been designated by the Chief of Staff, United States Air Force, as judge advocates.

(2) Those who are recommended by the Judge Advocate General, United States Air Force, for assignment to the United States Air Force Reserve, Judge Advocate General's Department.

APPOINTMENT OF CHAPLAINS

§ 861.501 *Professional qualifications.* For appointment as a chaplain in the Air Force Reserve, in any denomination except as provided in §§ 861.502 and 861.503, an applicant, in addition to being otherwise qualified, must:

(a) Possess a consolidated transcript of 120 semester hours of undergraduate study from a recognized college and a consolidated transcript of 90 semester hours of graduate study from a recognized theological school.

(b) Be actively engaged in the ministry as his principal vocation in life, and must have the ecclesiastical indorsement of a recognized religious denomination or organization certifying that the applicant is accredited by and is in good standing with the religious denomination or organization.

§ 861.502 *Church of Jesus Christ of Latter-Day Saints.* For appointment as a chaplain, an applicant from the Church of Jesus Christ of Latter-Day Saints must:

(a) Possess a consolidated transcript of 120 semester hours of undergraduate study from a recognized college or university.

(b) Have at least three years of active civilian experience as a fully qualified missionary or a duly ordained officer or religious teacher, or any combination thereof.

§ 861.503 *First Church of Christ, Scientist, in Boston, Mass.* For appointment as a chaplain, an applicant from the First Church of Christ, Scientist, must:

(a) Possess a consolidated transcript of 120 semester hours of undergraduate study from a recognized college or university.

(b) Have at least three years of active civilian experience as a fully qualified reader, or three years as a registered Christian Science practitioner leading to the ecclesiastical indorsement by the religious organization.

§ 861.504 *Ecclesiastical indorsement.* All applicants will request their religious denominations or organizations to furnish ecclesiastical indorsements direct to the Army and Air Force Chaplain Board, Washington 25, D. C.

§ 861.505 *Limitations.* Appointment of chaplains will be limited to males and to the grade of first lieutenant, only. Acceptance of such appointment will terminate any United States Air Force Reserve commission previously held.

APPOINTMENT OF OFFICERS IN THE MEDICAL SERVICE

§ 861.601 *Qualifications.* Appointment of persons who possess professional

and technical qualifications for appointment as medical specialists in the United States Air Force Reserve, and who are otherwise qualified, will be based on criteria established in §§ 861.305 and 861.306 plus the additional criteria established in §§ 861.602 and 861.612. Waivers of the maximum age requirement may be granted by the Chief of Staff, United States Air Force, for the appointment of persons in the Medical Service of the United States Air Force Reserve who are concurrently requesting extended active duty. Only female applicants may be appointed as specialists in the fields of nursing, dietetics, and physical therapy and occupational therapy. Appointments in other fields of the Medical Service may be tendered to qualified personnel, male or female. Female applicants who are 45 years of age, or more, are not eligible for appointment in any component of the Medical Service.

§ 861.602 Doctors of Dental Surgery and Dental Medicine. (a) For appointment as first lieutenant, applicants must:

(1) Possess a degree of D. D. S. or D. M. D. from a school of dentistry acceptable to the Surgeon General, United States Air Force.

(2) Possess a license to practice dentistry in a State or Territory of the United States or in the District of Columbia.

(3) Actually be engaged in the ethical practice of dentistry.

NOTE: Waiver of license and actual engagement in practice may be made for graduates of approved dental schools, if application for appointment is made within one year after graduation or while undergoing appropriate postgraduate instruction or engaged in a dental internship.

(b) For appointment in higher grades, applicants must possess all the qualifications specified in paragraph (a) of this section for first lieutenant and have had the following additional minimum experience or training in environments normally associated with high professional standards.

(1) Captain—Four years.

(2) Major—Eleven years, in addition to which applicants must have had intensive postgraduate training in a dental specialty. Applicants for appointment in the grade of major or higher ordinarily must have been certified by a dental specialty board in the specialty for which such a board is constituted.

(3) Lieutenant colonel—Eighteen years, in addition to which applicants must have achieved such unequivocal prominence as to make them authorities in their particular field. Examples are outstanding contributors to scientific research and to development of the dental specialty under consideration.

(4) Colonel—Twenty-five years, in addition to which applicants must give evidence of outstanding background and ability in their specialty, as indicated in subparagraph (3) of this paragraph for lieutenant colonel.

(c) Graduate study in dentistry may be substituted for professional experience on a year-for-year basis, not to exceed three years.

§ 861.603 Dietitians. (a) For appointment in the grade of second lieutenant, applicants must possess a bachelor degree from an approved college or university with a major either in foods and nutrition or in institutional management and must also have completed a dietetic internship acceptable to the Surgeon General, United States Air Force.

NOTE: Applicants who possess a bachelor of science degree or equivalent from a school or university acceptable to the Surgeon General, United States Air Force, with a major in either of the specialties mentioned above, who desire a dietetic internship in a military hospital may be appointed in the Medical Service of the United States Air Force Reserve and ordered to extended active duty.

(b) For appointment in other grades, applicants must, in addition to the qualifications in paragraph (a) of this section be qualified by professional training and experience in colleges, universities, and medical institutions acceptable to the Surgeon General, United States Air Force, as described below:

(1) First lieutenant—A minimum of two years, at least one of which has been as dietitian in a hospital of 100 or more beds.

(2) Captain—A minimum of six years, three of which have included major responsibility in the administration of the dietary department of a hospital of 100 or more beds.

(3) Major—Must possess a master degree in a field allied to this specialty and have had a minimum of twelve years of accreditable professional experience, seven of which must have been in a supervisory or administrative capacity. Not more than seven years of food management experience in nonmedical fields may be included in this total.

§ 861.604 Environmental hygiene engineering specialists. (a) For appointment as a sanitary engineer specialist in the grade of second lieutenant, applicant must possess a bachelor of science degree in sanitary, civil, or chemical engineering. For appointment as industrial hygiene engineering specialist in the grade of second lieutenant, applicant must possess a bachelor of science degree in mechanical, chemical, or sanitary engineering. Degrees must be from institutions or colleges acceptable to the Surgeon General, United States Air Force.

(b) For appointment in grade of first lieutenant, applicant must:

(1) Possess a doctor degree from an institution or college acceptable to the Surgeon General, United States Air Force, in one of the engineering sciences, cited in paragraph (a) of this section, or

(2) Possess a master degree from an institution or college acceptable to the Surgeon General, United States Air Force, in one of the engineering sciences, cited in paragraph (a) of this section, and have had a minimum of two years of professional experience in environmental or industrial hygiene engineering, or

(3) Possess a bachelor degree from an institution or college acceptable to the Surgeon General, United States Air Force, in one of the engineering sciences,

cited in paragraph (a) of this section, and have had a minimum of three years of professional experience in environmental or industrial hygiene engineering.

(c) For appointment in higher grades, applicants must be qualified for appointment as a first lieutenant and have had further acceptable experience in environmental or industrial hygiene engineering as follows: For captain, 4 years; for major, 11 years; for lieutenant colonel, 18 years; and for colonel, 25 years. Appointment in grades of major and above will not be made except in case of highly qualified men of recognized ability, such as persons with professorial rank, those having outstanding scientific research accomplishments, or those having had exceptional environmental or industrial hygiene engineering experience.

§ 861.605 Medical research and allied science specialists. (a) For appointment in the grade of first lieutenant, applicant must:

(1) Possess a doctor degree from an institution or college acceptable to the Surgeon General, United States Air Force, in any of the medical research and allied science specialities, or

(2) Possess a master degree from an institution or college acceptable to the Surgeon General, United States Air Force, and have had a minimum of two years of professional experience in any of the medical research allied science specialities, or

(3) Possess a bachelor degree from an institution or college acceptable to the Surgeon General, United States Air Force, and have had a minimum of three years of professional experience in any of the medical research and allied science specialities.

(b) For appointment in a higher grade, applicant must be qualified for appointment as a first lieutenant and have had further acceptable experience in the medical research or allied sciences as follows: For captain, 4 years; for major, 11 years; for lieutenant colonel, 18 years; and for colonel, 25 years. Appointment in the grades of major and above will not be made except in cases of highly qualified men of recognized ability, such as persons with professional rank, those having outstanding scientific research accomplishments, or those having had exceptional scientific supervisory or administrative experience.

§ 861.606 Doctors of Medicine. (a) For appointment in the grade of first lieutenant, applicant must:

(1) Possess a degree of doctor of medicine from a school of medicine acceptable to the Surgeon General, United States Air Force.

(2) Possess a license to practice medicine in a State or Territory of the United States or in the District of Columbia, or possess a diploma from the National Board of Medical Examiners.

(3) Be actually engaged in the ethical practice of medicine.

NOTE: Waiver of license and actual engagement in practice may be made for graduates of approved medical schools and for those who have successfully completed the four-year course of medical instruction at

RULES AND REGULATIONS

approved medical schools which require a hospital internship for the degree of doctor of medicine, if application for appointment is made within one year after graduation.

(b) For appointment in higher grades, applicants must possess all the qualifications specified in paragraph (a) of this section for first lieutenant and have had the following minimum additional professional experience, excluding internship but including residency fellowship or other graduate study at a hospital, public health agency, school of public health, research institute, laboratory, medical college, recognized teaching center, or similar institution:

(1) Captain—Three years, extended periods of which must have been spent in environments normally associated with high professional standards.

(2) Major—Ten years, during which applicants must have had a period of intensive postgraduate training in a medical specialty, sufficiently prolonged and of a caliber to insure the optimum in professional knowledge and technique, as judged by the standards normally associated with recognized teaching centers. Applicants for direct appointment in the grade of major or higher must, ordinarily, have been certified by one of the American Specialty boards.

(3) Lieutenant colonel—Seventeen years, during which applicants must have achieved such unequivocal prominence as to make them authorities in their particular field. Examples are outstanding contributors to scientific research and to the development of the specialty under consideration.

(4) Colonel—Twenty-four years, in addition to the outstanding background and ability in a specialty as indicated in subparagraph (3) of this paragraph for lieutenant colonel.

§ 861.607 Nurses. (a) For appointment in the grade of second lieutenant, applicants must be graduates of schools of nursing acceptable to the Surgeon General, United States Air Force, and must possess nursing registration in a State or Territory of the United States or in the District of Columbia.

(b) For appointment in other grades, applicants must, in addition to the requirements in paragraph (a) of this section, be qualified by the indicated minimum number of years of professional experience, the majority of which must have been in environments normally associated with high professional standards:

(1) First lieutenant—Three years.

(2) Captain—Seven years, in addition to possession of a bachelor degree with a major in one of the nursing specialties or a certificate of satisfactory completion of a recognized postgraduate course in one of the clinical nursing specialties, plus one year's duty in that specialty.

(3) Major—Fourteen years, including a minimum of five years' appropriate administrative and/or teaching experience. Possession of a bachelor degree in a field allied to nursing is required for appointment in this grade.

(4) Lieutenant colonel—Appointees will possess outstanding qualifications for special positions determined by the

Surgeon General, United States Air Force, as requirements necessitate.

§ 861.608 Occupational therapists.

(a) For appointment in the grade of second lieutenant, applicants must have completed not less than two years (60 semester hours), in a college or university acceptable to the Surgeon General, United States Air Force, and must have completed an acceptable training course in occupational therapy. Total education and training normally will be five years.

NOTE: Applicants who have completed 120 semester hours leading toward a degree, and the didactic portion of an occupational therapy course, all of which are acceptable to the Surgeon General, United States Air Force, may be appointed, provided that they enter on extended active duty immediately thereafter for the purpose of completing the required clinical portion of that course in a military hospital.

(b) For appointment in other grades, applicants must, in addition to the requirements in paragraph (a) of this section be further qualified by training and experience as occupational therapists in colleges, universities, and medical institutions acceptable to the Surgeon General, United States Air Force, as described in subparagraphs (1), (2) and (3) of this paragraph.

(1) First lieutenant—A minimum of two years' professional experience in medical institutions.

(2) Captain—A minimum of six years' professional experience, three years of which must have been in a supervisory capacity in medical institutions.

(3) Major—Must possess a bachelor degree in occupational therapy and have had a minimum of 13 years' professional experience in medical or training institution, seven years of which must have been in a supervisory or administrative capacity.

§ 861.609 Optometrists. (a) For appointment in the grade of second lieutenant, applicants must have graduated from a school of optometry giving a full four-year course acceptable to the Surgeon General, United States Air Force.

(b) For appointment in other grades, applicant must have had additional qualifying education or experience in optometry, as specified in §§ 861.305 and 861.306. Appointments in grades of major and above will not be made except in cases of highly qualified applicants of recognized ability, such as those with professional rank or those having exceptional outstanding scientific research accomplishments or exceptional supervisory ability.

§ 861.610 Pharmacists and medical supply and administration specialists.

(a) For appointment in the grade of second lieutenant, applicant must ordinarily possess a bachelor degree in business management or in a related or included field of management, or in the sciences; or have graduated from a four-year school of pharmacy acceptable to the Surgeon General, United States Air Force. Applicants who do not possess a bachelor degree may be considered: *Provided*, That they have completed 60 semester hours of college work or the equivalent in an appropriate field and

have demonstrated, for at least two years, outstanding capability in the field of medical administration and management.

(b) For appointment in other grades, applicants must be additionally qualified by training and experience as set forth in §§ 861.305 and 861.306.

§ 861.611 Physical therapists. (a)

For appointment in the grade of second lieutenant, applicants must have completed not less than three years (90 semester hours) in a college or university acceptable to the Surgeon General, United States Air Force, with a major emphasis in physical education or the biological sciences, and in addition to this, a training course in physical therapy acceptable to the Surgeon General, United States Air Force. (Applicants who possess a bachelor degree from a college or university acceptable to the Surgeon General, United States Air Force, with major emphasis in physical education or the biological sciences, and who desire to complete the required physical therapy training course in a military hospital, may be appointed in the United States Air Force Reserve and ordered to extended active duty for this purpose.)

(b) For appointment in a higher grade applicant must, in addition to the requirements of paragraph (a) of this section, be additionally qualified by training and experience as physical therapists in colleges, universities, and medical institutions acceptable to the Surgeon General, United States Air Force, as described in subparagraphs (1), (2) and (3) of this paragraph.

(1) First lieutenant—A minimum of three years of acceptable professional experience in medical institutions. If applicant has a bachelor degree and the physical therapy training course referred to in paragraph (a) of this section, only two years of such experience is required.

(2) Captain—Must possess a bachelor degree with major emphasis in physical education or the biological sciences; a one-year physical therapy training course as indicated in paragraph (a) of this section, and in addition, have had a minimum of six years of professional experience in medical institutions, three years of which must have been in a supervisory or administrative capacity.

(3) Major—Must possess a master degree in this specialty or an allied field, a one-year physical therapy training course as indicated in paragraph (a) of this section, and in addition, have had a minimum of twelve years' professional experience in medical or training institutions, seven years of which must have been in a supervisory or administrative capacity.

§ 861.612 Doctors of Veterinary Medicine (or Surgery). (a) For appointment in the grade of second lieutenant, applicant must:

(1) Be a graduate of a school of veterinary medicine or veterinary surgery, approved by the Surgeon General, United States Air Force.

(2) Be licensed to practice veterinary medicine in a State or Territory of the United States or in the District of Columbia.

(3) Be engaged in the ethical practice of veterinary medicine.

NOTE: Waiver of license and actual engagement in practice may be made for graduates of approved schools of veterinary medicine or surgery, if commissioned immediately upon graduation.

(b) For appointment in other grades applicants must, in addition to the requirements in paragraph (a) of this section, be qualified by minimum periods of acceptable professional experience as follows:

(1) First lieutenant—One year.

(2) Captain—Five years, a major portion of which must have been spent in environments normally associated with high professional standards.

(3) Major—Twelve years, in addition to which applicants must give evidence of sufficient independent experience to indicate mature judgment and ability to function in the specialty without professional supervision.

(4) Lieutenant colonel—Nineteen years, in addition to which applicant must give evidence of having achieved such unequivocal prominence as to make him an authority in his particular field. Examples are outstanding contributors to scientific research, administrators, and contributors to the development of the specialty under consideration.

(5) Colonel—Twenty-six years in addition to outstanding background and ability in a specialty, as indicated in subparagraph (4) of this paragraph for lieutenant colonel.

§ 861.613 *Applications from Reserve officers.* Persons now holding commissions in the Air Force Reserve who qualify for appointment in the Medical Service may apply for such appointment and will inclose all the documents required for appointment with the exception of DA AGO Form 643A. Acceptance of such appointment will terminate any Air Force Reserve commission previously held. (The provisions of §§ 861.311 to 313 do not apply to Air Force Reserve officers applying for appointment in the Medical Service.)

APPOINTMENTS IN OTHER SPECIALTIES

§ 861.701 *General.* Section 861.701 to 861.730 contain the professional and technical qualifications for specialists other than medical, The Judge Advocate General's Department, and chaplain, for whom a requirement currently exists within the Air Force Reserve. Appointments may be made in each specialty in numbers and grades authorized by procurement letters to be published periodically. The age and the amount of qualifying experience and/or education pertinent to the specialty will determine grade eligibility in accordance with §§ 861.305 and 861.306.

§ 861.702 *Postal officer—(a) Appointments.* Appointments as postal specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree.

(c) *Area of experience.* Applicants must have had the required qualifying

experience in a position affording a comprehensive knowledge of postal organization and both United States domestic and international postal laws and practices. Applicants for the grade of second lieutenant must have had at least one year of such qualifying experience in addition to the educational requirement. Applicants for higher grades must have had qualifying experience in executive or supervisory postal positions commensurate with the grade for which application is being made. Military service in an active military postal installation may be counted in computing time for these requirements.

§ 861.703 *Electronics officers, ground and air—(a) Appointments.* Appointments as electronics specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in one of the following fields of engineering: Electrical, communications, radio, or electronics; or a bachelor of science degree with a major in physics, electricity, communications, electronics, or radio.

(c) *Area of experience.* Applicants must have had the required qualifying experience in the communications and/or electronics fields in the installation, maintenance, and repair of airborne and/or ground radar or microwave equipment. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

NOTE: Since qualifying experience for these two specialties is identical, military necessity will determine the Specification Serial Number to be awarded at any given time. In case a requirement exists for personnel in both categories, predominance of experience, as it may be construed to pertain to one specialty or the other, will be the determining factor.

§ 861.704 *Communications officer—(a) Appointments.* Appointments as communications specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in one of the following fields of engineering: Electrical, communications, radio, electronics, or mechanical; or a bachelor of science degree with a major in physics, electricity, communications, electronics, or radio.

(c) *Area of experience.* Applicants must have had the required qualifying experience in the communications and/or electronics fields in any one or combination of the following: The installation, maintenance, and repair of airborne and/or ground communications equipment involving experience in wire and radio communications, electronics

engineering, miscellaneous electrical and/or telecommunications engineering, including telegraphy, telephony, cable alarm and signal systems, traffic controls and their equipment, such as switchboards, dial system, teletypewriters, and facsimile transmitters, and/or installation, technical management and operation of radio stations, telephone systems, and navigational aids or systems. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.705 *Passenger and freight transportation, and priorities and traffic officers—(a) Appointments.* Appointments as passenger and freight transportation specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty normally will be a baccalaureate degree. However, applicants with less education who have had wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area of experience.* Applicants must have had experience in all matters related to the movement of personnel and/or freight by common carrier; a detailed knowledge of rates, routes, classification of freight regulations, and documentation; and a general knowledge of capacities, utilization, and limitation of either ships, vehicles, rail equipment, or aircraft. Applicants for the higher grades should be able to analyze transportation data, such as utilization resumes, routes saturation, and funds expended, and to construct traffic and route patterns. These applicants should know how to analyze movement requirements for supplies or personnel, operational characteristics, and limitations of equipment, and to convert requirements to a systematic, planned, scheduled method to effect economical delivery. Applicants for the grade of lieutenant colonel must be professionally qualified to make high-level decisions and to assume all duties and responsibilities in connection with broad policy determination. Applicants for the grades of second and first lieutenant will not be considered to have fulfilled the experience and/or education requirement solely on the basis of successful completion of four and seven years, respectively, of college education. At least one year of qualifying experience will be mandatory.

NOTE: Since qualifying experience for these two specialties is identical, military necessity will determine the Specification Serial Number to be awarded at any given time. When requirements exist for personnel in both categories, predominance of experience, as it may be construed to pertain to one specialty or the other, will be the determining factor.

RULES AND REGULATIONS

§ 861.706 Research and development coordinator—(a) *Appointments.* Appointments as research and development coordinator specialists (Human Resources) may be made in the grades of captain through colonel as authorized by specific procurement directives.

(b) *Education.* The desired educational requirement for qualification in this specialty is the doctor of philosophy degree; however, persons having wide experience qualifications who have attained only the master degree level of academic training may be considered. Only applicants with specialization in the fields of applied, general, educational, personnel, industrial, social experimental, physiological and allied fields of psychology or sociology, anthropology, statistical measurement, and special fields of education, such as curriculum construction, methodology, and/or research, will be considered.

(c) *Area of experience.* Experience in the administration and coordination of research programs is a critical aspect of this specialty. Applicants must have attained a relative level of experience and knowledge in the conduct and coordination of research programs commensurate with the grade for which application is being made. Evaluation of experience will be based upon the actual scientific investigations by the applicant as well as upon the productiveness and efficiency of research projects and programs for which the applicant has had administration and coordination responsibility.

§ 861.707 Research psychologist—(a) *Appointments.* Appointments as research psychologist specialists may be made in the grades of first lieutenant through colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is the doctor of philosophy degree in applied, general, educational, personnel, industrial, social, experimental, physiological and allied fields of psychology. Persons possessing doctor of philosophy degrees in sociology, anthropology, statistical measurement and special fields of education, such as curriculum construction, methodology, and/or research may also be considered.

(c) *Area of experience.* Applicants must have attained a relative level of experience and knowledge in one or more of the areas listed in paragraph (a) of this section, commensurate with the grade for which application is being made. It is emphasized that evaluation of research experience will be based upon actual scientific investigations in pertinent discipline areas.

§ 861.708 Psychological assistant—(a) *Appointments.* Appointments as psychological assistant specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree including or supplemented by at least one course in each of the following fields: General, educational, or dynamic psy-

chology; statistics or group test and measurements; experimental psychology, physiological psychology, or social psychology; test construction, educational research methods, or individual psychological testing. A baccalaureate degree in sociology or social anthropology will also be considered.

(c) *Area of experience.* Applicants must have had the required qualifying experience in research in experimental psychology, developmental psychology, social psychology, psychometrics, statistical methods, or related branches of applied psychology. Applicants must have attained a relative level of experience and knowledge commensurate with the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.709 Machine records officer—(a) *Appointments.* Appointments as machine records specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration or other related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience as an International Business Machine employee or in a tabulating machine installation or business, in progressively responsible positions, and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Comparable military experience may be counted in computing qualifying time for this requirement. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.710 Food service staff officer—(a) *Appointments.* Appointments as food service staff specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty normally will be a baccalaureate degree in foods, nutrition, dietetics, hotel management, business administration, and/or related fields. However, applicants with less education who have had wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area of experience.* Applicants must have had the required qualifying experience in a position affording thorough knowledge of procurement, storage, distribution, preparation, and service of subsistence items or in management of food business; must be familiar with meat cutting, rendering, and baking activities; must have sufficient knowledge of dietetic principles to plan and review menus for nutritional adequacy, dietary

balance, and attractiveness, taking into consideration availability of items. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field, in addition to satisfying the educational requirement or possess a master degree in one of the specified fields.

§ 861.711 Subsistence supply officer—

(a) *Appointments.* Appointments as subsistence supply specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration, hotel training, or other related fields. However, applicants with less education who have had wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area of experience.* Applicants must have had the required qualifying experience in a position affording thorough knowledge of procurement, storage, disposition, and sale of subsistence items. Further, applicants must have held progressively responsible positions, and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Comparable military experience may be counted in computing qualifying time for this requirement. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in one of the specified fields in addition to satisfying the educational requirement.

§ 861.712 Packing officer—(a) *Appointments.* Appointments as packing specialists may be made in the grades of second lieutenant through captain as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty normally will be a baccalaureate degree. However, applicants with less education who have wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area of experience.* Applicants must have had qualifying experience in a position involving one or more of the following areas of experience: Preparation of commodities for distribution and storage; research and development of, or manufacture and distribution of, packaging materials, containers, and equipment; or the transportation and storage of commodities; and must have a broad knowledge of materials, methods, and equipment utilized in the packaging field. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying

experience in one of the specified fields in addition to satisfying the educational requirement.

§ 861.713 Laundry officer—(a) Appointments. Appointments as laundry specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree. However, applicants with less education who have had wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area of experience.* Applicants must have had the required qualifying experience in a responsible supervisory or administrative position in institutional or Governmental laundry and dry cleaning plants, including thorough knowledge and experience in plant production, methods and standards, and machinery maintenance. Further, applicants must have held progressively responsible positions, and must have attained a level of experience and knowledge commensurate with the requirements for the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field in addition to satisfying the educational requirements.

§ 861.714 Auditing officer—(a) Appointments. Appointments as auditing specialists may be made in the grades of first lieutenant through colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration or other related field. Applicants must have successfully completed a minimum of six semester hours per year for four years in accounting subjects. Certificate as a certified public accountant is desirable but is not required.

(c) *Area of experience.* Applicants must have had the required qualifying experience in business administration, public finance, banking or fiscal fields, in progressively responsible positions and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Comparable military experience may be counted in computing qualifying time for this requirement. Experience involving or related to the responsibility for accounting or cost accounting systems or procedures; audits of large corporations having subsidiaries; preparing and reviewing reports written by staff members on findings of audits or investigations; and making recommendations on problems involving accounting procedures, organization, financing, consolidating and coordinating programs, is desirable.

§ 861.715 Accounting and disbursing officer—(a) Appointments. Appointments as accounting and disbursing specialists may be made in the grades of second lieutenant through lieutenant

colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration or other related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience in business administration, public finance, banking or fiscal fields, in progressively responsible positions, and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Comparable military experience may be counted in computing qualifying time for this requirement. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.716 Comptroller—(a) Appointments. Appointments as comptroller specialists may be made in the grades of captain through colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration or management or related field. Professional post-graduate work in military science and administration, or the equivalent civilian administrative or executive experience in business or Governmental agency, including military service is essential.

(c) *Area of experience.* Applicants must have had the required qualifying experience as a management advisor. Applicants must be qualified to assemble and evaluate elements of information necessary for efficient management and to advise and assist in the attainment of integrated programs for the accomplishment of assigned missions. Applicants must be qualified to translate these requirements into budgetary limitations, measure progress toward program objectives and evaluate results in relation to cost, and recommend action to the end that manpower, funds, and matériel may be most efficiently and economically utilized. Applicants must have a working knowledge of (1) reporting and reporting control machine and statistical services; (2) budget and fiscal services; (3) finance and administrative disbursements; (4) cost reporting and administration; and (5) be able to supervise the audit of nonappropriated funds. The applicants should have a comprehensive knowledge of staff work, military organization and administration, and an understanding of administrative and executive functions. Applicants must have performed in progressively important positions and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Comparable military experience may be counted in computing qualifying time for this requirement.

Experience involving or related to the responsibility for accounting or cost accounting systems or procedures; audits of large corporations having subsidiaries; preparing and reviewing reports written by staff members on findings of audits or investigations; and making recommendations on problems involving accounting procedures, organization, financing, consolidating and coordinating programs, is desirable.

§ 861.717 Program analysis officer—(a) Appointments. Appointments as program analysis specialists may be

made in the grades of second lieutenant through colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration, accounting, mathematics, statistics, or related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience in an executive capacity as a planner, programmer, comptroller, administrator, or supervisor: *Provided*, That in such capacity, economy of operation, timeliness, coordinated use of funds, personnel, and matériel resources, were of prime importance. Applicants must have performed in progressively important positions and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Military experience may be counted in computing qualifying time for this requirement. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.718 Air installation officer—(a) Appointments. Appointments as air installation specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in architecture; architectural, structural, general, civil, mechanical industrial, or electrical engineering; or industrial management or other related field.

(c) *Area of experience.* Applicants must have had the required active technical experience in city, airport, real estate, industrial, or utilities management; superintendence of buildings and grounds; architecture; architectural, civil, or industrial engineering; or construction and building contracting. Applicants must have professional knowledge of generally accepted engineering practices, preparation of plans and specifications, organizational procedures, and design and development planning. Desirable additional professional knowledge includes snow removal methods, cost and property control procedures, airfield soil control, airfield lighting, marking of runways and taxiways, real estate management, dust and erosion control, insect and rodent control, and waste disposal. Applicants must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.719 Design and development officer (designated type)—(a) Appointments. Appointments as design and development specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in any of the basic physical sciences, bio-

RULES AND REGULATIONS

logical sciences, mathematics, or engineering. (Acceptable engineering fields are indicated in paragraph (c) of this section.)

(c) *Area of experience.* (1) Applicants must have had the required qualifying experience in one or more of the following areas of experience:

(i) *Engineering.*

Aeronautical.	Metallurgical.
Mechanical.	Chemical.
Electrical.	Industrial.
Nuclear.	

(ii) *Physics.*

Biophysics.	Optics.
Geophysics.	Electronics.
Sound, heat, light, electricity, and magnetism.	Nucleonics.
	Solid state.
	Theoretical.

(iii) *Chemistry.*

Inorganic.	Nuclear.
Organic.	Biochemistry.
Analytical.	Chemical warfare.
Physical.	

(iv) *Biological sciences.*

Biology.	Physiology or anthropometry.
Zoology.	Biological warfare.
Nutrition.	
Radiotherapy.	

(v) *Others.*

Ceramics.	Photographic equipment.
Armament.	Servo-mechanisms.
Guided missiles.	Aerodynamics.
Petroleum and fuels.	Airplane design.
Power plants.	Wind-tunnel testing.
Propulsion.	Fluid mechanics.
Textiles.	Thermodynamics.
Mathematics.	Engineering.
Photography.	Seismology.
Aerial photography.	Hydrology.
Photographic interpretation.	Statistics.
Photomapping.	

(2) Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess a master degree in one of the specified fields or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.720 *Ground safety officer*—(a) *Appointments.* Appointments as ground safety specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in safety engineering or other related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience in safety engineering, including inspection of facilities for the existence of hazards endangering life and property; accident analysis, investigation, and prevention, and the conduct of educational programs and meetings for the purpose of instructing personnel in recognition of existing hazards and creating safety consciousness. Applicants should be familiar with industrial processes, production methods and management policies, and hazards inherent thereto. Applicants must have attained a level of experience and technical

knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.721 *Topographic engineer*—(a) *Appointments.*

Appointments as topographic engineer specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in civil engineering, geology, or photogrammetric engineering.

(c) *Area of experience.* Applicants must have had the required qualifying experience in engineering, surveying, cartography, topographic drafting, geodetic surveying, or similar related fields. Experience in lithographic and reproduction work is desirable. Applicants must have technical knowledge of survey work, such as determining exact locations and measurements of points, elevation lines, area and contours on the earth's surface; photogrammetric and cartographic drafting; photographic laboratory methods; photo transferring and lithographic processes; and operation and maintenance of lithographic equipment. Applicants must have attained a level of experience and technical knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.722 *Photomapping officer*—(a) *Appointments.* Appointments as photomapping specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in civil engineering, photogrammetry, or related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience in photogrammetry, topographic drafting, or similar fields connected with the preparation of maps and charts. Applicants should be familiar with methods of map reproduction and photographic laboratory techniques. A knowledge of aerial photographic methods and techniques is desirable. Applicants must have attained a level of experience and technical knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.723 *Map reproduction officer*—(a) *Appointments.* Appointments as map reproduction specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree.

(c) *Area of experience.* Applicants must have had the required qualifying experience in lithographic and reproduction work, and must have a thorough knowledge of photo transferring, color reproduction, lithographic processes, and operation and maintenance of lithograph machinery, such as offset printing presses. Knowledge of military ground maps, aeronautical charts, and military map and chart symbols is desirable. Applicants must have attained a level of knowledge and experience commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field, in addition to satisfying the educational requirement.

§ 861.724 *Airport engineer*—(a) *Appointments.* Appointments as airport engineer specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in civil engineering or other related field.

(c) *Area of experience.* Applicants must have had the required active technical experience in engineering design or construction, with particular emphasis on the design, preparation of specifications, or construction of airports or highways. Applicants must be thoroughly familiar with soils analysis, soils mechanics, drainage, subsurface preparation, laying of various types of asphaltic and concrete surfaces, earthmoving, quarry operations, utilization of construction equipment, highway or airport design criteria and specifications, and a working knowledge of structure construction. Applicants must have attained a level of experience and technical knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.725 *Weather officer*—(a) *Appointments.* Appointments as weather specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree, including at least 20 semester hours in meteorology.

(c) *Area of experience.* Applicants must have had the required qualifying experience in weather forecasting in Governmental or commercial weather services, including the making or supervision of the making of weather observations and forecasts according to latest principles and procedures, and the analysis of weather data in conformance with standard weather principles and procedures; or the preparation of climatological studies indicating probability of occurrence of specific weather phenomena. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.726 Air police officer—(a) Appointments. Appointments as air police specialists may be made in the grades of second lieutenant through captain as authorized by specific procurement directives.

(b) **Education.** The minimum educational requirement for qualification in this specialty normally will be a baccalaureate degree. However, applicants with at least two years of college who have had wide experience in this field may be exempted from this requirement.

(c) **Area of experience.** Applicants must have had the required experience in legal practice, law enforcement and investigation, prison administration, or with the uniform branches of municipal or State police organizations. Applicants must possess thorough knowledge of police organization, methods, techniques, equipment and weapons, and of confinement rehabilitation facilities. Experience as social workers: *Provided*, That it has involved dealing with delinquents, may be considered as qualifying experience. Applicants must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field, in addition to satisfying the educational requirements.

§ 861.727 Psychological warfare officer—(a) Appointments. Appointments as psychological warfare specialists may be made in the grades of captain through lieutenant colonel as authorized by specific procurement directives.

(b) **Education.** The minimum educational requirement for qualification in this specialty is a master degree in one of the following fields: Journalism, advertising, public relations, psychology, sociology, anthropology, languages, history, political science, economics, and international relations.

(c) **Area of experience.** Applicants must have had the required qualifying experience in one or more of the fields mentioned in paragraph (b) of this section in progressively responsible positions and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.728 Foreign languages propaganda officer—(a) Appointments. Appointments as foreign language propaganda specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) **Education.** The minimum educational requirement for qualification in this specialty is a baccalaureate degree, preferably in one of the following fields: Journalism, advertising, public relations, psychology, sociology, anthropology, languages, history, political science, economics, and international relations. Applicants must be able to speak, read, and write at least one of the following foreign languages fluently:

Albanian.	Bengali.
Arabic.	Bulgarian.
Armenian.	Burmese.
Belgian (Flemish).	Chinese.

Czech.	Moldavian.
Danish.	Norwegian.
Dutch.	Persian.
Estonian.	Polish.
Finnish.	Portuguese.
Georgian (Grusinian).	Pushu (Afghan).
Greek.	Romanian.
Hebrew.	Russian.
Hindustani.	Serbo-Croatian.
Hungarian.	Siamese.
Italian.	Slovak.
Japanese.	Swedish.
Kazakh.	Tagalog.
Korean.	Tibetan.
Latvian.	Turkish.
Lithuanian.	Ukrainian.
Malayan.	Uzbek.
	White Russian.

(c) **Area of experience.** Applicants must have had the required qualifying experience in a position involving frequent and regular use of the language in question. In addition, residence of at least three years of study at the college level for at least one year in the foreign country of applicants' specialization is required. Applicants must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.729 Prisoner of war interrogators—(a) Appointments. Appointments as prisoner of war interrogator specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) **Education.** The minimum educational requirement for qualification in this specialty is a baccalaureate degree, plus an idiomatic oral and written knowledge of the language and knowledge of the physical characteristics, customs, and habits of one or more foreign countries.

(c) **Area of experience.** Applicants must have had the required qualifying experience in a position involving the use of established techniques of interviewing or examination and cross-examination; or as an interpreter, linguist, or special investigator. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.730 Special investigations officer—(a) Appointments. Appointments as special investigations specialists may be made in the grades of second lieutenant through colonel as authorized by specific procurement directives.

(b) **Education.** The minimum educational requirement for qualification in this specialty is a baccalaureate degree from an accredited college or university. A degree in law or accounting is preferred.

(c) **Area of experience.** The fields in which successful experience would be considered qualifying are: Military, Federal, State, or municipal investigative agencies conducting law-enforcement-type investigations; military or civilian intelligence investigative fields; accounting and bankruptcy investigations; procurement-type fraud investigations; the practice of law; and accounting. Applicants must have attained a level of experience and technical knowledge

commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field, in addition to satisfying the educational requirement.

[SEAL]

H. B. HOHMAN,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 51-5899; Filed, May 22, 1951;
8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

OVERTIME, NIGHT, AND HOLIDAY INSPECTION AND QUARANTINE ACTIVITIES AT BORDER, COASTAL, AND AIR PORTS

EDITORIAL NOTE: Federal Register Document 51-5228, published on page 3978, issue of Saturday, May 5, 1951, as Part 165 of Subchapter I, has been redesignated Part 97 in Subchapter D and is reprinted below.

Pursuant to the authority vested in the Secretary of Agriculture by Public Law 735, 81st Congress, approved August 28, 1950, to pay employees of the Department performing inspection, certification or quarantine services relating to imports into and exports from the United States for all overtime, night, or holiday work performed by them and to accept reimbursement for such payment from persons for whom such work is performed, Subchapter D of Chapter I of Title 9 of the Code of Federal Regulations is amended by adding thereto the following new Part 97.

§ 97.1 Overtime work at border ports, seaports, and airports. Any person, firm, or corporation having ownership, custody or control of animals, animal by-products, or other commodities subject to inspection, certification, or quarantine under Subchapters B and F of this chapter, and who requires the services of an employee of the Bureau of Animal Industry on a holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Bureau Inspector in charge to furnish inspection, quarantine, or certification service during such overtime period and shall pay the Secretary of Agriculture therefor at the rate of \$2.40 per man hour for service so furnished: *Provided*, That a minimum charge of \$2.40 shall be made for any such service rendered. It will be administratively determined from time to time which days constitute holidays.

The rates prescribed in this section shall also be applicable to overtime work heretofore furnished pursuant to this statute under any contract or other arrangement.

The purpose of this amendment is to establish a uniform hourly rate of pay-

RULES AND REGULATIONS

ment for all overtime services furnished in accordance with the act of August 28, 1950. Determination of the costs of such overtime inspection depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime service, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication. (Pub. Law 735, 81st Cong.)

Effective date. The foregoing amendment shall be effective upon publication in the **FEDERAL REGISTER**.

Done at Washington, D. C., this 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.
[F. R. Doc. 51-5228; Filed, May 4, 1951;
8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

DISABILITY OF VETERAN UNDER CERTAIN CONDITIONS

Section 3.67, paragraph (c) (5) is amended to read as follows:

§ 3.67 *Disability of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war (Public Laws 359, 77th Cong., 868, 80th Cong.).* * * *

(c) * * *

(5) Maneuvers such as those of 1940-41 and the operations of ships at sea during the same period are considered as having been performed under conditions simulating war and were extra hazardous. Performance of service duties in joint exercises of the Armed Forces and maneuvers at any time will be regarded as extra hazardous. Participation in local field or sea exercises (command post exercises (CPX's) other than communications tests or training not involving movement of combat units and equipment, and similar or larger group exercises) involving battle indoctrination or familiarization with conditions to be encountered in actual operations against an enemy will also be held as extra hazardous service where disease or injury results from (i) the use of instrumentalities of war, including live ammunition, or (ii) conditions simulating the confusion, fatigue, obstacles, weapons fire, and improvisations of battle and frontline operations, such

as infiltration courses, mine fields, wire entanglements, infantry-armored-artillery-engineer-tactical air team actions and fire, combined amphibious operations, close personal combat with the bayonet, commandolike tactics and operations, the traversal of difficult terrain and deep streams, or the spanning of rivers or chasms. Determinations will generally be made on the record without a further call for information upon the service departments, first obtaining, however, and taking into consideration investigation officer reports, administrative reports, or other documentary material usually released in due course on request.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective May 23, 1951.

[SEAL]

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-5862; Filed, May 22, 1951;
8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 13, Amendment 1]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

PARTICIPATING CONTRACTS; DISTRIBUTORS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 1 to Supplementary Regulation 13 (16 F. R. 809) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Supplementary Regulation 13 to the General Ceiling Price Regulation is a clarifying amendment applicable to sections 1, 2, 3, and 6 of Supplementary Regulation 13 to the General Ceiling Price Regulation.

Due to an oversight the word "distributor" was inadvertently omitted from sections 1 and 2 at the time Supplementary Regulation 13 was published. This omission is corrected to include them in sections 1 and 2.

Participating contracts are an established practice in the field of coal chemicals. In this type contract the return to the seller varies according to the analysis of the material delivered, but inasmuch as the end or finished products are controlled under Supplementary Regulation 13, the transaction is not inflationary. In arriving at the seller's price some participating contracts are based upon published prices in trade journals for the derivatives and some are based upon the revenue obtained by the buyer from the sale of the derivatives. In the definition

in section 2 (g) of Supplementary Regulation 13, only the latter type of participating contract was set forth. A strict application of this definition would not permit a buyer with a participating contract based upon published prices in trade journals to pay the seller such price if, in fact, he happened to be selling some of the derivatives at prices established by these published prices since the definition in the Regulation would only permit him to pay the seller "according to the revenue obtained". Therefore, section 2 (g) is rewritten to allow for both of the above contingencies.

Section 3 is amended so that no distributor may charge a price f. o. b. coke oven or tar distillation plant in excess of the ceiling price established for the aforesaid plants. However, where a distributor purchased coke and/or coal chemicals from a coke oven or tar distillation plant during the producer's base period and resold them, the distributor may charge the highest prices he received for such coke and/or coal chemicals during the base period plus any adjustments in price applied to the f. o. b. coke oven or tar distillation plant price of such coke and/or coal chemicals.

Section 6 is amended so that it places upon the distributors the same responsibilities which producers have in regard to records and record keeping.

AMENDATORY PROVISIONS

1. Section 1 is amended by adding, following the word "producers", the words "and distributors".

2. Section 2 (g), "Participating contract", is deleted and the following is substituted therefor:

(g) "Participating contract" means a contract under which the seller's price for the material varies according to the revenue obtainable from the sale of the derivatives under the terms of the contract.

3. Section 2 is further amended by adding paragraph (i):

(i) "Distributor" means any person who purchases for resale, coke and/or coal chemicals at or for delivery from coke oven or tar distillation plants, or plants refining or upgrading materials obtained from coke oven or tar distillation plants, and resells the same without physical handling; it includes any person acting as the agent of a distributor in the sale of such materials.

4. Amend section 3 by adding the following paragraph (d):

(d) No distributor shall charge a price f. o. b. coke oven or tar distillation plants or plants refining or upgrading materials obtained from coke oven or tar distillation plants in excess of the ceiling price or prices established for such plants under the provisions of this regulation: *Provided*, That in the event a distributor purchased coke and/or coal chemicals from such plants during the producer's base period, and resold such coke and/or coal chemicals, said distributor may buy and resell coke and/or coal chemicals from said plants and charge

the highest price or prices he received for such coke and/or coal chemicals during the aforesaid base period plus any adjustments in price applied to the f. o. b. plant price of such coke and/or coal chemicals.

5. Amend section 6 by deleting paragraph (c) and substituting therefor:

(c) Not later than 20 days after the effective date of this amendment each distributor shall file, by letter, with the Office of Price Stabilization, Solid Fuels Branch, Washington 25, D. C., a statement setting forth: (1) a description of the product; (2) name and location of producer and plant; (3) ceiling prices established under the General Ceiling Price Regulation; (4) ceiling prices established under the authority of this amendment; (5) the price increase allowed under this amendment; (6) the charges, if any, made by the distributor for any special service rendered during the base period, together with a description of the special service so rendered, and (7) the prices specified in the contracts exempted by section 4 of Supplementary Regulation 13 to the General Ceiling Price Regulation.

6. Section 6 is further amended by adding paragraph (d) which reads as follows:

(d) Notwithstanding any other provision hereof, each producer and distributor subject to this supplementary regulation shall continue to be subject to the record keeping provisions of the General Ceiling Price Regulation.

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

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment 1 to Supplementary Regulation 13 to the General Ceiling Price Regulation shall be effective as of March 16, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

MAY 22, 1951.

[F. R. Doc. 51-6008; Filed, May 22, 1951;
9:56 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, as Amended May 18, 1951]

M-1—IRON AND STEEL

Correction

In Federal Register Document 51-5951, published at page 4754 of the issue for Tuesday, May 22, 1951, section 11 was erroneously designated section 10. As corrected section 11 reads as follows:

SEC. 11. *Scheduled programs.* NPA will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to

this order will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

[NPA Order M-2 as Amended May 21, 1951]

M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the formulation of this amendment, consultation with industry representatives has been rendered impossible because of the need for immediate action.

This amendment affects NPA Order M-2 as amended May 1, 1951, as follows: It designates the text of section 19 as paragraph (a) and adds a new paragraph (b) to section 19; it substitutes a new section 20; and it makes certain changes in appendix B. As so amended NPA Order M-2 reads as follows:

EXPLANATORY PROVISIONS

Sec.

1. Purpose and effect.
2. Definitions.

RESTRICTIONS ON CONSUMPTION

3. Limit on total new rubber consumption (except natural rubber latex).
4. Limit on natural rubber latex consumption.
5. Rubber to fill rated orders.
6. Orders rated "DO-97".

IMPORTATION AND DISTRIBUTION OF NATURAL RUBBER

7. Private importation of natural rubber prohibited.
8. Purchase of natural rubber.

ALLOCATION OF SYNTHETIC RUBBER

9. Limitation on acquisition of synthetic rubber.
10. Allocation procedure.
11. Basis of allocation.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

12. Camelback production required.
13. Tires or tubes for new passenger automobiles.
14. Required production of certain tires or tubes.
15. Rubber product simplification and manufacturing specifications.

GENERAL PROVISIONS

16. Monthly reports of rubber consumption and stocks.
17. Reports by tire, tube, and camelback manufacturers.
18. Reports by latex importers.
19. Records and reports.
20. Inventory limitations.

Sec.

21. Applications for adjustment or exception.
22. Communications.
23. Violations.

AUTHORITY: Sections 1 to 23 issued under sec. 10, 62 Stat. 105, as amended, sec. 704, Pub. Law 774, 81st Cong.; 50 U. S. C. App. Sup. 1929. Interpret or apply sec. 3, 62 Stat. 102, sec. 101, Pub. Law 774, 81st Cong.; 50 U. S. C. App. Sup. 1922, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, E. O. 9942, Apr. 1, 1948, 13 F. R. 1823.

EXPLANATORY PROVISIONS

SECTION 1. Purpose and effect. The purpose of this order is to conserve the supply of rubber for the needs of national defense and to provide for its equitable distribution. It places over-all limits on the consumption of new rubber (including both natural and synthetic). It prohibits private importation of natural rubber, provides for allocation of Government-produced synthetic rubber, and for the distribution of natural rubber. Provisions are also made for increasing production of camelback, for directing production of rubber products into standard lines, and for restricting the use of natural rubber in certain listed products, for limiting inventories of tires and tubes and for restricting their delivery for installation on new passenger automobiles.

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

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine pará, which are of equivalent quality regardless of name or origin; but excluding all other South or Central American grades of wild rubber and all rubber from guayule, balata or gutta percha, as well as reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex but excluding reclaimed synthetic rubber.

(e) "GR-S" means a general-purpose synthetic rubber of the butadiene styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Butyl" or "GR-I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but ex-

RULES AND REGULATIONS

cluding reclaimed special-purpose synthetic rubber.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber, and uncured in-process materials.

(h) "Consume" means, in the case of dry natural rubber, natural rubber latex or synthetic rubber, to compound, expand, formulate, or in any manner make any substantial change in the form, shape, or chemical composition.

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

(j) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(k) "NPA" means the National Production Authority in the Department of Commerce.

RESTRICTIONS ON CONSUMPTION

SEC. 3. *Limit on total new rubber consumption (except natural rubber latex).* (a) No person shall (except on prior written authorization of the NPA) consume in any calendar month a total amount of new rubber (including all synthetic both dry and latex and all natural except latex) in excess of 100 percent of his base monthly new rubber consumption as computed under paragraph (b) of this section: *Provided, however,* That no person shall consume in the manufacture of any item listed in appendix B of this order, in any calendar month, any new rubber in excess of 90 percent of the proportion of his base monthly new rubber consumption devoted to the manufacture of each such item during the year ending June 30, 1950: *And provided further,* That no person may consume more rubber in the manufacture of tires and tubes for delivery as original equipment for new passenger automobiles than is required to supply the manufacturers of new passenger automobiles with four tires and tubes for each of such automobiles.

(b) Each person's base monthly new rubber consumption shall be one-twelfth of his actual new rubber consumption (including all synthetic both dry and latex and all natural except latex) during the year ending June 30, 1950, as adjusted by the NPA.

(c) The limitation provided in this section shall not apply to any person during any calendar quarter in which his total consumption of new rubber (including all synthetic both dry and latex and all natural except latex) does not exceed 25,000 pounds.

SEC. 4. *Limit on natural rubber latex consumption.* (a) No person shall (except on prior written authorization of the NPA) consume during any calendar quarter, a total quantity of natural rubber latex in excess of one-fourth of his consumption during the year ending June 30, 1950, as adjusted by the NPA.

(b) In the event that imports of natural rubber latex are of such volume that an excess remains available for con-

sumption after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile requirements of the Government, and (3) a reasonable reserve for adjustments under section 21 of this order, such excess will be allocated quarterly to consumers by the NPA on the basis of their pro rata allocation of natural rubber latex during the first calendar quarter of 1951. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a) of this section.

SEC. 5. *Rubber to fill certain rated orders.* (a) Such quantities of new rubber as are used in making products to fill DO rated orders (other than those rated "DO-87" or "DO-97") are hereby exempted from the limitations on consumption contained in sections 3 and 4 of this order. All such quantities shall accordingly be excluded in computing consumption under those sections. Allocations of synthetic rubber will be made for such purposes, upon application in writing to the NPA, in addition to the allocations for which provision is made in sections 9, 10, and 11 of this order.

(b) Any person filing an application for an allocation of 500 pounds or more of new rubber to fill a DO rated order must show (1) the DO rating number or symbol applied to the order, (2) the Government contract or purchase order numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as they concern the rubber content, (5) the name and address of the customer, and (6) the types and quantities of rubber required, by month, to fill the order.

(c) Any person filing an application for an allocation of rubber to fill any DO rated orders where each of such orders requires less than 500 pounds of new rubber must set forth (1) the number of orders with each DO rating, (2) the types and quantities of rubber required to fill each group of DO rated orders, and (3) a statement signed by an authorized officer or member of the company to the effect that he has received DO rated orders, which are on file and which require the amount of rubber applied for.

SEC. 6. *Orders rated "DO-97."* (a) No person shall apply or extend the rating "DO-97" to any order for any pneumatic tires or tire tubes or other transportation products as listed under code 1 and codes 3 through 8 in appendix A, and no such rating applied or extended to such orders shall be deemed a valid rating.

(b) Insofar as necessary and practicable, new rubber will be made available once a month, in addition to the quantities otherwise permitted by this order, to manufacturers of those products listed under code 2 and codes 9-24 in appendix A, to replace rubber used to fill orders for such products rated "DO-97." No additional rubber will be authorized for such purpose, however, except to the extent that the applicant demonstrates that he has filled "DO-97" rated orders for the product in the pre-

vious month requiring a greater proportion of his then permitted new rubber consumption than he devoted to the manufacture of that product out of his total new rubber consumption in the year ending June 30, 1950 (exclusive of such units as were manufactured and sold as parts of new equipment or for incorporation in new equipment). Application for such additional new rubber shall be made before the 10th day of each month. The quantities approved under this section will be authorized and allocated for use during the remainder of that month. (For example: If a company used rubber in April for orders rated "DO-97" in excess of the above-described proportion, it may report such excess use before the 10th of May, and additional rubber will be authorized or allocated in May). The applicant must state (if he has not previously submitted the same information) his consumption of new rubber during the year ending June 30, 1950, in making the product involved (broken down to show what proportion went into new equipment), the volume of orders filled for the product during the previous month (broken down to show those rated "DO-97"), the types and quantities of rubber used or required therefor, the new rubber authorization requested, and any other data necessary to demonstrate that the applicant has satisfied the above requirements entitling him to additional rubber.

IMPORTATION AND DISTRIBUTION OF NATURAL RUBBER

SEC. 7. *Private importation of natural rubber prohibited.* (a) On and after December 29, 1950, no person, other than the Administrator of General Services, shall import into the United States (including its territories and possessions) any natural rubber as defined in section 2 (a) of this order, except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody, or otherwise, except where the rubber moves through the United States in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 2 (a) of this order.

SEC. 8. *Purchase of natural rubber.* (a) A person may in any calendar month purchase as much but no more natural rubber than he is permitted to consume in that month: *Provided, however,* That

at the time of such purchase his total inventory of natural rubber does not exceed, or by the delivery of such purchase would not be made to exceed, the amount of natural rubber which he may under this order consume during the next succeeding 60 days (except that, if his inventory of any particular grade is less than his requirements for such grade for that calendar month, he may purchase the balance of his requirements for that grade for that month).

(b) Each person who desires to purchase any natural rubber shall furnish the Administrator of General Services a certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that I am authorized to consume all of the natural rubber called for by this purchase order during the current calendar month. I further certify that after receipt of the rubber called for by this order, my inventory will not exceed the limitations of NPA Order M-2.

ALLOCATION OF SYNTHETIC RUBBER

SEC. 9. *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR-S or butyl (GR-I) than is allocated to him by the NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation: *Provided, however,* That this prohibition shall not apply to any transfer of Government-produced synthetic rubber which is part of a bona fide subcontracting arrangement by which the transferee is required to return the equivalent amount of synthetic rubber to the transferor, or where there is no transfer of the right ultimately to dispose of or sell the rubber or rubber product made therefrom.

SEC. 10. *Allocation procedure.* The NPA will allocate quarterly, to each consumer of GR-S or butyl, the amounts of Government-produced GR-S and butyl that he may purchase during a specified calendar quarter. The allocation will reflect the total quantity of hot rubber and the total quantity of cold rubber which the consumer may purchase, but will not specify particular types within these two categories. The NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits to anyone for more GR-S or butyl than is allocated to him. Persons desiring to purchase GR-S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

SEC. 11. *Basis of allocation.* GR-S and butyl for nondefense purposes will be separately allocated by the NPA for each calendar quarter on the following basis:

(a) *GR-S.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR-S will be allocated a fair and proportionate share of the total available Government-produced GR-S (after a reasonable amount has been reserved for DO rated orders, for

such other programs as may be approved by the NPA, and for adjustments under section 21 of this order).

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 21 of this order), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for tire tubes during that period as determined by the NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by the NPA.

(d) *Imports to be considered.* In making allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain the quantities of imported GR-S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain and take into account each consumer's inventory of GR-S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 20-working-day supply.

(f) *GR-S plant clean-up and dried latex drainings, coagulum, and preflex materials.* Only 50 percent of the quantity of GR-S plant clean-up material purchased from the Office of Rubber Reserve, and only 25 percent of the GR-S dried latex drainings, coagulum, and preflex purchased from the Office of Rubber Reserve, need be considered in computing and reporting the total quantity of synthetic rubber acquired or consumed.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 12. *Camelback production required.* Every person who produced camelback during the year ending June 30, 1950, shall produce in each month of 1951, an amount of camelback which by RHC weight is at least one and a half times as great in proportion to his total new rubber consumption in the manufacture of transportation products during such months, respectively, as the proportion which his production of camelback during the year ending June 30, 1950, bore by weight on RHC basis to his total new rubber consumption in transportation products during that year. For example, if a person's production of camelback on RHC basis accounted for 5 percent of his new rubber RHC consumption in transportation products

during the year specified, his production of camelback in each month must account for at least 7.5 percent of his new rubber RHC consumption in transportation products during each month of 1951. This means that consumers who produce transportation products other than camelback must sacrifice sufficient RHC from other transportation products to achieve the above result, since no extra allocation of RHC will be made to compensate for increased camelback production. Those who produce camelback and no other transportation items, must increase their production only to the extent that they have received a special adjustment from NPA for camelback production.

SEC. 13. *Tires or tubes for new passenger automobiles.* No person shall deliver any tires or tubes to any manufacturer of new passenger automobiles unless such manufacturer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that, except in fulfillment of DO-rated orders, after April 1, 1951, I will not install on or use for any new passenger automobile more than four tires or tubes and that no more than four tires and tubes will be delivered by me with any new passenger automobile.

(Date)

(Signed)

SEC. 14. *Required production of certain tires or tubes.* (a) No person, who, during the first calendar quarter of 1951, manufactured any tires or tubes for use on trucks, buses, and truck trailers, in sizes 8.25 and up, or on tractors or farm equipment, shall, during any month, devote less than the same proportion of his total new rubber consumption as limited by section 3 of this order to the manufacture of each of these items than he did in the first calendar quarter of 1951.

(b) In addition, the saving in new RHC resulting from the reduction in original passenger car tire and tube deliveries due to the elimination of the fifth tire and tube, shall be used by each tire manufacturer in the production of truck and bus tires and tubes, in sizes 8.25 and up, and for farm tires and tubes. Insofar as natural rubber may be used in producing such tires and tubes in accordance with the specifications in appendix A, such use in lieu of synthetic rubber is permitted, subject to the limitation on total new rubber consumption in section 3 of this order.

SEC. 15. *Rubber product simplification and manufacturing specifications—(a) Manufacture except in accordance with appendix A prohibited.* No person shall manufacture any rubber product except in accordance with the specifications and other terms and conditions prescribed in the attached appendix A. More specifically, (1) no person shall consume any natural rubber (dry or latex) in the manufacture of any product not listed in column II of appendix A; (2) no person shall consume more natural rubber (dry or latex) in the manufacture of any listed product than prescribed in column III (as qualified by column IV).

RULES AND REGULATIONS

of appendix A; and (3) no person shall consume any new RHC (natural or synthetic) in the manufacture of any listed product in more or different lines, types, qualities, styles, or colors than those prescribed in column IV of appendix A: *Provided, however,* That any person who has received an allocation of synthetic rubber, for a given period, which is of a lesser proportion of his total new rubber consumption, as limited by section 3 of this order, than he is required by the specifications contained in appendix A to use in the manufacture of his usual line of products, may (within the limits of section 3) use such additional natural rubber as is necessary to make up the difference: *And provided further,* That any person who so uses additional natural rubber shall prepare a statement setting forth all of the facts and statistics upon which such additional use was based. This statement, signed by an officer of the company, shall be retained in the files of the company and made available to the NPA upon request.

(b) *Exceptions to limitations of appendix A*—(1) *Defense orders.* Notwithstanding the provisions of appendix A, any product manufactured to fill a DO rated order may be manufactured to the specifications of the order if and to the extent that such specifications are required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and nondefense requirements.

(2) *Tire experimentation.* Notwithstanding the provisions of appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in appendix A.

GENERAL PROVISIONS

SEC. 16. *Monthly reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed below shall file a monthly report on Form NPAF-3 with the NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments.

Types to be reported

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR-S types, excluding latex.¹
GR-S type latex.¹
Butyl types.¹
Neoprene, excluding latex.
Neoprene, latex.
Butadiene-Acrylonitrile types (N-type) excluding latex.
Butadiene-Acrylonitrile types (N-type), latex.
Scrap rubber, uncured.

SEC. 17. *Reports by tire, tube, and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file a report

¹ Includes all types whether obtained from Government or other sources, including imports.

of his production, shipments, and inventory for each calendar month on Form NPAF-5 with the NPA in accordance with the instructions accompanying the form. Such report shall be filed by the 10th of the month following the month to which it relates.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file a report of his production of cured tires for each week on Form NPAF-6 with the NPA in accordance with the instructions accompanying the form.

SEC. 18. *Reports by latex importer.* Every importer of natural rubber latex shall report by letter to the NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 19. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines that the provisions of this order have been met. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business. All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority. All persons subject to this order shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

(b) Each consumer of rubber shall complete and return to NPA, Forms NPAF-56, NPAF-57, NPAF-58, and NPAF-59. These forms will be mailed to each consumer of rubber and shall be filed in accordance with the instructions accompanying them.

SEC. 20. *Inventory limitations.* (a) No person who uses tires or tubes in the course of trade or business shall receive delivery of new tires or tubes of any given size if his inventory of tires or tubes of such size exceeds, or by such receipt would be made to exceed, the minimum requirements for the operation of his business during the succeeding 30 days.

(b) No person who distributes or sells tires or tubes within the continental limits of the United States shall receive the delivery of new tires or tubes of any given size if his inventory of tires or tubes of such size exceeds, or by such receipt will be made to exceed, his minimum requirements for the operation of his business during the succeeding 30

days (or in the case of passenger car manufacturers 15 days). Each place of business engaged in the distribution of tires or tubes shall be deemed a separate person for the purpose of this section regardless of its ownership or control, and delivery to it shall be subject to this section regardless of whether such delivery is made on consignment, as an intra-company delivery, or otherwise.

(c) No person shall deliver tires and tubes (1) if he has reason to believe that his customer is not permitted to receive delivery under this section, nor (2) unless his customer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that after receipt of the tires or tubes covered by this order my inventory will not exceed the quantity permitted by NPA Order M-2.

(Date)

(Signature)

SEC. 21. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of relief sought, and the justification therefor.

SEC. 22. *Communications.* All applications, reports, and other communications relating to this order should be addressed to the National Production Authority, Washington 25, D. C., Ref: Order M-2.

SEC. 23. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this order.

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

This order as amended shall take effect on May 21, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator,

APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 15 OF NPA ORDER M-2

EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in Column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in Column 2.

Column 3: The figures and symbols in Column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23, and 24, the figures in Column 3

represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound *except* where provided in Column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in Column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in Column 4.

The symbol "X" in Column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required except as may be provided in Column 4.

Column 4: The provisions in Column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by Column 3. These qualifications take precedence over Column 3 where there is any apparent inconsistency. Column 4 also contains the simplification and standardization provisions governing the manufacture of the product or product class. These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles, and colors in which the listed products may be manufactured with the use of any kind of rubber. There are no such limitations on the manufacture of listed products except as indicated in Column 4.

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
1.....	Pneumatic tires.....	(9)	The group average of any product in Code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for Code 1.
	Airplane tires.....	100	Max. individual tire—100%.
	Bicycle tires.....	13	Black side-wall construction only. Maximum individual tire—95%.
	Motorcycle tires.....	15	Black side-wall construction only. Maximum individual tire—95%.
	Passenger: Highway mud-snow, taxi.....		Passenger car tire production is restricted as follows: All types—black side-walls only. Standard tread depth highway tires—one line and one quality only. Extra tread depth highway tires—one line only; and no greater quantity may be produced by any manufacturer in any calendar quarter, in proportion to his total production of passenger car tires in that quarter, than the proportion of his extra depth highway passenger car tire production to his total passenger car tire production in the last 6 months of 1950. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	Thru 7.10 and 6.50.....	15	Max. individual tire—95%.
	Over 7.10 and 6.50.....	22	Max. individual tire—95%.
	Industrial pneumatic.....	13	Max. individual tire—95%.
	Tractor implement.....	13	Max. individual tire—95%. Restricted to one line of tires.
	Truck: Highway, heavy highway, traction, off-the-road trailer, flotation type, trailer type.....		Truck tire production is restricted as follows: Standard tread depth highway tires—one line only. Extra tread depth highway tires—one line only. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	7.50 and under.....	38	Max. individual tire—95%.
	8.25 thru 9.00.....	75	Max. individual tire—99%.
	10.00 thru 12.00.....	90	Max. individual tire—99%.
	Over 12.00.....	92	Max. individual tire—99%.
2.....	Solid tires.....	X	
	Airplane tires.....	X	
	Bogie, idler, and support rollers.....	X	
	Pressed on.....	X	
	Cured on, 4 x 1½ and up.....	50	
3.....	Tire tubes:.....	50	
	Airplane.....	100	Any color, but one color only, except that every tube containing butyl must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be $\frac{1}{16}$ " minimum width. No other tube shall be so marked.
	Bicycle.....	5	
	Industrial pneumatic.....	50	
	Passenger.....	0	
	Puncture seal.....	0	
	Safety tubes.....	0	
	Tractor implement.....	0	
	Truck, 8.25 cross-section and under.....	5	
	Above 8.25 and up to 14.00.....	80	
	14.00 cross-section and over.....		
4.....	Tire tube valves and curing bags:.....	X	
	Tire tube valves (including repair valves).....	X	
	Tire tube valve inside washers.....	X	
	Curing bags.....	X	
5.....	Tire flaps.....	50	May be averaged with groups in Code 1.
	10.00 and up.....	100	May be averaged with groups in Code 1.
6.....	All others:.....	50	
	Tire retreading materials:.....		
	Air bags, full circle for retreading.....	X	
	Camelback for airplane tires.....	100	
	Camelback for 9.00 cross-sections and larger, in die sizes $6\frac{1}{4}$ " crown width and $1\frac{1}{2}$ " ga. and up.....	X	
	Camelback, die sizes under $6\frac{1}{2}$ " crown width and under $1\frac{1}{2}$ " ga.....	0	
	Camelback cushion gum.....	100	$\frac{1}{32}$ " ga. max. for synthetic camelback.
	Padding stock.....	X	
	Stripping stock.....	X	
	Filler stock.....	X	
	Cushion repair gum.....	100	
	Tread repair gum.....	X	
	Tire vulcanizing cement.....	X	
7.....	Tire and tube repair materials:.....	X	
	Air bags, sectional.....	X	
	Bulk tire repair materials.....	X	
	Tire patches.....	X	
	Tube patches.....	X	
	Patching cement.....	X	
8.....	Tank blocks, treads, and band tracks.....		

¹ Maximum group average.

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
10-C	General industrial hose—Continued		
	Arbor pipe forming.....	25	
	Booster and chemical engine.....	10	
	Braided cover tubing.....	0	
	Cable covering, electric.....	30	
	Cloth inserted tubing.....	5	
	Coupling, flexible.....	5	
	Creamery.....	20	
	Divers:		
	Floating.....	5	
	Sinking.....	40	
	Dredging sleeves.....	40	
	Expansion joints.....		
	Fire:		
	Cotton rubber lined and R. C.....	25	
	Wrapped duck.....	25	
	Fire engine suction:		
	Hard.....	10	
	Soft.....	25	
	Fire extinguisher tubing.....	5	
	Flanged flexible pipe.....	40	
	Garden and lawn.....	0	
	Jetting.....	10	
	Marine exhaust.....	0	
	Material handling—including grain:		
	Cement and concrete.....	40	
	Phosphate flexibles.....	40	
	Rock dusting.....	40	
	Insulation blowing.....	5	
	Paint spray, fluid line.....	0	
	Paper mill hose.....	10	
	Petroleum products:		
	Gasoline service station.....	0	
	Oil suction and discharge.....	15	
	Butane and propane.....	5	
	Tank wagon.....	0	
	All other not elsewhere listed.....	0	
	Pinch valve.....		
	Rotary drilling:		
	Vibrator.....	15	
	Mud suction.....	15	
	Sand blast.....		
	Sand placing and sand suction.....	40	
	Shaft covering, flexible.....	5	
	Spray, horticultural and car washing:		
	Over 400 lbs. working pressure.....	5	
	Under 400 lbs. working pressure.....	5	
	Steam:		
	Over 50 lbs. working pressure.....		
	50 lbs. and under working pressure.....		
	Steam ironing.....		
	Suction, water:		
	Hard rubber and rough bore.....	5	
	Smooth bore up to 6".....	10	
	Smooth bore 6" and over.....	20	
	Vacuum:		
	Household, including hotels, office buildings, etc.....	25	
	Industrial dust collector and blower exhaust.....	0	
	Washing machine.....		
	Water:		
	Radiator filling.....	0	
	Industrial:		
	Severe service.....	10	
	Moderate service.....	5	
	Welding.....	5	
	Hose not elsewhere listed.....	0	
10-D	Railroad hose:		
	Air brake and signal, M-601.....	20	
	Air pneumatic tool, M-608.....	5	
	Paint spray, M-610.....	5	
	Pantograph.....	10	
	Sand, M-615 and M-616.....		
	Sand pipe nozzles.....		
	Steam, hot water and car heat, M-605.....		
	Tender tank, M-608.....		
	Water, cold, M-604.....		
	Welding, M-603.....		
	Railroad hose not elsewhere listed.....	0	
11	Packing and gaskets not elsewhere listed		
11-A	Packings without fabric or high percent of fiber, including sheet and also strip, discs, gaskets, rings, cups, U packings, V rings, O rings, nonfabric diaphragms, etc., made by extruding, cutting, or molding:		
	Below 45 durometer.....	0	
	45 durometer and above.....	0	
	Pine coupling gaskets.....	0	
	Molded and extruded gaskets spliced endless after initial vulcanization.....		
	Electrical transformer sheet rubber for packing seals.....	40	
	O rings for sliding contact against steam and chemicals.....		
	Air brake gaskets.....		
	Vulcanizer door gaskets.....		
	All others not elsewhere listed.....	0	
11-B	Packings with high fiber content sheet (generally known as "compressed asbestos sheet") and gaskets cut from same:		
	Molded gaskets, discs, rings, etc.....	5	
	Rod packing coil, spiral ring form (generally known as "rubber-bonded plastic packing").	5	
11-C	Packing with fabric or wire insertion sheet gasketing (generally known as "C. I. or B. W. I. Sheet") and gaskets cut from same:		
	Cotton insert.....	5	
	Wire insert.....	10	
	Asbestos insert.....	25	
	Rolled or molded gaskets:		
	Cotton insert.....	25	
	Asbestos insert.....	25	
	Diaphragm sheet including diaphragms cut from same or molded:		
	Supersensitive gas regulation.....	25	
	Molded other than above.....	15	
	Cut other than above.....		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
11-C	Rectangular piston packing.	50	
	Rod packing including molded cups, U packings, and V rings:		
	Cotton insert.....	25	
	Asbestos insert.....	25	
11-D	Valve and valve parts:	X	
	Valve and valve discs—45 durometer and under.....	X	
	Loaded ball valves.....	0	
	All other valves and valve parts.....	0	
11-E	Sealing compounds for food containers:	0	
	Beverage container gaskets (molded, extruded or lathe-cut).....	0	15% natural rubber by weight of compound permitted.
	Food container gaskets (extruded and lathe-cut).....	0	5% natural rubber by weight of compound permitted.
	Gasket-lined home canning lids.....	25	
	Jar rings, cut rings.....	0	
	Molded stoppers for food and beverage containers.....	0	
	Food closure gasket.....	0	30% natural rubber by weight of compound permitted for food gaskets formed and vulcanized in the closure.
	Sealing compounds, food closures and can ends ("flowed-in" type for glass and metal containers).....	X	Natural rubber latex permitted.
12	Other mechanicals.....		All products in Code 12, color optional, unless otherwise specified. Restrictions on line, type, quality, and style do not apply.
12-A	Aircraft equipment:	X	
	Boots, de-icer and integral parts including hose.....	0	
	Bumpers.....	X	
	Cords, alighting gear.....	X	
	Conductive rubber parts.....	X	
	Flexible couplings, functional.....	X	
	Engine instrument mountings and vibration insulators.....	X	
	Oxygen mask, pilot.....	X	
	All parts 45 durometer or less.....	0	
	All other parts not elsewhere listed.....	0	
12-B	Automotive equipment:	X	
	Windshield wiper blade.....	25	
	Bumper—retaining and check (molded).....	25	
	Bumpers—functional:		
	Suspension.....	25	
	Crash.....	10	
	Bushing:	X	
	Suspension.....	X	
	Torque rod.....	X	
	Coupling—flexible.....	X	
	Weatherstrips and body seals, extruded, under 50 durometer.....	0	
	Weatherstrip, injection compound for splicing and forming.....	25	
	Molded ventilator strips.....	10	
	Glass run.....	X	
	Crankshaft torsion dampers.....	X	
	Transmission and engine mountings:		
	50 durometer and over.....	40	
	Under 50 durometer.....	X	
	Body and chassis mountings:		
	50 durometer and over.....	0	
	Under 50 durometer.....	0	
	Tall pipe insulator—under 50 durometer.....	X	
	Torsion springs.....	X	
	Grommet, core-molded-retaining, for dashboard insulation.....	25	
	Fuel tank—filler neck seal.....	25	
	Mats:		
	Contour, front compartment only.....	10	A color spray containing no natural rubber may be applied to one side.
	Sill with retaining buttons.....	15	New rubber other than natural may be used in the spray.
	All other automotive mats.....	0	
	Cowl and dash liners.....	0	
	Seal beam headlights.....	X	
	Pads—N. I. with retaining buttons.....	15	
	Fender flaps or splash guards.....	0	
	Silencers—coil spring.....	X	
	Rear spring seat insulator.....		
	Tubing:		
	Drain.....	0	
	Windshield wiper, non-reinforced.....	0	
	Spring tying suspension seat cord.....	X	
	Molded diaphragms.....	25	
	Hydraulic, air brake, and vacuum brake cups, diaphragms, valves and seals.....	X	
	Seals:		
	Valve stem—tire.....	X	
	Valve stem—motor.....	25	
	All other parts not elsewhere listed.....	0	
12-C	Railroad and streetcar equipment:	X	
	Car spring snubbers.....	0	
	Refrigerator friction drive wheel.....	0	
	Refrigerator car door seal.....	0	
	Molded seal for double-glazed windows.....	X	
	Bumpers.....		Same as automotive:
	Streetcar wheel.....	X	
	Windshield wiper blades.....	X	
	Door shoes.....	5	
	Draft gears.....	X	
	Vibrational insulators—functional.....	0	
	All other parts not elsewhere listed.....	X	
12-D	Farm equipment:		
	Flax roll (50 durometer or under).....	5	For adhesion.
	Corn husking roll.....	5	For adhesion.
	Feed conveyor.....	5	For adhesion.
	Corn snapper roll.....	5	For adhesion.
	Draper apron roll.....	5	For adhesion.
	Cotton rubber roll.....	5	For adhesion.
	Hay baler roll.....	0	For adhesion.
	Rubber covered canvas.....	0	For adhesion.
	Cotton picker doffer.....	0	For adhesion.
	Press wheel tires.....	X	
	Gauge wheel tires.....	X	
	Shoe pitman arm torque bushing and torsion bushings.....	X	
	Bearing cushion cups, non-oil-resisting.....	X	
	Cotton drier flaps.....	0	
	Pneumatic seats.....	0	
	Steering wheels.....	10	
	Rubber covered beater bars.....	X	
	All other parts not elsewhere listed.....	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-K	Printing rubber products—Continued Printing rubbers—Continued Printing blankets for offset, newspaper and lithograph Rubber solution for wet plate negative Paper pick-up suction cups All other printing rubbers not elsewhere listed	X XX X 0	For printing press only.
12-L	Rolls and roll coverings: Suction press roll covering Paper mill roll covering Natural crepe rubber shoe cleaning rolls Textile Other industrial roll covering All other roll coverings not elsewhere listed	X XX X X 0	For use only in cleaning soil and cement from shoes. 25% of the total new rubber used in any month may be natural rubber.
12-M	Rubber protected or lined equipment: Tank cars, barges and trucks All other	X X	
12-N	Mats and matting: Switchboard—not less than $\frac{1}{4}$ " thick for 3,000 volts and over Roll matting and stair treads Perforated mats Link and molded door mats Bath mats All other mats not elsewhere listed	30 0 0 0 0 0 X	Black only.
12-O	Safety respiratory equipment: Breathing apparatus, safety masks and respirators, including parts		
12-P	Hard rubber products: Ball gauges and molded tie rods Baskets (etching), beaters, buckets, dippers, frames, funnels, measures, pails, packs, and trays Bleaching rods Blown work Combs Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals Knife handles Dye sticks Bowling balls Industrial flashlight parts Insulated tools Jack strips Microporous battery separators Mouth pieces for musical instruments Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals Pipe and fittings Pipe bits Plating barrels and parts Potentiometer cards Refrigerator parts Rod and tubing for fountain pen parts Rods up to .040" diam. Rods .040" to $\frac{1}{2}$ " diam, incl. Rods over $\frac{1}{2}$ " diam Sheets $\frac{1}{4}$ " thick or less Sheets over $\frac{1}{16}$ " to $\frac{1}{4}$ " thick incl. Sheets over $\frac{1}{4}$ " thick Tubing up to and incl. $\frac{1}{2}$ " wall Tubing over $\frac{1}{2}$ " to $\frac{1}{4}$ " wall incl. Tubing over $\frac{1}{4}$ " wall Cafeteria trays Steering wheels Hard rubber parts for alkaline storage batteries Heavy duty battery cases over 15# Hand wrapped battery cases Submarine battery jars Storage battery cases where product of tensile and elongation is 10,000 or more Ventilating parts for submarines—hand wrapped Ventilating parts for submarines—molded Parts for submarines not elsewhere listed Telephone commutator inserts Tubular retainers Parts for water meters X-ray and photo tanks Forming tanks Connector stocks Parts not elsewhere listed	50 15 X X 50 50 35 X 20 25 20 30 X X 50 50 50 50 50 10 15 30 30 X 35 20 20 X 50 30 50 10 35 50 30 50 50 X 50 50 50 60 X 30 40 30 0	Restrictions on line, type, quality or style do not apply.
12-Q	Industrial equipment: Industrial abrasive implements		The over-all monthly consumption of natural rubber shall not exceed 60% of the total new RHC consumed. Restrictions on line, type, quality, style, and color do not apply.
12-R	Brake linings, brake blocks and clutch facings		The over-all monthly consumption of natural rubber shall not exceed 40% of the total new RHC consumed. Restrictions on line, type, quality, style, or color do not apply.
13	Wire and cable		Except where required for circuit identification, rubber compounds used in the manufacture of wire and cable shall be furnished as: Insulation compounds in natural or black color only; jacket compounds black color only. Restrictions on line, type, quality and style do not apply.
13-A	Insulation compounds: Insulation for power and control cable or for building wire rated at 2000 V (phase to phase) or less and which has insulation wall thickness of more than 25 mils. Insulation compounds having thickness of 25 mils or less For all types of insulated wire and cable in excess of 2000 V (phase to phase).	0 X 70	
13-B	Sheaths and jackets: Sheaths and jackets for operation at temperature of -40° C or higher Sheaths and jackets for operation at temperatures lower than -40° C	0	
13-C	Cements and nonreinforced tapes incidental to manufacture, repair, or installation of cables	10	

RULES AND REGULATIONS

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
14.....	Rubber footwear.....	70	Group average percent. No type rubber footwear shall contain more than 99% natural rubber. Line, type, quality, style, or color optional.
15.....	Shoe products.....		Line, type, quality, style, or color optional.
15-A.....	Heels and soles: Heels, soles and other specialized materials, manufactured by rubber heel and sole manufacturers used in the manufacture and repair of shoes, and excluding those items covered by other subsections of this code.	5	
	Soles.....		X DO orders for black, full length, cleated soles for "Tropical Army Combat Boots" and "Ski-Mountain Army Boots."
	Heels.....	60	DO orders for tan, neutral, white, and nonmarking black heels, except whole heels. For the Armed Forces, Fed. Spec. ZZH141A.
	Soling.....	85	DO orders for Arctic boot soling for the Armed Forces (U. S. Army Spec. Mil-B-2289).
	Heels.....	65	DO orders for Arctic Boot Toplifts for the Armed Forces (U. S. Army Spec. Mil-B-2289).
	Crepe soles, heels, welting and wrappers.....	0	The consumption, production or use (other than to G. S. A., unless specifically authorized by G. S. A.) of natural RHC, for crepe soles, heels, welting and wrappers is prohibited. Only exception: Existing inventories as of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed.
15B.....	Inner shoe cushions and pads: Rubber, molded or sheet.....		Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Sponge rubber, nitrogen blown, molded or sheet.....		60% natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only.
	Sponge rubber, chemically blown, molded or sheet.....		45% natural rubber to total RHC permitted. Maximum monthly average.
	Latex Foam, unoined slab sheets.....		60% natural rubber to total RHC permitted.
	Latex Foam, molded.....		75% natural rubber to total RHC permitted.
	Sponge rubber-cork granule sheets.....	0	
15C.....	Orthopedic appliances.....		X For corrective devices required for deformed, injured, and crippled feet only.
15D.....	Impregnated non-woven fiberous shoe components: Insole materials.....	0	Natural rubber latex only may be used.
	Welting and striping.....		
	Midsole materials.....	0	Natural rubber latex only may be used.
	Socklining, heel pad, plumper and backing materials.....		
	High strength stay and reinforcing materials.....		
	Hair and fulled felts.....		
	Box toes.....		X Natural rubber content to be no greater than that in a comparable product produced during the base period.
15E.....	Combining cements and rubberized woven fabrics for shoes.....		The over-all monthly consumption of natural rubber shall not exceed 50% of the total new RHC consumed in all Code 15E products.
	Cements for custom combining piece goods.....		
	Cements and compounds for coating, finishing, laminating, im- pregnating and proofing fabrics used as uppers, linings, sock linings, heel pads, reinforcements and backers in shoes.....		
15F.....	Shoe tapes: Bindings, including French cord.....	X	
	Reinforcing and stay tapes.....	X	
	Tapes for applied sewing ribs and economy lips.....	X	
	Pressure sensitive tapes, cloth backed.....		20% of natural rubber by volume permitted.
	Pressure sensitive tapes, paper backed.....		50% of natural rubber by volume permitted.
15G.....	Cements for manufacture and repair of shoes and component parts: Shoe factory cements.....	X	
	Shoe repair cements.....	X	
	Cements for manufacture of shoe components.....	X	
	Cements and adhesives for anchoring flock.....	X	Except custom combining cements, Code 15E; and cement for welting, Code 15H.
15H.....	Cements for manufacturing welting for shoes.....	0	Natural rubber content to be no greater than that in a comparable product produced during the base year.
15I.....	Protective coatings for shoes during manufacture.....	0	Natural rubber latex only may be used.
			Production, consumption and sale of protective coatings to keep shoes clean during manufacture containing natural rubber is prohibited. Only exception: Existing inventories as of the date of this order, in actual possession of shoe manufacturers may be consumed.
15J.....	Bonded cork granule: material for shoes: Composition cork sheets, not sponge rubber bonded.....	0	
15K.....	Elastic Fabric and tape for shoes: Elasticated fabrics for uppers and linings.....	X	
	Goring and elastic shoe tapes.....	X	
15L.....	Bottom filler for shoes: Hot type thermoplastic fillers.....	0	
	Cold type fillers.....		Natural rubber content to be no greater than that in a comparable product produced during the base period.
16.....	Cements.....		
16-A.....	Cements for all purposes.....		Color optional.
16-B.....	Miscellaneous uses: For manufacture of products covered by all code numbers in this Appendix A.		The over-all monthly consumption of natural rubber shall not exceed 67% of the total new RHC.
17.....	Proofing, combining or coating of fabric.....		
			In products where natural rubber is permitted, no product shall contain a higher percent of natural rubber than a comparable product produced during the base period. Color optional. Restrictions on one line, type, quality and style do not apply.
	Covering material for transportation equipment.....	0	
	Film and coated materials for medical, health, and safety products.....	40	
	Anchor coats: spread, frictioned, or impregnated directly on fabric, or other material to be later calendered or spread.....	100	
	Seaming tapes and strapping.....	100	
	Cements used in assembly of other products here listed.....	100	
	Diving and life-saving equipment.....	100	
	Industrial and protective apparel.....	40	
	Industrial specialty products.....	50	
	Except low temperature diaphragm material.....	100	
	Flocked and imitation sueded materials.....	0	
	Except adhesive coating for anchoring the flock.....	100	
	Aprons or liners for handling in-process stock.....	40	
	Civilian utility products.....	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18	Drug sundries, medical, surgical, dental, veterinary and mortuary		Line, type, quality, style, or color optional.
18-A	Adhesive products:		
	Bunion pads and plasters	50	
	Corn plasters	50	
	Medicated foot pads and plasters	50	
	Surgical adhesive tape	60	
	Self-adhering tape and gauze bandage		X
18-B	Bulbs—Including parts	60	
	Medicine dropper bulbs	65	
	Household bulbs	45	
18-C	Dental products:		
	Dental dam		X
	Dental polishing tips		X
	Denture rubber	65	
	Orthodontic bands		X
	Denture suction and model formers	60	
18-D	Flat goods:		
	Fountain syringe bags, molded, and tubing	45	Average.
	Fountain syringe bags, hand-made, and tubing	75	
	Ice bags—molded	45	
	Ice bags—hand-made	60	
	Invalid cushions—molded	45	
	Invalid cushions—hand-made	60	
18-E	Flat goods—Continued		
	Operating cushions	60	
	Water bottles and combinations, molded and tubing	45	
	Water bottles—hand-made	60	
	Latex fountain syringe bags and tubing, ice bags and bulbs	0	Natural rubber latex permitted.
18-F	Gloves and cots:		
	Finger cots—including industrial and agricultural		X
	Surgeons gloves		X
	Net-lined hand-made gloves	75	
	Electricians' gloves, sleeves and climber guards		X
	Industrial and general purpose gloves		X
18-G	Infant goods:		
	Infant feeding nipples		X
	Nurser bottle caps		X
	Pacifiers		X
	Breast shields		X
	Teethers and teething rings	35	
	Baby pants		X
	Parts for baby bath seats		X
	Unsupported rubber sheeting	45	By weight of compound.
	Miscellaneous sundries:		
	Bath caps	60	40% of base period monthly average of natural rubber (dry or latex) consumed in bath caps permitted monthly.
	Blood pressure bags		X
	Catheters, glass molded		X
	Catheters, latex	65	
	Castrator rings		X
	Garter buttons	45	
	Hard rubber pipes, connections and accessories	30	
	Penrose tubing		X
	Colostomy outfits		X
	Crutch pads		X
	Crutch pads, sponge	60	
	Crutens tips (reinforced with metal or cloth)	35	
	Dilators		X
	Inhalation bags and face pieces		X
	Miscellaneous medical instrument parts		X
	Prostatic bags		X
	Prosthetic devices		X
	Orthopedic parts, sponge	60	
	Respirator seal for iron lungs, sponge		X
	Rubber bands and cushions for artificial limbs		X
	Medical stopples		X
	Tourniquets		X
	Truss pads		X
	Urinals		X
	Vaccine caps		X
	Veterinary sleeves		X
	Bath sponges and parts	18	Average.
	Toilet and bath sponges	25	
	Bath socks	75	
	Tension tape		X
	Rubber sheets for mortuary garments		X
18-H	Pessaries and prophylactics		
18-I	Sheet goods:		
	Bandage gum		X
	Oxygen tent canopies		X
18-J	Tubing: Surgical tubes and tubing		
18-K	Ladies personal sanitary items:		
	Dress shields		X
	Bloomer protective plates		X
	Sanitary belts		X
	Sanitary aprons		X
	Unsupported girdles		X
	Supported girdles		X
	All items not elsewhere listed	0	
19	Flotation equipment: Pontoon, rafts, boats, buoys, etc.		Government orders only. Natural rubber permitted as required.
20	Life-saving equipment: Suits, jackets, vests, belts, etc.		Government orders only. Natural rubber permitted as required.
21	Bullet sealing fuel cells		X
22	Miscellaneous:		
22-A	Athletic goods:		
	Golf balls	85	
	Golf club grips	25	
	Tennis balls	81	
	Inflatable athletic balls	53	
	Inflatable playground balls	53	
	Squash balls	60	
	Hand balls	60	
	Lacrosse balls	60	
	Rubber-covered baseballs	60	
	Baseball centers	10	
	Rubber-covered softballs	60	
	Ear and nose protective plugs		X
	Cement for repair kits		X
	Boxers' teeth protectors	80	
	Maximum diameter 10 inches.		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
22-A.....	Athletic goods—Continued Athletic bladders..... Athletic bladder valves..... Gun pads..... Lead tennis racquet weights..... Swim fins..... Nose clips..... All items not elsewhere listed.....	10 85 10 40 35 0	Maximum monthly average. Natural rubber latex permitted.
22-B.....	Balloons.....		Line, type, quality, style, or color optional. Natural rubber latex only permitted.
22-C.....	Sponge rubber..... Nitrogen blown..... Chemically blown..... Kneeling pads..... Church kneeler..... Wallpaper cleaners..... Floor mops..... Seat cushions..... Firemen's landing pads..... Typewriter pads..... Breast pads..... Sponge balls..... Sponge toys..... Sponge novelties.....		Line, type, quality, style, or color optional. 60% natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only. 45% natural rubber to total RHC permitted. Maximum monthly average.
22-E.....	Miscellaneous products: Radio, radar and fire control instruments..... Parachute bands and ventilating rings..... Chlorinated and cyclized rubber..... Flavored masticating gum.....	X X X X	
22-F.....	Pressure sensitive tape..... Color decorative tapes..... General purpose cloth-backed tapes..... Double-faced cloth-backed tapes..... Nonfibrous film-backed tapes..... Sand blast stencil tapes..... Cloth-backed photographic tapes..... Paper-backed tapes, as follows General purpose masking tapes Frozen food packaging tapes Photographic tapes Double-faced tapes Drafting tapes Shoe tapes Extra-strength tapes Super-strength tapes Printed utility tapes and sheets Tapes with backings of nonfibrous film laminated to paper..... Electrical tapes..... High-temperature tapes..... Non-staining tapes..... High-strength tapes..... Protective paper tapes..... Other tapes.....	0 20 20 30 40 36 50	Line, type, quality, style, or color optional. For household use sold in lengths less than 1,292 inches. Adhesive only. Adhesive only. Adhesive plus backing. Combined adhesive and impregnating composition. Combined adhesive and impregnating compositions.
22-G.....	Stationer's supplies: Erasers..... Pen sacs..... Rubber bands..... Finger tips..... Mucilage spreaders.....	10 75 35 35	Combined adhesive laminating and impregnating compositions. Not elsewhere listed.
22-H.....	Thread and related products: Rubber thread..... Garment tape.....	X X	Natural rubber latex permitted. 6 colors and 11 sizes permitted. Color optional.
22-K.....	Toys..... Latex toys Doll skins..... Dipped beach balls..... Slush-molded toys..... Crib toys..... Molded (dry rubber) toys..... Core-molded dolls and parts..... Inflated dolls..... Inflated balls..... Hand made water toys..... All items not elsewhere listed.....	70 70 X 45 45 45 0	Line, type, quality, style, or color optional. Natural rubber latex only permitted.
22-L.....	Rubber flooring, floor covering, wall covering..... Rubber tile flooring..... Coating for fiber floor covering..... Wall covering.....	0 0 0 0	40% base period monthly average of rubber consumed in molded (dry rubber) toys permitted monthly. Line, type, quality, style, or color optional. Natural rubber latex permitted.
22-M.....	Rubberized fiber and hair cushioning.....	0	Color optional. Natural rubber latex only permitted.

Code No. (1)	Product (2)	Percent natural rubber to total RHO (3)	Special restrictions or provisions (4)
23.....	Latex foam products— Bedding: Mattresses..... Mattress toppers..... Pillows..... Automotive toppers..... Furniture—transportation seating..... Uncored slab..... Miscellaneous molded parts..... Any product other than products listed in codes 1 to 23 inclusive.....	X X 55 75 60 75 0	Line, type, quality, style or color optional.
24.....			

APPENDIX B

The following is the list of products referred to in section 3:

Appendix A

Code No.	Product
1	Replacement tires, passenger, highway, mud-snow, taxi.
1	Replacement bicycle tires.
1	Replacement motorcycle tires.
3	Replacement tubes, passenger (including puncture-seal and safety tubes).
3	Replacement tubes, bicycle and motorcycle.
10-C	Garden and lawn hose.
12-B	Replacement automotive equipment (including all items listed thereunder in appendix A).
12-F	Household and appliance products (including all items listed thereunder in appendix A).
12-J	Billiard and pool-table cushions.
12-N	Mats and matting (including all items listed thereunder in appendix A except switchboard matting).
12-P	Bowling balls, knife handles, cafeteria trays, pipe bits, mouth pieces for musical instruments, rods and tubing for fountain pen parts, and steering wheels.
18-G	Bath caps.
18-K	Ladies personal sanitary items (including all items listed thereunder in appendix A).
22-A	Athletic goods (including all items listed thereunder in appendix A).
22-B	Balloons.
22-C	Sponge rubber products (including all items listed thereunder in appendix A, except firemen's landing pads).
22-E	Flavored masticating gum.
22-G	Stationers' supplies (including all items listed thereunder in appendix A).
22-K	Toys (including all items listed thereunder in appendix A).
22-L	Rubber flooring, floor covering, wall covering (including all items listed thereunder in appendix A, except coating for fiber floor covering).
22-M	Rubberized fiber and hair cushioning.

[F. R. Doc. 51-5973; Filed, May 21, 1951; 2:32 p. m.]

[NPA Reg. 4, as Amended May 22, 1951]

REG. 4—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of the regulation, before amendment, there was consultation with a number of industry representatives, including trade association representatives, but it was found impracticable to consult with all affected industries because the regulation applies to all trades and industries. In the formulation of this regulation, as amended, however, such consultation has been rendered impracticable because of the need for immediate action.

This regulation amends NPA Reg. 4, as last amended April 16, 1951, in its entirety to read as follows:

Sec.

1. What this regulation does.
2. Definitions.
3. DO rating assigned.
4. Quarterly MRO quotas.
5. Charges against quota.

Sec.

6. Materials obtained for another's benefit.
7. Use of materials.
8. Inventory limitations.
9. Relation to other regulations.
10. Supplier receiving improperly rated orders.
11. Records and reports.
12. Applications for adjustment or exception.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. What this regulation does. This regulation provides a uniform procedure by which any business enterprise, Government agency, or public or private institution may use a DO-rating (identified by the symbol "DO-97") to obtain limited quantities of materials for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO") as well as minor capital additions. It provides for the establishment of quarterly quotas for MRO. The regulation does not limit the quantity of materials which may be obtained in any quarter by a person who makes no use of the DO-97 rating to obtain materials in such quarter. A person may not exceed his quarterly quota except in a quarter in which (1) the total charges against his quota on account of rated-orders do not exceed 20 percent of such quota, or (2) his total charges against his quota do not exceed \$1,000. The rating may not be used to obtain materials for personal or household use.

SEC. 2. Definitions. For purposes of this regulation:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency or institution. If in 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one plant, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO, he may elect to treat any one or more of such units as a separate person for the purposes of determining the MRO quota and charges against such quota, or to treat his entire operation within the United States, its territories, and possessions as a person. In the absence of a contrary election, each such unit shall be treated for such purposes as if it were a separate person. An election so made may not be changed without prior written approval of the NPA.

(b) "Business enterprise" means a lawful activity conducted for profit in the United States, its territories or possessions.

(c) "Government agency" means the United States, its territories and possessions, any of the 48 States or the District of Columbia, any political subdivision of any of the foregoing, and any agency of any of the foregoing which is not a business enterprise.

(d) "Institution" means any lawful organization, public or private, within the United States, its territories and

possessions, which is neither a business enterprise nor a Government agency. It includes, but is not limited to schools, libraries, hospitals, churches, clubs, and welfare establishments.

(e) "Maintenance" means the continuation of any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes replacement of any plant, facility, or equipment.

(f) "Operating supplies" means, in the case of a business enterprise, any kind of material carried by such business enterprise as operating supplies according to its established accounting practice. Materials incorporated in a product are operating supplies of a business enterprise, if, but only if, they were carried as operating supplies according to the established accounting practice of the business enterprise. "Operating supplies" means, in the case of a Government agency or an institution, any kind of material used by the agency or institution in conducting any activity or rendering any service, provided such material is consumed in the course of operation and was not carried as capital equipment by the agency or institution according to its established accounting practice.

(g) "Minor capital addition" means any improvement or addition of a kind carried by the person as capital according to his established accounting practice, the total cost of the materials for which, acquired by such person, does not exceed \$750 for any one complete capital addition. No capital addition may be subdivided for the purpose of bringing it or any part of it within the foregoing definition. In computing the cost of such improvement or addition, for the purposes of this regulation, the cost of all materials obtained by the person pursuant to the same project or plan (regardless of whether they are acquired with the use of the rating) shall be included even though the respective materials are ordered or delivered at different times and are obtained from different suppliers.

(h) "MRO" means materials for maintenance, repair, and operating supplies. It does not include capital additions. The term "minor capital addition" is specifically used whenever it is intended to be included within the provisions of this regulation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of other persons are not "MRO" of the producer or supplier.

(i) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, or product of any kind.

(j) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1950, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after

RULES AND REGULATIONS

December 31, 1950, the term means the accounting practice established by him in such operation.

SEC. 3. DO rating assigned. (a) The NPA hereby assigns to every business enterprise, Government agency, and institution, the right to apply a DO-97 rating to obtain MRO and minor capital additions subject to the restrictions specified in paragraph (e) of this section and in section 5 (c). The DO-97 rating may not be applied or extended to obtain any materials listed in either table I or in table II appearing at the end of this regulation, and may not be applied to obtain any equipment pursuant to any lease.

(b) The DO-97 rating shall be applied by placing on the purchase order, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO-97" together with the words "Certified under NPA Reg. 4." When such rating is extended it shall be likewise certified. Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. The certification shall constitute a representation to the supplier and to NPA that the person making it is authorized under the provisions of this regulation to use the rating to obtain the materials covered by the order.

(c) The DO-97 rating shall not be applied or extended by any person pursuant to this regulation, in order to obtain any item of MRO or any minor capital addition, or material therefor, at a time when such person is entitled, pursuant to any other regulation, order, directive, or other action of NPA, to obtain such item, minor capital addition, or material by the use of the DO-97 rating or any other DO rating symbol or any other form of priorities assistance.

(d) The DO-97 rating which, prior to April 16, 1951, was applied or extended to any contract or purchase order for any material listed in table I is cancelled, and such rating shall no longer have any effect whatever. This paragraph shall not be construed to mean that any such contract or purchase order itself is cancelled or otherwise affected by this regulation.

(e) The DO-97 rating may not be applied to obtain in any quarter (calendar or fiscal) materials for minor capital additions exceeding in the aggregate 10 percent of the person's MRO quota for such quarter, or \$750, whichever is greater.

SEC. 4. Quarterly MRO quotas—(a) Computing the quota base. A person who applies the DO-97 rating must establish his quarterly MRO quota. In calculating the MRO quota base a person may include all expenditures by him in the base period for MRO (except materials listed in table II) even though such MRO consists of materials listed in table I. Expenditures for capital additions may not be included in the computation of the quota base.

(b) *Standard base period.* The standard base period is the calendar year 1950.

(c) *Fiscal year base period.* If a person operated on a fiscal year basis prior to March 1, 1951, he may elect to take as his base period his last fiscal year

ending prior to that date. In such event he shall establish his MRO quotas for his fiscal quarters. After such election has been made, it may not thereafter be changed without the prior written approval of NPA.

(d) *Standard quota.* The standard quarterly quota is one-fourth of 120 percent of the quota base.

(e) *Seasonal quotas.* A person may elect to establish seasonal quarterly quotas. An election so made may not be changed thereafter without the prior written approval of NPA. Such seasonal quota for any quarter shall be 120 percent of the expenditures by the person for MRO (except materials listed in table II) in the corresponding quarter of his base period.

(f) *Persons not in operation throughout the base period.* A person not in operation throughout his entire base period shall establish and report his quarterly MRO quotas as follows:

(1) *Persons operating during part of the base period.* A person who was in operation during a part but not all of the year 1950 (or a part but not all of his last fiscal year ending prior to March 1, 1951) shall determine his quota base by computing the amount he would have spent for MRO (except materials listed in table II) in his base period had he continued to spend therefor throughout the year at the same rate as during the part of the year in which he was in operation, making necessary corrections to compensate for seasonal or other exceptional characteristics of the period in which he was in operation. Such person's standard quarterly MRO quota is one-fourth of 120 percent of his quota base. If such person elects to establish seasonal quarterly quotas, as above provided, he may divide 120 percent of his quota base into four quarterly MRO quotas in accordance with the seasonal demands of the activity in which he is engaged.

(2) *Persons not in operation during any part of the base period.* If a person was not in operation in any part of 1950 (or of his last fiscal year ending prior to March 1, 1951), his quarterly MRO quota (standard or seasonal) shall be the amount he determines to be necessary for his operation. However, the quota of such person may not exceed \$5,000 for any quarter without prior written approval of NPA.

(3) *Quarterly quotas in excess of \$1,000.* A person who establishes a quarterly MRO quota in excess of \$1,000 pursuant to subparagraphs (1) and (2) of this paragraph (f) must, within 30 days after he first applies a DO-97 rating, notify NPA in writing of the quota he has established, the base period he used, the method he used in computing his quota, and the corrections he made for seasonal or other factors.

(g) *Future use of increase quotas.* If a person's quarterly MRO quota is increased by specific authorization of NPA pursuant to section 12 of this regulation, the increased quota becomes his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota

may be used only in the corresponding quarter of subsequent years.

(h) *Increase not retroactive.* An increase in quota granted pursuant to section 12 of this regulation is not retroactive.

SEC. 5. Charges against quota—(a) Operation on delivery basis. A person operating on the delivery basis shall charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which his purchase order specifies that delivery is to be made. When such person applies the DO-97 rating in any quarter (calendar or fiscal) he shall charge against his MRO quota for such quarter:

(1) All expenditures for MRO (except materials listed in table II) ordered for delivery during the quarter whether or not obtained by the use of the DO-97 rating, and

(2) All expenditures for minor capital additions ordered for delivery during the quarter if (but only if) obtained by applying the DO-97 rating.

(b) *Operation on receipts basis.* A person who prefers to do so may charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which the materials were actually received. He may not use one method for part of his MRO and the other method for the remainder in any quarter. Having elected to use one method he may not thereafter change to the other without the prior written approval of NPA. A person so electing to charge the quota for the quarter of actual receipt shall charge against such quota:

(1) All expenditures for MRO (except materials listed in table II) received during the quarter whether or not obtained by the use of the DO-97 rating, and

(2) All expenditures for minor capital additions received during the quarter if (but only if) obtained by applying the DO-97 rating.

(c) *Exceeding the quota.* (1) A person, whose MRO quota, computed in accordance with section 4, is less than \$1,000 in any quarter, may order or receive MRO and minor capital additions to the same extent as if his quota for such quarter were \$1,000.

(2) If a person operating on the delivery basis applies the DO-97 rating to purchase orders for delivery in any quarter, which orders aggregate not more than 20 percent of his MRO quota for such quarter, he may, in addition, place unrated orders for delivery of MRO and minor capital additions in such quarter without regard to his quota.

(3) If a person operating on the receipts basis receives in any quarter, pursuant to purchase orders to which he applied the DO-97 rating, materials aggregating not more than 20 percent of his MRO quota for such quarter, he may, in addition, receive in such quarter, pursuant to unrated orders, MRO and minor capital additions without regard to his quota.

(4) If a person operating on the delivery basis applies the DO-97 rating to purchase orders for delivery in any quarter, which orders aggregate more than 20 percent of his MRO quota for such

quarter, his total orders chargeable against his MRO quota for such quarter may not exceed such quota, and his orders for delivery during the first month of such quarter shall not exceed 40 percent of such quarterly quota.

(5) If a person operating on the receipts basis receives in any quarter, pursuant to purchase orders to which he applied the DO-97 rating, materials aggregating more than 20 percent of his MRO quota for such quarter, his total receipts chargeable against his MRO quota for such quarter may not exceed such quota, and his receipts during the first month of such quarter may not exceed 40 percent of such quarterly quota.

SEC. 6. *Materials obtained for another's benefit*—(a) *Materials supplied by service trades*. Any business enterprise (such as a service repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person may apply the DO-97 rating to obtain materials therefor, but only to the extent that such other person would be entitled to do so if he were doing the work himself. The cost of materials so obtained (but not the cost of the labor or services of the person doing such work or making such installation) shall be charged to the MRO quota of the person for whom the work is done.

(b) *Obligation to supply MRO under lease or other agreement*. A person who is obligated to maintain, repair, or operate any plant, facilities, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may apply the DO-97 rating to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus applying the DO rating except that if his purchase is made on a reimbursable basis for the account of the person using the property, the latter's MRO quota shall be charged.

SEC. 7. *Use of materials*. If a person has obtained materials for MRO or minor capital additions by applying the DO-97 rating, he may use them for a different purpose if he could have applied any other DO rating to acquire them for such purpose. However, if he does use them for such different purpose, he may not use the DO-97 rating to replace them in inventory. To replace such materials in inventory he may use only the DO rating which he might have applied to obtain them for the purpose for which he used them. If he uses such materials obtained by applying the DO-97 rating for such different purpose, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized rated uses.

SEC. 8. *Inventory limitations*. (a) Nothing in this regulation shall be deemed to authorize any person to order or receive any material if acceptance thereof would increase his inventory above a "practicable minimum working inventory" as defined in NPA Reg. 1, or the limit fixed in any other applicable regulation or order of NPA.

(b) No person shall apply the DO-97 rating to a purchase order for operating supplies if delivery of such material will increase his inventory thereof above the amount which he normally uses for operating supplies in a period of 60 days, or such other period which may be specified in the applicable orders or regulations of NPA, whichever is less.

(c) No person shall accept delivery of any operating supplies pursuant to a purchase order to which he has applied a DO-97 rating if his inventory of such material will thereby become greater than his normal use thereof for operating supplies in a period of 60 days, or such other period which may be specified in the applicable orders or regulations of NPA, whichever is less.

(d) A person who has placed an order for operating supplies before the effective date of this regulation, as amended, which order is outstanding and for delivery of a greater quantity of material than he is permitted by this section to rate or receive, must promptly cancel, reduce, or defer the delivery of such operating supplies to the extent necessary to comply with the limitations of this section.

(e) Nothing in this section shall prohibit the acceptance of delivery of operating supplies pursuant to a purchase order to which the DO-97 rating has been or shall be applied if the person is entitled to accept delivery of any part of such operating supplies, and the total quantity thereof ordered does not exceed the minimum quantity which is commercially procurable.

SEC. 9. *Relation to other regulations*—(a) *Rules governing use of rating*. This regulation supplements NPA Reg. 2, which sets forth the basic rules of the priorities system, and the provisions of that regulation govern the use of the DO-97 rating herein assigned.

(b) *Delegations to Government agencies*. This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use ratings other than DO-97 for direct procurement of its own requirements of MRO or minor capital additions.

(c) *Other regulations and orders*. Nothing in the regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 10. *Supplier receiving improperly rated orders*. When a supplier has received a purchase order bearing the rating DO-97, which rating he knows, or has reason to believe, has been applied or extended in violation of any regulation or order of NPA, the supplier shall refuse to accept it as a rated order. In such event, the supplier shall promptly advise the buyer of his reason for such refusal.

SEC. 11. *Records and reports*—(a) *Records to be kept*. Each person who makes any use of the rating assigned by this regulation shall make and preserve, for so long as this or any successor regu-

lation remains in effect and for 2 years thereafter, accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, all materials ordered or received for use as MRO or minor capital additions whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this regulation have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

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

(c) *Other records and reports*. Persons subject to this regulation shall make such further records and submit such further reports to NPA as it shall require, subject to the terms of the Federal Records Act of 1942 (5 U. S. C. 139-139F).

SEC. 12. *Applications for adjustment or exception*. Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing, in triplicate, on Form NPAF-78. The request shall state the nature of the relief sought and the justification therefor, together with all pertinent facts.

SEC. 13. *Communications*. All communications concerning this regulation, including applications for exceptions or quota adjustments, shall be addressed to National Production Authority, Washington 25, D. C., Ref: NPA Reg. 4.

SEC. 14. *Violations*. Any person who wilfully violates any provision of this regulation or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities

RULES AND REGULATIONS

under priority or allocation control and to deprive him of further priorities assistance.

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

This regulation as amended shall take effect on May 22, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I

Materials to obtain which a DO-97 rating may not be applied or extended under NPA Reg. 4:

1. All basic, organic or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
2. Items appearing in list A of NPA Order M-47, as the same may be amended from time to time.
3. Nylon fibers and yarns.
4. Packaging materials and containers.
5. Paint, lacquer, and varnish.
6. Paper and paper products.
7. Paperboard and paperboard products.
8. Photographic film.
9. Reels, tie plates, track spikes, splice bars, rail joints, frogs, and switches.
10. Rubber tires and tubes.

TABLE II

Materials, the allocation and distribution of which are subject to regulation by other Government agencies and therefore are not subject to any DO rating issued by or under the authority of NPA:

Farm equipment as defined in NPA Order M-55A, as the same may be amended or supplemented from time to time.¹

Fertilizer, commercial.¹

Food.²

Fuels, solid.²

Gas.²

Ores, concentrates, residues, certain metals and other products listed in NPA Del. 5 (Dec. 18, 1950), 15 F. R. 9195.²

Petroleum.²

The following products which are used in the petroleum industry:²

Tetraethyl lead fluid.

Petroleum cracking catalysts.

Special inhibitors used in gasoline.

Lubricating oil additives.

Fluids and additives made especially for oil and gas drilling demulsifiers.

Radioisotopes, stable isotopes, and source and fissionable materials.³

[F. R. Doc. 51-6027; Filed, Mar 22, 1951; 12:02 p. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS; REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls; Regulation

¹ Under jurisdiction of the Department of Agriculture.

² Under jurisdiction of the Department of the Interior.

³ Under jurisdiction of the Atomic Energy Commission.

Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing areas, originally issued at 16 F. R. 3838 (May 2, 1951) and amended at 16 F. R. 4199 (May 8, 1951) is hereby amended to read as follows:

APPENDIX 1—CRITICAL DEFENSE HOUSING AREAS¹

Critical defense housing area and State	Date designated
1. San Diego, Calif.	May 2, 1951
2. Corona, Calif.	May 8, 1951
3. Colorado Springs, Colo.	May 8, 1951
4. Star Lake, N. Y.	May 23, 1951
5. Fort Leonard Wood Area, Mo.	May 23, 1951

B. T. FITZPATRICK,
Acting Housing and Home
Finance Administrator.

[F. R. Doc. 51-5953; Filed, May 22, 1951; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

U. S. STANDARDS FOR GRADES OF SULFURED CHERRIES; REVISION

Correction

In Federal Register Document 51-5510, appearing at page 4423 of the issue for Saturday, May 12, 1951, the following changes should be made in § 52.240:

1. In the fifth line of paragraph (g) (2), the words "and cherries" should be inserted following the words "misshapen cherries."
2. In the table in paragraph (1), score points "28-35" should read "28-33."

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9873]

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of §§ 1.320 (a), 3.220 (a), 3.620 (a) of the Commission's rules relating to the time of filing of applications for renewal of broadcast station licenses and §§ 3.34 (a), 3.218 (a) and 3.618 of the Commission's rules relating to the license periods

¹ These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

of Standard Broadcast, FM Broadcast and Television Broadcast Stations, Docket No. 9873.

1. The Commission has before it a proposal to make certain changes in its rules and regulations relating to the time of filing of applications for renewal of broadcast station licenses and the license periods of such stations.

2. Notice of Proposed Rule Making in this matter was released December 21, 1950, and in accordance with the requirements of the Administrative Procedure Act was published in the FEDERAL REGISTER on January 16, 1951 (16 F. R. 194).

3. The notice provided that comments relating to the proposed rule making may be filed on or before February 15, 1951 and that comments in reply to the original comments may be filed on or before March 1, 1951.

4. The proposal to amend the rules relating to the filing of renewal applications (§§ 1.320 (a), 3.220 (a) and 3.620 (a)), consists of a revision of the present requirement (that applications for renewal of licenses be filed 60 days prior to the expiration of the license sought to be renewed) to require the filing of renewal applications 90 days prior to the expiration of the license sought to be renewed. The proposal to amend the rules relating to the license periods of such stations consists of a revision of the present basis for determining the expiration dates of the normal station license period on a frequency basis, to provide for the determination of the expiration dates of the normal station license periods on a geographical basis.

5. Comments in support of the notice of proposed rule making were filed on behalf of Voice of Galveston (KLUF), Galveston, Texas. The Voice of Galveston stated that:

We have read with a great deal of interest the proposed new ruling regarding the filing of renewal licenses . . . We thoroughly approve of these.

To be able to file renewal applications for licenses for both AM and FM stations at the same time, makes it possible to have equipment tests for both stations at one time, which would save considerable money let alone the saving of time, etc., for the required reports.

We earnestly trust these proposed new rulings will pass with flying colors.

6. Comments in opposition to the Notice of Proposed Rule Making were filed on behalf of South Jersey Broadcasting Company (WKDN), Camden, New Jersey, opposing the adoption of the rules for the reasons that "Staggering renewal periods by states will not accomplish the Commission's prime purpose." In support of this conclusion it was asserted that the announced purpose of the Commission was to have the licenses of stations located in contiguous areas expire at the same time; that the proposal would not achieve that end for the reason that wherever a line is drawn on a geographical basis areas which fall on the other side of the line would be considered at a different time. Therefore, it is argued that stations located in contiguous areas would not be considered at the same time. We find no merit in this objection. We are aware that the result of drawing a line between any two points

is to divide into separate groups the areas falling on either side of the line. We are also aware, however, that in this instance the result of drawing the lines proposed in the Commission's Notice of Rule Making is to separate large contiguous areas so that the applications for renewal of licenses of stations in such areas will be considered at the same time. It is also urged by South Jersey Broadcasting Company that "AM and FM licenses can be grouped without upsetting AM schedule." In brief it is urged that the Commission's purpose can be achieved by providing that where AM and FM stations are operated in the same city, by a common license the expiration date for FM stations could be the same as the AM stations. This counter proposal is not completely unreasonable; however, it would not achieve purposes designed to be served by the proposed amendments of the Commission's rules. This counter proposal does not include TV stations. The omission of TV constitutes a serious objection to the counter proposal in view of the increasing importance of that service. Equally important is the fact that transfers of station licenses would change the license period for AM and FM stations which would necessitate a difficult and burdensome system for maintaining Commission records.

7. Comments were also filed by American Broadcasting Company which objected to the proposal to determine the expiration dates of Class I stations on a geographical basis. In support of this objection it is urged that Class I stations present problems that are common to this class and for that reason should be considered at the same time rather than at different times in connection with other classes of stations. It is apparent that the objections raised by American Broadcasting Company to the proposal is an attempt to introduce in this proceeding substantive questions relating to the allocation of clear channel stations and other subsidiary matters presently being considered in the Clear Channel hearing, Docket No. 6741. Such matters are not appropriate for consideration in this proceeding.

8. For these reasons we consider the objections raised to the Commission's notice of proposed rule making without merit. However, the following additional amendments, editorial and clarifying in nature, are necessary to effectuate the purposes set forth in the notice of proposed rule making:

- (1) Section 3.34 (b) should be deleted.
- (2) Section 3.34 (c) should be redesignated as § 3.34 (b).
- (3) Section 3.218 (b) should be deleted.
- (4) Section 4.20 should be amended as set forth below.

9. As indicated above the proposed rules require the filing of applications for renewal of certain broadcast station licenses ninety (90) days prior to the expiration of the licenses sought to be renewed, in lieu of the sixty (60) day period presently required. Applications for renewal of station licenses which are scheduled to expire on November 1, 1951, are presently required to be filed on September 1, 1951. The amendment of §§ 1.320 (a), 3.220 (a), 3.620 (a) and 4.20

will be made effective commencing August 1, 1951, so that applications for renewal of licenses of stations scheduled to expire on November 1, 1951 will be required to be filed on August 1, 1951, ninety (90) days prior to the expiration date of such licenses. Accordingly, station licenses which are scheduled to expire on June 1, 1951, August 1, 1951, and September 1, 1951 (for which applications are presently due to be filed on April 1, 1951, June 1, 1951, and July 1, 1951, respectively) will not be affected by the said amendment.

10. The proposed rules relating to the determination of license periods on a geographical basis do not affect the period of existing licenses. Accordingly, the expiration date of all licenses now outstanding will be determined in accordance with the terms of the station license. The amendment of §§ 3.34 (a) (b), 3.218 (a) (b), and 3.618 will be made effective August 1, 1951, so that the licenses which are due to expire on and after August 1, 1951 will be granted renewals in accordance with the rules as amended. New licenses issued to cover construction permits will, on and after August 1, 1951, be issued in accordance with the license terms provided for in the said rules.

11. Accordingly, it is ordered this 16th day of May 1951 that effective August 1, 1951, Parts 1, 3 and 4 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply secs. 303, 308, 48 Stat. 1082, as amended, 1084, as amended; 47 U. S. C. 303, 308)

Released: May 17, 1951.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 1.320 as follows: Delete paragraph (a) and substitute the following:

(a) Unless otherwise directed by the Commission each application for renewal of license of a Standard Broadcast, FM Broadcast and Television Broadcast Station and an Auxiliary Broadcast Station (Remote Pickup Broadcast, Broadcast STL, Television Pickup, Television STL and Television Inter-city Relay) shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for renewal of license of a non-broadcast station shall be filed at least 60¹ days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station will be considered unless there is on file with the Commission the information currently required by §§ 1.341 to 1.344, reference to which by date and file number shall be included in the application.

¹ The 60-day requirement does not apply to amateurs.

2. Amend § 3.220 as follows: Delete paragraph (a) and substitute the following:

(a) Unless otherwise directed by the Commission, each application for re-

newal of an FM broadcast station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of license of an FM broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.341-1.344, reference to which by date and file number shall be included in the application.

3. Amend § 3.620 as follows: Delete paragraph (a) and substitute the following:

(a) Unless otherwise directed by the Commission, each application for renewal of a television station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of a television broadcast station will be considered unless there is on file with the Commission the information currently required by §§ 1.341-1.344, reference to which by date and file number shall be included in the application.

4. Amend § 4.20 as follows: Delete § 4.20 and substitute the following:

§ 4.20 *Renewal of license.* (a) Unless otherwise directed by the Commission each application for renewal of license of an Auxiliary Broadcast Station shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for renewal of license of an Experimental and Developmental Broadcast Station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) Whenever the Commission regards an application for renewal of a station license for any class of broadcast station listed in § 4.1 as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(c) A supplemental report shall be submitted with each application for renewal of license of a station licensed experimentally¹ in accordance with the regulations governing each class of station.

¹ The phrases "station licensed experimentally" and "experimental station" are used interchangeably.

5. Amend § 3.34 as follows:

a. Delete paragraph (a) and substitute the following:

(a) All standard broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at three-year intervals thereafter:

(1) For stations located in Delaware and Pennsylvania, August 1, 1951.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1951.

RULES AND REGULATIONS

- (3) For stations located in North Carolina, South Carolina, December 1, 1951.
- (4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1952.
- (5) For stations located in Alabama and Georgia, April 1, 1952.
- (6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1952.
- (7) For stations located in Tennessee, Kentucky and Indiana, August 1, 1952.
- (8) For stations located in Ohio and Michigan, October 1, 1952.
- (9) For stations located in Illinois and Wisconsin, December 1, 1952.
- (10) For stations located in Iowa and Missouri, February 1, 1953.
- (11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1953.
- (12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1953.
- (13) For stations located in Texas, August 1, 1953.
- (14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1953.
- (15) For stations located in California, December 1, 1953.
- (16) For stations located in Washington, Oregon, Alaska and Hawaii, February 1, 1954.
- (17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1954.
- (18) For stations located in New Jersey and New York, June 1, 1954.

¹ Renewals of licenses will be granted for the period specified in the rule: *Provided, however,* That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 6 months or less the licensee may within 30 days of the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed and (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed a statement specifying such changes. Upon review of such statement the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information it may require the filing of renewal application (FCC Form 303).

b. Delete paragraph (b).

c. Redesignate paragraph (c) as paragraph (b).

6. Amend § 3.218 as follows:

a. Delete paragraph (a) and substitute the following:

(a) All FM broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hours of 3:00 a. m. e. s. t. in accordance with the following schedule and at three-year intervals thereafter.²

(1) For stations located in Delaware and Pennsylvania, August 1, 1951.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1951.

(3) For stations located in North Carolina, South Carolina, December 1, 1951.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1952.

(5) For stations located in Alabama and Georgia, April 1, 1952.

(6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1952.

(7) For stations located in Tennessee, Kentucky and Indiana, August 1, 1952.

(8) For stations located in Ohio and Michigan, October 1, 1952.

- (9) For stations located in Illinois and Wisconsin, December 1, 1952.
- (10) For stations located in Iowa and Missouri, February 1, 1953.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1953.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1953.

(13) For stations located in Texas, August 1, 1953.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1953.

(15) For stations located in California, December 1, 1953.

(16) For stations located in Washington, Oregon, Alaska and Hawaii, February 1, 1954.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1954.

(18) For stations located in New Jersey and New York, June 1, 1954.

under oath for the next renewal of license which shall consist of (1) a request that its license be renewed and (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed a statement specifying such changes. Upon review of such statement the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information it may require the filing of renewal application (FCC Form 303).

[F. R. Doc. 51-5928; Filed, May 22, 1951; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

LEASE AND INTERCHANGE OF VEHICLES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of May A. D. 1951.

It appearing, that subsequent to an investigation into the lawfulness of the practices of motor common and contract carriers of property, the Commission, Division 5, by order dated June 26, 1950, prescribed rules and regulations governing the practices of such carriers in the performance of transportation with motor vehicles owned by others, the interchange of vehicles between such common carriers, and the lease of vehicles by any such carriers to private motor carriers and shippers (15 F. R. 4339, July 8, 1950);

It further appearing, that by order entered September 5, 1950 (15 F. R. 6125, Sept. 12, 1950), the effectiveness of said regulations was postponed indefinitely;

And it further appearing, that pursuant to order dated September 22, 1950, reopening the proceeding and setting it down for oral argument, such oral argument has been held, and, that after reconsideration by the entire Commission, the Commission, on the date hereof, has made and filed a report on oral argument containing its findings of fact and conclusions thereon, which report is hereby made a part hereof¹;

It is ordered, That the following rules and regulations are hereby prescribed to become effective on August 1, 1951;

Sec.

- 207.1 Applicability.
- 207.2 Definitions.
- 207.3 Exemptions.
- 207.4 Augmenting equipment.
- 207.5 Interchange of equipment.
- 207.6 Rental of equipment to private carriers and shippers.

AUTHORITY: §§ 207.1 to 207.6 issued under 49 Stat. 548; as amended; 49 U. S. C. 304.

§ 207.1 *Applicability.* The rules and regulations in this part apply to the augmenting of equipment by common and contract carriers of property by motor vehicle in interstate or foreign com-

¹ Filed as a part of the original document.

merce subject to Part II of the Interstate Commerce Act, 49 U. S. C. 301 et. seq.; to the interchange of equipment between such common carriers of property by motor vehicle, and to the lease of equipment by common and contract carriers of property by motor vehicle, with or without drivers, to private motor carriers and shippers.

§ 207.2 Definitions—(a) Authorized carrier. A person or persons authorized to engage in the transportation of property as a common or contract carrier under the provisions of sections 206, 207, or 209 of the Interstate Commerce Act, 49 U. S. C. 306, 307, or 309.

(b) Equipment. A motor vehicle, straight truck, tractor, semi-trailer, full trailer, combination tractor-and-semi-trailer, combination straight truck and full trailer, and any other type of equipment used by authorized carriers in the transportation of property for hire.

(c) Interchange of equipment. The physical exchange of equipment between motor common carriers or the receipt by one such carrier of equipment from another such carrier, in furtherance of a through movement of traffic, at a point or points which such carriers are authorized to serve.

(d) Regular employee. A person not merely an agent but regularly in exclusive full-time employment.

(e) Agent. A person duly authorized to act for and on behalf of an authorized carrier.

(f) Non-carrier. A person other than an authorized carrier.

(g) Owner. A person to whom title to equipment has been issued, or who has lawful possession of equipment, and has the same registered and licensed in any State or States or the District of Columbia in his or its name.

§ 207.3 Exemptions. Other than § 207.4 (c) and (d), relative to inspection and identification of equipment the rules in this part shall not apply:

(a) To equipment leased by one authorized carrier operating over regular routes to another authorized carrier operating over regular routes and operated between points and over routes which both lessor and lessee are authorized to serve, and to equipment leased by one authorized carrier operating over irregular routes to another such carrier and operated between points and within territory which both the lessor and lessee are authorized to serve;

(b) To equipment utilized wholly or in part in the transportation of railway express traffic, or in substituted motor-for-rail transportation of railroad freight moving between points that are railroad stations on railroad billing;

(c) To equipment utilized in transportation performed solely and exclusively within any municipality, contiguous municipalities, or commercial zone, as defined by the Commission;

(d) To equipment utilized by an authorized carrier in transportation performed pursuant to any plan of operation approved by the Commission in a proceeding arising under section 5 of the Interstate Commerce Act, or

(e) To equipment without drivers leased by an authorized carrier from an

individual, copartnership or corporation, whose principal business is the leasing of equipment without drivers for compensation.

§ 207.4 Augmenting equipment. Other than equipment exchanged between motor common carriers in interchange service as defined in § 207.5, authorized carriers may perform authorized transportation in or with equipment which they do not own only under the following conditions:

(a) The contract, lease, or other arrangement for the use of such equipment:

(1) Shall be made between the authorized carrier and the owner of the equipment.

(2) Shall be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them in the execution of contracts, leases, or other arrangements;

(3) Shall specify the period for which it applies, which shall be not less than 30 days when the equipment is to be operated for the authorized carrier by the owner or employees of the owner: *Provided*, That for six months from the date the rules in this part become effective, equipment specified in section 203 (b) (6) of the act 49 U. S. C. 303 (b) (6) may be utilized by authorized carriers under contracts, leases or other arrangements applying for less than 30 days, only under the following condition:

(1) The equipment is being returned over reasonably direct routes from the destinations of shipments of the commodities specified in section 203 (b) (6) of the act 49 U. S. C. 303 (b) (6) or points intermediate thereto, or the commercial zones of such destinations and intermediate points, as defined by the Commission, to the origins of such shipments, or points intermediate thereto, or the commercial zones of such origins and intermediate points, as defined by the Commission;

(4) Shall provide for the exclusive possession, control and use of the equipment, and for the complete assumption of responsibility in respect thereto, by the authorized carrier, as follows:

(i) When entered into by parties other than authorized carriers of household goods, as defined by the Commission, for the duration of the said contract, lease or other arrangement, and the equipment shall not be further leased or sublet to any other authorized carrier or non-carrier for such duration;

(ii) When entered into by authorized carriers of household goods, as defined by the Commission, during the period the equipment is operated by or for the authorized carrier, lessee;

(5) Shall specify the compensation to be paid by the lessee for the rental of the leased equipment: *Provided, however*, That such compensation shall not be computed on the basis of any division or percentage of any applicable rate or rates on any commodity or commodities transported in said vehicle or on a division or percentage of any revenue earned by said vehicle during the period for which the lease is effective;

(6) Shall specify the time and date or the circumstance on which the contract,

lease, or other arrangement begins, and the time or the circumstance on which it ends. The duration of the contract, lease or other arrangement shall coincide with the time for the giving of receipts for the equipment, as required by paragraph (b) of this section; and

(7) Shall be executed in triplicate; the original shall be retained by the authorized carrier in whose service the equipment is to be operated, one copy shall be retained by the owner of the equipment, one copy shall be carried on the equipment specified therein during the entire period of the contract, lease, or other arrangement, unless a certificate as provided in paragraph (d) (2) of this section is carried in lieu thereof.

(b) Receipts. When possession of the equipment is taken by the authorized carrier or its regular employee or agent duly authorized to act for it, said carrier, employee, or agent shall give to the owner of the equipment, or the owner's employee or agent a receipt specifically identifying the equipment and stating the date and the time of day possession thereof is taken; and when the possession by the authorized carrier ends, it or its employee or agent shall obtain from the owner of the equipment, or its regular employee or agent duly authorized to act for it, a receipt specifically identifying the equipment and stating therein the date and the time of day possession thereof is taken.

(c) Inspection of equipment. It shall be the duty of the authorized carrier, before taking possession of equipment, to inspect the same or to have the same inspected by a person who is competent and qualified to make such inspection and has been duly authorized by such carrier to make such inspection as a representative of the carrier, in order to insure that the said equipment complies with Parts 193 and 196 of the Motor Carrier Safety Regulations (Rev.), pertaining to "Parts and Accessories Necessary for Safe Operation", and "Inspection and Maintenance", and if explosives or other dangerous articles are to be transported thereon, further to inspect and check such vehicles or equipment to insure that they or it complies with Part 197 of the said safety regulations pertaining to "Safe Transportation of Explosives". The person making the inspection shall certify the results thereof on a report in the form herein-after set forth, which report shall be retained and preserved by the authorized carrier, and if his inspection discloses that the equipment does not comply with the requirements of the said safety regulations, possession thereof shall not be taken. In all instances in which the inspection required by this section is made, the authorized carrier, if an individual, or a member of the copartnership if the authorized carrier is a copartnership, or one of the officials thereof if the authorized carrier is a corporation, shall certify on the inspection report that the person who made the inspection, whether an employee or person other than an employee, is competent and qualified to make such inspection and has been duly authorized by such carrier to make such inspection as a

RULES AND REGULATIONS

representative of such authorized carrier:

REPORT OF VEHICLE INSPECTION

Description of vehicle:
 Make _____ Year _____ Model _____
 Serial No. _____
 Type: Tractor _____ Trailer _____ Semitrailer _____
 License plate: No. _____ State _____
 Owner's name _____
 Name of authorized carrier _____

[Indicate in the proper column the result of the inspection of each item listed]

Item	Not defective	Defective	Description of defect
Body brakes			
Cooling system			
Drive line			
Emergency equipment			
Engine			
Exhaust			
Fuel system			
Glass			
Horn			
Leaks			
Lights (state which)			
Reflectors			
Speedometer			
Springs			
Steering			
Tires			
Wheels			
Windshield wiper			
Any other items requiring attention			

I hereby certify that on the _____ day of _____, I carefully inspected the equipment described above and that this is a true and correct report of the result of such inspection.

(Signature of person making inspection.)

I hereby certify that on the date stated above the person who made the inspection covered by this report was competent and qualified to make such inspection and was duly authorized to make such inspection as a representative of _____

Date _____

(Name of authorized carrier)

(Signature of authorized carrier or co-partner or officer of authorized carrier.)

(d) *Identification of equipment.* The authorized carrier acquiring the use of equipment under this section shall properly and correctly identify such equipment as operated by it when such equipment is operated by or for such carrier, during the period of the lease, contract, or other arrangement, in accordance with the Commission's requirements in Ex Parte No. MC-41; Part 166, Identification of Motor-Carrier Vehicles. If a removable device is used to identify the authorized carrier as the operating carrier, such device shall be on durable material such as wood, plastic, or metal, and bear a serial number in the authorized carrier's own series so as to keep proper record of each of the identification devices in use.

(1) The authorized carrier operating equipment under the rules in this part shall remove any legend, showing it as the operating carrier, displayed on such equipment, and shall remove any removable device showing it as the operating carrier, before relinquishing possession of the equipment.

(2) Unless a copy of the lease, contract, or other arrangement is carried on the equipment, as provided in paragraph (a) (7) of this section, the authorized carrier or its regular employee or agent shall prepare a statement certifying that the equipment is being operated by it, which shall specify the name of the owner, the date of the lease, con-

tract or other arrangement, the period thereof, any restrictions therein relative to the commodities to be transported, and the location of the premises where the original of the lease, contract or other arrangement is kept by the authorized carrier, which certificate shall be carried with the equipment at all times during the entire period of the lease, contract or other arrangement.

(e) *Driver of equipment.* Before any person other than a regular employee of the authorized carrier is assigned to drive equipment operated under the rules in this part, it shall be the duty of the authorized carrier to make certain that such driver is familiar with, and that his employment as a driver will not result in, violation of any provision of Parts 192, 193, 195, and 196 of the Motor Carrier Safety Regulations (Rev.) pertaining to "Driving of Motor Vehicles", "Parts and Accessories Necessary for Safe Operation", "Hours of Service of Drivers", and "Inspection and Maintenance", and to require such driver to furnish a certificate of physical examination in accordance with Part 191 of the Motor Carrier Safety Regulations (Rev.) pertaining to "Qualifications of Drivers", or, in lieu thereof, a photostatic copy of the original certificate of physical examination, which shall be retained in the authorized carrier's file.

(f) *Record of use of equipment.* The authorized carrier utilizing equipment operated under the rules in this part shall prepare and keep a manifest covering each trip for which the equipment is used in its service, containing the name and address of the owner of such equipment, the make, model, year, serial number, and the State registration number of the equipment, and the name and address of the driver operating the equipment, point of origin, the time and date of departure, the point of final destination, and the authorized carrier's serial number of any identification device affixed to the equipment. During the time that equipment subject to the regulations in this part is operated there shall be carried with the equipment, bills of lading, waybills, freight bills, manifests, or other papers identifying the lading, which shall clearly indicate that the transportation of the property carried is under the responsibility of the authorized carrier, which papers, together with the truck manifest, shall be preserved by the authorized carrier.

§ 207.5 *Interchange of equipment.* Authorized common carriers may by contract, lease, or other arrangement, interchange any equipment defined in § 207.2 with one or more other such common carriers, or one of such carriers may receive from another such carrier, any of such equipment, in connection with any through movement of traffic, under the following conditions:

(a) *Agreement providing for interchange.* The contract, lease, or other arrangement providing for interchange shall specifically describe the equipment to be interchanged; the specific points of interchange; the use to be made of the equipment and the consideration for such use; and shall be signed by the

parties to the contract, lease or other arrangement, or their regular employees or agents duly authorized to act for them, in the execution of such contracts, leases, or other arrangements;

(b) *Authority of carriers participating in interchange.* The certificates of public convenience and necessity held by the carriers participating in the interchange arrangement must authorize the transportation of the commodities proposed to be transported in the through movement, and service from and to the point where the physical interchange occurs.

(c) *Driver of interchanged equipment.* Each carrier must assign its own driver to operate the equipment that is proposed to be operated from and to the point or points of interchange and over the route or routes or within the territory authorized in the participating carriers' respective certificates of public convenience and necessity.

(d) *Through bills of lading.* The traffic transported in interchange service must move on through bills of lading issued by the originating carrier, and the rates charged and revenues collected must be accounted for in the same manner as if there had been no interchange of equipment. Charges for the use of the equipment shall be kept separate and distinct from divisions of the joint rates or the proportions thereof accruing to the carriers by the application of local or proportional rates.

(e) *Inspection of equipment.* It shall be the duty of the carrier acquiring the use of equipment in interchange to inspect such equipment, or to have it inspected in the manner provided in § 207.4 (c), and equipment which does not meet the requirements of the safety regulations shall not be operated in the respective services of the interchange carriers until the defects have been corrected.

(f) *Identification of equipment.* The authorized carriers operating equipment in interchange service under this section shall carry with each vehicle so operated a copy of the contract, lease, or other arrangement while the equipment is being operated in the interchange service.

§ 207.6 *Rental of equipment to private carriers and shippers*—(a) *Renting equipment with drivers.* Unless such service is specified in their operating authorities, authorized carriers shall not rent equipment with drivers to non-carriers.

(b) *Rental of equipment without drivers.* Authorized common carriers shall not rent equipment without drivers to non-carriers.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5923; Filed, May 22, 1951;
8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 929]

[Docket No. AO-228]

HANDLING OF MILK IN MUSKOGEE, OKLA.,
MARKETING AREADECISION WITH RESPECT TO PROPOSED
MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Muskogee, Oklahoma, on November 6 through 10, 1950, pursuant to notice thereof which was issued on October 19, 1950 (15 F. R. 7050; Doc. 50-9354), upon a proposed order regulating the handling of milk in the Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on March 27, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on March 30, 1951 (16 F. R. 2800; Doc. 51-2885).

The material issues and the findings and conclusions of the recommended decision (16 F. R. 2800; Doc. 51-3885) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, subject to the following revisions:

1. Delete the last paragraph beginning in column 1, 16 F. R. 2804 (Doc. 51-3885) and substitute therefor the following: "The recommended decision provided for an administrative determination of each producer's deliveries to handlers during the months of October, November, December 1950 and January 1951 in order to compute the pool during the base paying period of April-June 1951. Since the effective date of any order would necessarily be subsequent to the base paying period for 1951, this provision would serve no useful purpose."

Rulings on exceptions. In arriving at the findings and conclusions, included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act

are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of March 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order to regulate the handling of milk in the Muskogee, Oklahoma, marketing area in the manner set forth in the attached order is approved or favored by producers, who during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Muskogee, Oklahoma, Marketing Area," and "Order Regulating the Handling of Milk in the Muskogee, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of May 1951.

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

Order¹ Regulating the Handling of Milk
in the Muskogee, Oklahoma, Marketing
Area

Sec.

929.0 Findings and determinations.

DEFINITIONS

929.1 Act.

929.2 Secretary.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Sec.	
929.3	Department.
929.4	Person.
929.5	Cooperative association.
929.6	Muskogee, Oklahoma, marketing area.
929.7	Approved plant.
929.8	Unapproved plant.
929.9	Handler.
929.10	Producer.
929.11	Producer milk.
929.12	Other source milk.
929.13	Producer-handler.
929.14	Base milk.
929.15	Excess milk.

MARKET ADMINISTRATOR

929.20	Designation.
929.21	Powers.
929.22	Duties.

REPORTS, RECORDS, AND FACILITIES

929.30	Reports of receipts and utilization.
929.31	Reports of payments to producers.
929.32	Other reports.
929.33	Records and facilities.
929.34	Retention of records.

CLASSIFICATION

929.40	Basis of classification.
929.41	Classes of utilization.
929.42	Shrinkage.
929.43	Responsibility of handlers.
929.44	Transfers.
929.45	Computation of the skim milk and butterfat in each class.
929.46	Allocation of skim milk and butterfat classified.

MINIMUM PRICES

929.50	Basic formula price.
929.51	Class prices.
929.52	Butterfat differential to handlers.
929.53	Location adjustment credit to handlers.

APPLICATION OF PROVISIONS

929.60	Producer-handlers.
929.61	Milk price under other Federal orders.

DETERMINATION OF UNIFORM PRICE

929.70	Computation of value of milk.
929.71	Computation of uniform prices.
929.72	Computation of uniform prices for base milk and excess milk.

PAYMENTS

929.80	Time and method of payment.
929.81	Location adjustments to producers.
929.82	Produce butterfat differential.
929.83	Producer-settlement fund.
929.84	Payments to the producer-settlement fund.
929.85	Payments out of the producer-settlement fund.
929.86	Adjustment of accounts.
929.87	Marketing services.
929.88	Expenses of administration.
929.89	Termination of obligation.

DETERMINATION OF BASE

929.90	Computation of daily average base for each producer.
929.91	Base rules.

929.100	Effective time.
929.101	Suspension or termination.
929.102	Continuing power and duty of the market administrator.
929.103	Liquidation.

MISCELLANEOUS PROVISIONS

929.110	Agents.
929.111	Separability of provisions.

AUTHORITY: §§ 929.0 to 929.111 inclusive, issued under sec. 5.49 stat. 753, as amended; 7 U. S. C. and Sup. 608c.

PROPOSED RULE MAKING

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

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

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

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

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 929.1 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.).

§ 929.2 Secretary. "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 929.3 Department. "Department" means the United States Department of

Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 929.4 Person. "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 929.5 Cooperative association. "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 929.6 Muskogee, Oklahoma, marketing area. "Muskogee, Oklahoma, marketing area," hereinafter called the marketing area, means all the territory lying within the boundaries of the cities of Muskogee, McAlester, and Tahlequah, Oklahoma.

§ 929.7 Approved plant. "Approved plant" means (a) any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores), or (b) any milk plant approved by any health authority having jurisdiction in the marketing area which serves as a receiving station by receiving, weighing, and commingling producer milk and from which such milk is normally transferred to a plant specified in paragraph (a) of this section.

§ 929.8 Unapproved plant. "Unapproved plant" means any milk manufacturing, processing, bottling, or distributing plant other than an approved plant.

§ 929.9 Handler. "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 929.10 Producer. "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. This definition shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt

from the provisions of this part pursuant to § 929.61.

§ 929.11 Producer milk. "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 929.12 Other source milk. "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 929.13 Producer-handler. "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 929.14 Base milk. "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 929.90 multiplied by the number of days in such month for which the handler received milk from the producer.

§ 929.15 Excess milk. "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 929.90.

MARKET ADMINISTRATOR

§ 929.20 Designation. The agency for the administration of this part 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 at the discretion of, the Secretary.

§ 929.21 Powers. The market administrator shall have the following powers with respect to this part:

- (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; and
- (d) To recommend amendments to the Secretary.

§ 929.22 Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, 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 reasonable amount and with reasonable surety thereon covering each employee who

handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 929.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 929.87) 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 for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, 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:

(1) Made reports pursuant to §§ 929.30 through 929.32;

(2) Maintained adequate records and facilities pursuant to § 929.33; or

(3) Made payments pursuant to §§ 929.80 through 929.88;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(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 prices for Class I milk pursuant to § 929.51 (a) and the Class I butterfat differential pursuant to § 929.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 929.51 (b) and the Class II butterfat differential pursuant to § 929.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 929.71 or § 929.72, as applicable, and the butterfat differential computed pursuant to § 929.82, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 929.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler,

except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 929.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 929.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 929.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by

all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 929.34 *Retention of records.* All books and records required under this part 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 the 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, or specified books and records, until further written notification from the market administrator. In either case, 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

§ 929.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 929.30 shall be classified by the market administrator pursuant to the provisions of §§ 929.41 through 929.46.

§ 929.41 *Classes of utilization.* Subject to the conditions set forth in §§ 929.43 and 929.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, and any other product required by the appropriate health authority of the City of Muskogee, Oklahoma, to be made from Grade A milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream, or any Class I product.

§ 929.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 929.43 *Responsibility of handlers.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can

PROPOSED RULE MAKING

prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 929.44 Transfers. Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 929.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator from which transferred or diverted, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

§ 929.45 Computation of the skim milk and butterfat in each class. For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and

butterfat in Class I milk and Class II milk for such handler.

§ 929.46 Allocation of skim milk and butterfat classified. After making the computations pursuant to § 929.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 929.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 929.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 929.50 Basic formula price. The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 929.51 (b) for the preceding month.

(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 Department, divided by 3.5 and multiplied by 4.0:

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.

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) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(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 preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 929.51 Class prices. Subject to the provisions of §§ 929.52 and 929.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I shall be the basic formula price plus \$1.45 for the months of April, May, and June, and plus \$1.85 for all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 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 Department:

Present Operator and Location

American Foods Co., Miami, Okla.

Hawk Dairies, Tulsa, Okla.

Muskogee Dairy Products Co., Muskogee, Okla.

Pet Milk Co., Siloam Springs, Ark.

§ 929.52 Butterfat differentials to handlers. If the average butterfat content of the milk of any handler allocated to any class pursuant to § 929.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 929.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department

during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 929.53 Location adjustment credit to handlers. For that portion of milk which (a) is received directly from producers at an approved plant described in § 929.7 (b) which is located at Poteau, or Miami, Oklahoma; and (b) is moved to an approved plant in the marketing area in the form of milk, skim milk, or cream, the prices specified in § 929.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Location of plant:	Cents per hundredweight
Poteau, Okla.	21
Miami, Okla.	23

APPLICATION OF PROVISIONS

§ 929.60 Producer-handlers. Sections 929.40 through 929.46, 929.50 through 929.53, 929.70 through 929.72, 929.80 through 929.88, 929.90 and 929.91, shall not apply to a producer-handler.

§ 929.61 Milk priced under other Federal orders. In case skim milk or butterfat which is priced under another Federal milk marketing agreement or order issued pursuant to the act is disposed of as Class I milk in the marketing area on a route operated by or for a person subject to regulation as a handler as defined in such other agreement or order, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this part is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 929.70 Computation of value of milk. The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and deducting therefrom the values of all location adjustments computed at the applicable rates set forth in § 929.53: *Provided*, That if the handler had overage of either skim milk or

butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 929.46 by the applicable class prices.

§ 929.71 Computation of uniform prices. For each of the months of July through March the market administrator shall compute the uniform prices per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 and who made the payments pursuant to §§ 929.80 and 929.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 929.81;

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 929.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 929.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 929.72 Computation of uniform prices for base milk and excess milk. For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 and who made the payments pursuant to §§ 929.80 and 929.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 929.81;

(c) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 929.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 929.82 and mul-

tiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 929.80 Time and method of payment. Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 929.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 929.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 929.72 with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 929.82, subject to location adjustments to producers pursuant to § 929.81, less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments payable to such producers in accordance with this paragraph: *And provided fur-*

PROPOSED RULE MAKING

ther. That if such handler has not received full payment for such month pursuant to § 929.85, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall after receipt of such payment from the market administrator complete the payments to those producers not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer at not less than the Class II price for the preceding month: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association, which is authorized to collect payments for such milk, if the cooperative association so requests, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 929.81 *Location adjustments to producers.* In making payments to producers pursuant to § 929.80, a handler may deduct per hundredweight of milk received from producers at an approved plant described in § 929.7 (b) which is located at Poteau, or Miami, Oklahoma, the applicable amounts set forth below:

Location of plant:	Cents per hundredweight
Poteau, Okla.	21
Miami, Okla.	23

§ 929.82 *Producer-butterfat differential.* In making payments pursuant to § 929.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 929.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 929.61 (b), 929.84 and 929.86, and out of which he shall make all payments to handlers pursuant to §§ 929.85 and 929.86.

§ 929.84 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as deter-

mined pursuant to § 929.70 is greater than the amount required to be paid producers by such handler pursuant to § 929.80, or any amount required pursuant to § 929.61 (b).

§ 929.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 929.70 is less than the amount required to be paid producers by such handler pursuant to § 929.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 929.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys 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 amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 929.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 929.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association of which such producers are members accompanied by a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the

information with respect to such producers reported pursuant to § 929.31.

§ 929.88 *Expenses of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 929.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on 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:

(1) The amount of the obligation;
(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, 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 calendar month following the month during which all such books and records, pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) 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 part shall terminate two years after the end of the calendar month during which the

milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off 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.

DETERMINATION OF BASE

§ 929.90 Computation of daily average base for each producer. For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 929.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days not to be less than ninety, of such producer's delivery in such period.

§ 929.91 Base rules. (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy herd operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 929.100 Effective time. The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 929.101.

§ 929.101 Suspension or termination. The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 929.102 Continuing power and duty of the market administrator. If, upon the suspension or termination of any or all provisions of this part, 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.

§ 929.103 Liquidation. Upon the suspension or termination of the provisions of this part, 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

§ 929.110 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 of this part.

§ 929.111 Separability of provisions. If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

Order of Secretary Directing That Referendum be Conducted Among Producers Supplying Milk in the Muskogee, Okla., Marketing Area, and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Muskogee, Oklahoma, marketing area) who, during the month of March 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

H. Alan Luke is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 18th day of May 1951.

[F. R. Doc. 51-5952; Filed, May 22, 1951; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 693]

CIGAR AND CIGARETTE INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED DECISION WITH RESPECT TO MINIMUM WAGE RATES

On October 19, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 403, appointed Special Industry Committee No. 9 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the cigar and cigarette industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the cigar and cigarette industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the cigar and cigarette industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the cigar and cigarette industry in Puerto Rico, the Committee filed with the Administrator a report containing its recommendation for a minimum wage rate of 36 cents an hour to be paid to employees in the cigar and cigarette industry who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on February 13, 1951, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on March 20, 1951, at which all interested persons were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I, as Acting Administrator, have concluded that the recommendation of the Committee for a minimum wage rate in the cigar and cigarette industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry

PROPOSED RULE MAKING

Committee No. 9 for Puerto Rico of a Minimum Wage Rate in the Cigar and Cigarette Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (16 F. R. 1478), that I, as Acting Administrator, propose to approve the recommendation of the Committee for the cigar and cigarette industry and to issue a wage order to read as set forth below to carry such recommendation into effect.

Within 15 days from publication of this notice in the *FEDERAL REGISTER*, interested parties may submit written exceptions to the proposed action above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadrupli-

cate, and should include supporting reasons for any exceptions.

Sec. 693.1 Approval of recommendation of industry committee.
693.2 Wage rate.
693.3 Notices of order.
693.4 Definition of the cigar and cigarette industry in Puerto Rico.

AUTHORITY: §§ 693.1 to 693.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 693.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 693.2 *Wage rate.* Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cigar and cigarette industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 693.3 *Notices of order.* Every employer employing any employees so en-

gaged in commerce or in the production of goods for commerce in the cigar and cigarette industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 693.4 *Definition of the cigar and cigarette industry in Puerto Rico.* The manufacture of cigarettes, cigars, cheroots and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer.

Signed at Washington, D. C., this 15th day of May 1951.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and
Hour and Public Contracts
Divisions.

[F. R. Doc. 51-5908; Filed, May 22, 1951;
8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 980614, 1772380]

CALIFORNIA

RESTORATION TO HOMESTEAD ENTRY OF LANDS
WITHIN TAHOE NATIONAL FOREST RELEASED
FROM FEDERAL POWER PROJECT

MAY 17, 1951.

Pursuant to the authority contained in Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

The order of the Federal Power Commission dated June 6, 1950 (DA-739, California), having vacated the withdrawal for Federal Power Project No. 187 of April 17, 1924, so far as it affected the following-described public land within the Tahoe National Forest; and the Department of Agriculture having requested the restoration of such land to homestead settlement and entry, the said land is hereby opened to homestead settlement and entry in accordance with the provisions of the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506-509), as amended, and the regulations thereunder in 43 CFR, Part 170, in the manner hereinafter described:

Land	Preferred applicant	List number
Mount Diablo Meridian, T. 20 N., R. 12 E., sec. 30, NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$.	Amy Westall	5-2006 amended.

The area described contains 2.5 acres.

1. Beginning at 10:00 a. m. on the 63d day after the date of this order, the person named as the preferred applicant, on whose application the land was listed,

will be accorded a preference right for 60 days within which to make entry of such tract under the said act of June 11, 1906.

2. For a period of 90 days beginning at 10:00 a. m. on the 124th day after the date of this order, the tract, if remaining unentered, will be subject to entry by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

3. The tract, if remaining unentered at the expiration of the 90-day preference right period set out in paragraph 2, will, on the following business day, become subject to homestead settlement and entry under the provisions of the act of June 11, 1906, by any qualified person.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-5900; Filed, May 22, 1951;
8:45 a. m.]

[Misc. 1406726]

SHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC
LANDS RESTORED FROM KITTITAS PROJECT

MAY 17, 1951.

An order of the Bureau of Reclamation dated October 24, 1950, concurred in by the Director, Bureau of Land Management, November 20, 1950 revoked the Departmental Order of May 1, 1905, so far as it withdrew in the first form prescribed by Section 3 of the Reclamation Act of June 17, 1902, (32 Stat. 888), the following-described lands in connection with the Kittitas Project, Washington, and provided that such revocation shall not affect the withdrawal of any other

lands by said order or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 18 N., R. 18 E.,
Sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The lands are dry grazing lands, too steep and rocky to be suitable for agricultural development.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

At 10:00 a. m. on the 35th day after the date of this order the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

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

cations and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

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

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

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

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Spokane, Washington.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

(F. R. Doc. 51-5901; Filed, May 22, 1951;
8:45 a. m.)

DEPARTMENT OF COMMERCE

Bureau of Foreign and Domestic Commerce

OFFICE OF FIELD SERVICE

LOCATION OF FIELD OFFICES

Field offices are located in the following cities. National Production Au-

thority information can also be obtained at these offices. (This listing supersedes the one appearing in 14 F. R. 1067):

Aiken, S. C., 1833 Curve Street.
Albany, N. Y., 61 Columbia Street.
Albuquerque, N. Mex., Hanosh Building, 203 West Gold Avenue.
Appleton, Wis., 214 North Superior Street.
Atlanta 3, Ga., 418 Atlanta National Building, 50 Whitehall Street SW.
Augusta, Ga., 210 Maxwell House, 1002 Greene Street.
Baltimore 2, Md., 312 Court Square Building, 200 East Lexington Street.
Barnwell, S. C., County Office Building.
Birmingham, Ala., 731 Frank Nelson Building, Second Avenue and Twentieth Street.
Boise, Idaho, 251 Sonna Building, Ninth and Main Street.
Boston 9, Mass., 40 Broad Street.
Bridgeport, Conn., Barnam Thompson Building, 177 State Street.
Buffalo 3, N. Y., 504 Federal Building, 117 Ellicott Street.
Butte, Mont., 306 Federal Building.
Charleston 3, S. C., 310 Peoples Building, 18 Broad Street.
Charleston, W. Va., 612 Virginia Street.
Charlotte, N. C., 401 Chatham Building, 302 South College Street.
Chattanooga, Tenn., 723 James Building, Eighth and Broad Streets.
Cheyenne, Wyo., 410 Federal Office Building, Twenty-first Street and Carey Avenue.
Chicago 1, Ill., 1763 LaSalle-Wacker Building, 221 North LaSalle Street.
Cincinnati 2, Ohio, 1404 Federal Reserve Bank Building, 105 West Fourth Street.
Cleveland 14, Ohio, 410 Union Commerce Building, 925 Euclid Avenue.
Columbia, S. C., Area 2-H Cornell Arms Building, Sumter and Pendleton Streets.
Columbus, Ohio, 312 Trautman Building, 209 South High Street.
Dallas 2, Tex., Room 1114, 1114 Commerce Street.
Davenport, Iowa, 310 Kahl Building, Third at Ripley Street.
Dayton, Ohio, 1205 U. B. Building, Fourth and Main Streets.
Decatur, Ill., 102 Decatur Club Building.
Denver 2, Colo., 142 New Custom House, Nineteenth and Stout Streets.
Des Moines 9, Iowa, 601 Securities Building, 418 Seventh Street.
Detroit 26, Mich., 1038 Federal Building, 230 West Fort Street.
Duluth 2, Minn., 204 U. S. Post Office.
Eau Claire, Wis., 401 South Barstow Street.
El Paso, Tex., Chamber of Commerce Building, 310 San Francisco Street.
Erie, Pa., Erie Commerce Building, Twelfth and State Streets.
Evansville Ind., Claremont Building, 127 Locust Street.
Fargo, N. Dak., 207 Walker Building, 621 First Avenue North.
Fort Wayne 2, Ind., 507 Strauss Building, 809 South Calhoun Street.
Grand Rapids, Mich., Davenport Institute, 4 Fulton Street East.
Harrisburg, Pa., Columbus Hotel Building, 229 Walnut Street.
Hartford 1, Conn., 224 Post Office Building, 135 High Street.
Honolulu, T. H., Dillingham Building.
Houston 14, Tex., 602 Federal Office Building.
Indianapolis 4, Ind., Suite 410, 224 North Meridian Street.
Jackson, Miss., Room 203, 426 Yazoo Street.
Jacksonville 1, Fla., 425 Federal Building, 811 West Monroe Street.
Kansas City 6, Mo., 2400 Fidelity Building, 911 Walnut Street.
Knoxville, Tenn., 501 Union Avenue.
Little Rock, Ark., 202 Guardian Life Building, 309 Center Street.
Los Angeles 12, Calif., 1546 U. S. Post Office and Courthouse, 312 North Spring Street.
Louisville 2, Ky., 631 Federal Building.
Manchester, N. H., 315 Beacon Building, 814 Elm Street.
Memphis 3, Tenn., 229 Federal Building.
Miami 32, Fla., 947 Seybold Building, 36 Northeast First Street.
Milwaukee 2, Wis., 700 Federal Building, 517 East Wisconsin Avenue.
Minneapolis 2, Minn., 207 Minnesota Federal Building, 607 Marquette Avenue.
Mobile 10, Ala., 308 Federal Building, 109-13 St. Joseph Street.
Montpelier, Vt., Willard Block Building, 79 Main Street.
Nashville 3, Tenn., 410 Nashville Trust Building, 315 Union Street.
Newark, N. J., 325 Industrial Building, 1060 Broad Street.
New Haven, Conn., Temple Building, 125 Temple Street.
New Orleans 12, La., 1508 Masonic Temple Bldg., 333 St. Charles Avenue.
New York 4, N. Y., 42 Broadway.
Norfolk, Va., 301 Duke York Building, 610 Duke Street.
Oklahoma City 2, Okla., 311 Council Building, 102 Northwest Third.
Omaha 2, Nebr., W. O. W. Building, Room 502, 1319 Farnum Street.
Paducah, Ky., 713 Kentucky Avenue.
Peoria, Ill., 404 LaFayette Building, 410 Fayette Street.
Philadelphia 6, Pa., Jefferson Building, 1015 Chestnut Street.
Phoenix, Ariz., 208 North First Street.
Pittsburgh 22, Pa., Room 1021 Clark Building, 717 Liberty Avenue.
Portland, Maine, 222 Chapman Building, 477 Congress Street.
Portland 4, Oreg., 217 Old U. S. Courthouse, 520 Southwest Morrison Street.
Providence 3, R. I., 327 Post Office Annex.
Raleigh, N. C., 3-F State Capitol Life Insurance Building, 2620 Hillsboro Street.
Reno, Nev., 1479 Wells Avenue.
Richmond 19, Va., Room 2, Mezzanine, 801 East Broad Street.
Roanoke, Va., 311 Liberty Trust Building, 101 Jefferson Street.
Rochester, N. Y., 819 Commerce Building, 119 East Main Street.
Rockford, Ill., 502 Cutler Building, 301 South Main Street.
St. Louis 1, Mo., 910 New Federal Building, 1114 Market Street.
Salt Lake City 1, Utah, 528 Dooly Building, 109 West Second South.
San Antonio, Tex., 518 Bedell Building, 118 Broadway.
San Diego, Calif., Second Floor, Chamber of Commerce Building, 435 West Broadway.
San Francisco 2, Calif., 315 Flood Building, 870 Market Street.
San Juan, P. R., 2 Puerto Rican Reconstruction Administration Ground, Building N.
Savannah, Ga., 218 U. S. Courthouse and Post Office Building, 125-29 Bull Street.
Scranton, Pa., 116 North Washington Street, Fourth Floor, Select Building.
Seattle 4, Wash., 809 Federal Office Building, 909 First Avenue.
Shreveport, La., Belmont Building, 404½ Marshall Street.
Sioux Falls, S. Dak., 226 Gas Company Building, 114 South Main Avenue.
Spokane, Wash., 401 Columbia Building, 107 Howard Street.
Springfield, Mass., 216 Hampden Building, 1634 Main Street.
Syracuse, N. Y., 918 Chimes Building, West Onondaga and South Salina Streets.
Tampa, Fla., 308 Wallace S Building Annex, 608 Tampa Street.
Toledo, Ohio, Chamber of Commerce Building, 218 Huron Street.
Trenton, N. J., 306 Old Post Office Building, East State and Montgomery Streets.
Tulsa 3, Okla., 304 Wright Building, 115 West Third Street.
Utica, N. Y., 115 South Genesee.
Wichita 2, Kans., 212 East Waterman Street.

NOTICES

Wilkes-Barre, Pa., Pool Building, 303 Market Street, Kingston.
Wilmington, Del., 411 Pennsylvania Building, Front and French Streets.
Worcester, Mass., 201 Dean Building, 107 Front Street.
(6 U. S. C. 22; R. S. 161; Reorg. Plan No. 5 of 1950)

[SEAL] **CARLTON HAYWARD,**
Director, Office of Field Service.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-5918; Filed, May 22, 1951;
8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 412), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Armored Garments, Inc., Spruce Pine, N. C., effective 5-11-51 to 11-8-51; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' denim dungarees).

Cowden Manufacturing Co., 800 West Main Street, Morehead, Ky., effective 5-10-51 to 11-9-51; 20 learners for expansion purposes (cotton work pants and shirts).

Fredericksburg Shirt Co., 404 Willis Street, Fredericksburg, Va., effective 5-16-51 to 5-15-52; 10 percent for normal labor turnover (work shirts).

Kaylon Inc., 5 North Haven Street, Baltimore, Md., effective 5-15-51 to 5-14-52; 10 percent for normal labor turnover (sleepwear).

Legion Dress Co., Main and Paxton Streets, Centralia, Pa., effective 5-15-51 to 5-14-52; 10 percent for normal labor turnover (ladies' cheap dresses).

Lemont Pants Co., Inc., 310 Illinois Street, Lemont, Ill., effective 5-16-51 to 5-15-52; 4 learners for normal labor turnover (boys' longies and boxers; men's pants, ladies' slacks).

Mode O'Day Corp., 146 Southwest Temple, Salt Lake City, Utah, effective 5-14-51 to 11-13-51; 10 learners for expansion purposes only (women's house dresses) (supplemental certificate).

Oberman & Co., Jefferson City, Mo., effective 5-15-51 to 5-14-52; 10 percent for normal labor turnover (men's and boys' single pants).

Par-Mat Undergarment Co., Inc., 122 East High Street, Manheim, Pa., effective 5-16-51 to 5-15-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' woven rayon and nylon slips and nightgowns).

Renovo Shirt Co., Inc., Renovo, Pa., effective 5-11-51 to 11-10-51; 59 learners for expansion purposes only (sport and dress shirts).

Sacony of Manning, Manning, S. C., effective 5-11-51 to 5-10-52; 10 learners for normal labor turnover. This certificate does not authorize the employment of learners engaged in the production of children's skirts (children's blouses and skirts).

Shirtman, Inc., Elleray, S. C., effective 5-9-51 to 5-8-52; 10 learners for normal labor turnover (men's sport shirts).

Universal Coat Co., 377 Main Street, Gloucester, Mass., effective 5-11-51 to 5-10-52; for normal labor turnover, 10 percent or 6 learners, whichever is greater (leather, wool, cotton and rayon fabric coats).

Wee Tog Manufacturing Co., 427 Arch Street, Philadelphia, Pa., effective 5-11-51 to 5-10-52; for normal labor turnover, 10 percent or five learners, whichever is greater (children's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Bear Brand Hosiery Co., Henderson, Ky., effective 5-11-51 to 5-10-52; 5 percent for normal labor turnover.

Select Hosiery Mills, Inc., Hatfield, Pa., effective 5-24-51 to 5-23-52; 5 percent for normal labor turnover.

Standard Hosiery Mills, Inc., Pittsboro Division, Pittsboro, N. C., effective 5-11-51 to 5-10-52; five learners for normal labor turnover.

Wilmington Hosiery Mills, Inc., Fifth and Monroe Streets, Wilmington, Del., effective 5-16-51 to 1-15-52; 20 additional learners for expansion purposes. Learners may be employed as slipper socks sewers for a 480-hour learning period at an hourly wage rate of 59 cents (supplemental certificate).

Wilmington Hosiery Mills, Inc., Fifth and Monroe Streets, Wilmington, Del., effective 5-16-51 to 5-15-52; for normal labor turnover, 5 percent of productive factory workers. Learners may be employed as slipper socks sewers for a 480-hour learning period at an hourly wage rate of 59 cents.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Churchill-Swanson Manufacturing Co., Centralia, Wash., effective 5-10-51 to 11-9-51; 10 learners for expansion purposes.

The Glove Corp., Alexandria, Ind., effective 5-15-51 to 8-13-51; five learners for normal labor turnover.

The Glove Corp., Elwood, Ind., effective 5-9-51 to 11-10-51; 10 learners for expansion purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Iowa-Illinois Telephone Co., Donnellson, Iowa, effective 5-11-51 to 5-10-52.

Iowa-Illinois Telephone Co., Columbus Junction, Iowa, effective 5-11-51 to 5-10-52.

Mondovi Telephone Co., 205 South Eau Claire Street, Mondovi, Wis., effective 5-10-52 to 5-9-52.

Union Grove Telephone Co., Union Grove, Wis., effective 5-14-51 to 5-13-52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Altamont Knitting Mills, Inc., Wilkes-Barre, Pa., effective 5-11-51 to 5-10-52; five learners for normal labor turnover.

The Walter A. Goldsmith Co., Conneaut, Ohio, effective 5-16-51 to 5-15-52; five learners for normal labor turnover.

Kingston Knitting Mills, Inc., Cornell and Ten Brook Avenue, Kingston, N. Y., effective 5-16-51 to 5-15-52; 5 percent for normal labor turnover.

Puerto Rico: The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Handwork Textiles, Inc., Albionite, P. R., effective 5-1-51 to 7-31-51; 25 learners in occupation of machine stitching; 240 hours at 25 cents per hour and 240 hours at 29 cents per hour (machine sewn fabric gloves).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Diane Footwear, Inc., 92 South Empire Street, Wilkes-Barre, Pa., effective 5-14-51 to 12-31-51; 10 learners for normal labor turnover.

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

Amundson Boat Works, White Bear Lake, Minn., effective 5-9-51 to 9-6-51; one learner for normal labor turnover; boat builder, 480 hours; 60 cents per hour for first 320 hours and not less than 65 cents per hour for remaining 160 hours (pleasure-boat builders).

Kingston Clothing Co., 383 Albany Street, Boston, Mass., effective 5-9-51 to 11-8-51; 4 percent for normal labor turnover; machine operators (except cutting) 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's clothing).

National Light Weight Frame, Inc., 98 East Park Place, Fair Haven, Vt., effective 5-9-51 to 11-8-51; 10 learners for normal labor turnover; moulding machine operators, embossing machine operators, punch press operators, assemblers and miter cutters, each 320 hours; 60 cents per hour for first 160 hours and 65 cents per hour for remaining 160 hours (fiber advertising frames).

Royersford Needle Works, Inc., Washington Street, Royersford Pa., effective 5-13-51 to 11-12-51; 10 percent for normal labor turnover. Occupations requiring 480 hours learning period: Needle department—flat-tining, cranking, sorting and hanging on, inspection, filling bars on non-run points; sinker department—drilling cleats, laying together, needles picking out, and needles. Occupations requiring 960 hours learning period: Needles—eye punching, laying in, cutting, swaging, bending; tinning, clamping and tempering department—cleaning carrier tubes, splitting sinkers, gauging sinkers, annealing ends, needles, 68½ cents per hour for first 240 hours, 71½ cents per hour for next 240 hours, and 74½ cents per hour for remainder of learning period (replacement parts for knitting machines).

Woodcroftery Shops, Inc., 308 Second Avenue, Wayland, N. Y., effective 5-10-51 to

11-9-51; two learners for normal labor turnover; hand decorators, 320 hours; 60 cents per hour for first 160 hours and 65 cents per hour for remaining 160 hours (wooden kitchenware, trays, etc.).

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

Signed at Washington, D. C., this 15th day of May 1951.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 51-5907; Filed, May 22, 1951;
8:45 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Institute for the Crippled and Disabled, 400 First Avenue, New York, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective April 11, 1951, and expires March 31, 1952.

Institute for the Crippled and Disabled, Therapy Division, 400 First Avenue, New York 10, N. Y.; at a wage rate of not less than the piece rate paid non-

handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 5 cents per hour, whichever is higher; certificate is effective April 11, 1951, and expires March 31, 1952.

The Brooklyn Association for Improving the Condition of the Poor, 401 State Street, Brooklyn 17, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective April 16, 1951, and expires March 31, 1952.

Social Service Workroom, The Mount Sinai Hospital, 11 East 100th Street, New York 29, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Goodwill Industries of Brooklyn, Inc., 369 DeKalb Avenue, Brooklyn 5, N. Y., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 4, 1951, and expires April 30, 1952.

Pennsylvania Working Home for Blind Men, 36th and Lancaster Avenue, Philadelphia, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective April 1, 1951 and expires March 31, 1952.

Washington Society for the Blind, 2324 F Street NW., Washington, D. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 55 cents per hour, whichever is higher; certificate is effective May 1, 1951 and expires April 30, 1952.

Chattanooga Goodwill Industries, Inc., 307 East Main Street, Chattanooga, Tenn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 55 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

less than 40 cents per hour, whichever is higher; certificate is effective April 5, 1951, and expires March 31, 1952.

Springfield Goodwill Industries, 812-814 East Washington Street, Springfield, Ill.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective April 1, 1951, and expires March 31, 1952.

Evansville Association for the Blind, 500 Second Avenue, Evansville 10, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Duluth Lighthouse for the blind, 312 West Superior Street, Duluth 2, Minn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 38 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 7, 1951, and expires April 30, 1952.

The Minneapolis Society for the Blind, Inc., 1936 Lyndale Avenue South, Minneapolis 5, Minn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 35 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Jewish Vocational Service, 407 East Michigan Street, Milwaukee 2, Wis.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Goodwill Industries of Dallas, 2511 Elm Street, Dallas, Tex.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 55 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

NOTICES

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 9939]

CLASS B FM BROADCAST STATIONS
ORDER AMENDING REVISED TENTATIVE
ALLOCATION PLAN

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule making (FCC 51-336) setting forth the above amendment was issued by the Commission on April 4, 1951, and was duly published in the *FEDERAL REGISTER* (16 F. R. 3263), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before May 7, 1951;

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing, that the immediate adoption of the proposed reallocations would facilitate consideration of two pending applications for FM stations;

It is ordered, That, effective June 25, 1951, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
1. Rexburg, Idaho.		229
Idaho Falls, Idaho.	229	
2. Dillon, S. C.		225
Jacksonville, N. C.	225	

Released: May 17, 1951.

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

[F. R. Doc. 51-5909; Filed, May 22, 1951;
8:46 a. m.]

[Docket Nos. 8736, 8975, 9175, 8976]

TELEVISION BROADCAST SERVICE
ORDER CONTINUING HEARING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of May 1951;

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 51-5906; Filed, May 22, 1951;
8:45 a. m.]

The Commission having under consideration a joint petition filed on May 14, 1951, by the Federal Communications Bar Association (FCBA) the Association of Federal Communications Consulting Engineers (AFCCE) and the National Association of Radio and Television Broadcasters (NARB) requesting "that the date upon which oppositions to the comments or counterproposals filed in these proceedings may be submitted be extended from May 22, 1951, to June 11, 1951, and that the date for commencement of the hearing now scheduled for June 11, 1951, be extended for an appropriate period at the Commission's convenience"; and

It appearing that as alleged in said petition, the last day to file comments herein pursuant to the third notice of further proposed rule making (FCC 51-244) was May 7, 1951, and the last day to file oppositions to such comments is May 22, 1951; that the hearing thereon is scheduled to commence on June 11, 1951; that comments filed pursuant to said Third Notice number approximately six hundred (the actual figure being nearer seven hundred); that members of the FCBA and the AFCCE have been engaged since May 8, 1951, in reviewing and analyzing the effects upon their clients of the comments filed in these proceedings; that "the magnitude of the task of reviewing and analyzing each comment and of preparing and filing engineering statements and legal oppositions is so great as to preclude the possibility of completion on or before the present deadline date of May 22, 1951"; that a substantial number of the comments heretofore filed propose modifications to the Commission's assignment plan which affect several parties and, as a consequence in many instances multiple oppositions must be filed in answer to one initial comment; that a number of members of the FCBA and the AFCCE will be unable to complete the task of reviewing and analyzing each comment and to prepare and file oppositions thereto prior to June 11, 1951; and that in view of the importance of this matter and the obligation of the lawyers and engineers to their clients and the Commission, and in view of the necessity of giving this matter the serious and conscientious attention it deserves, it is urged that the requested extensions be granted; and

It further appearing that, in the light of the allegations set forth in the instant petition, good and sufficient cause has been shown for the extensions requested herein;

It is ordered, That the joint petition herein is granted; that the date for the filing of oppositions herein as provided for in paragraph "12 (b)" of the Commission's third notice of further proposed rule making is extended to June 11, 1951; and that the date of the hearing provided for in paragraph "13 (a)" of said third notice is extended to July 9, 1951, commencing at 10:00 a. m. in the U. S. Department of Commerce Auditorium, 14th Street between Constitu-

tution Avenue and E Street, NW., Washington, D. C.

Released: May 15, 1951.

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

[F. R. Doc. 51-5929; Filed, May 22, 1951;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1570; G-1578, G-1657,
G-1672, G-1681]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, POSTPONING DATE OF HEARING AND DESIGNATING NEW DATE OF HEARING

In the matters of Texas Gas Transmission Corporation, Docket Nos. G-1570, G-1578 and G-1657; Louisville Gas and Electric Company, Docket No. G-1672; United Gas Pipe Line Company, Docket No. G-1681.

On May 7, 1951, United Gas Pipe Line Company (United), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed in Docket No. G-1681 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the transportation and sale of natural gas, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Due notice of the filing of such application has been given, including publication in the *FEDERAL REGISTER* on May 17, 1951 (16 F. R. 4632).

On May 1, 1951, the Commission issued an order consolidating the applications for certificates of public convenience and necessity filed by Texas Gas Transmission Corporation in Docket Nos. G-1570, G-1578, and G-1657, and Louisville Gas and Electric Company in Docket No. G-1672 for purposes of hearing, and such hearing was set to commence on May 21, 1951.

United by its application in Docket No. G-1681 proposes to supply a substantial portion of the natural gas required by Texas Gas to provide the service the latter proposes in Docket No. G-1578.

The Commission finds:

(1) The application in Docket No. G-1681 should be consolidated for hearing with the applications now set for hearing in Docket Nos. G-1570, G-1578, G-1657, and G-1672.

(2) A good cause exists and it would be in the public interest to postpone the hearing heretofore set to commence on May 21, 1951, in Docket Nos. G-1570, G-1578, G-1657, and G-1672.

(3) Good cause exists for setting the hearing on the application in Docket No. G-1681 without 15 days notice being given as provided by § 1.19 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The proceedings in Docket No. G-1681 and Docket Nos. G-1570, G-1578,

No. 100—7

G-1657, and G-1672 be and the same hereby are consolidated for purposes of hearing.

(B) The hearing heretofore designated to commence on May 21, 1951, in Docket Nos. G-1570, G-1578, G-1657, and G-1672 be and the same is hereby postponed.

(C) A public hearing be held in all of the herein consolidated proceedings beginning on May 28, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C., concerning the matters involved and the issues presented by said applications.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the Commission's rules of practice and procedure.

Date of issuance: May 17, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5914; Filed, May 22, 1951;
8:46 a. m.]

[Docket No. G-1661]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

MAY 16, 1951.

On April 10, 1951, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office in the Commerce Building, Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing additional natural gas service under certain contracts as fully described in the application which is on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the *FEDERAL REGISTER* on April 25, 1951 (16 F. R. 3543).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 14, 1951 at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,*

That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules and practice and procedure.

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

Date of issuance: May 17, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5915; Filed, May 22, 1951;
8:46 a. m.]

[Docket No. G-1685]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

MAY 16, 1951.

Take notice that Transcontinental Gas Pipe Line Corporation, a Delaware corporation, with its principal office at Houston, Texas, filed on May 9, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of an auxiliary pipeline crossing the Delaware River at a point adjacent to Applicant's existing crossing in the Delaware River near Marcus Hook, Pennsylvania, together with appurtenant facilities, all as more fully described in the application which is on file with the Commission and open to public inspection.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 6th day of June 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5910; Filed, May 22, 1951;
8:46 a. m.]

[Project Nos. 620, 1645, 2040]

ALASKA PACKERS ASSN. ET AL.

NOTICE OF ORDERS AUTHORIZING ISSUANCE OF MINOR LICENSES

MAY 18, 1951.

In the matters of Alaska Packers Association, Project No. 620; Bill Jamis, Project No. 1645; Ralph E. McClanahan, Project No. 2040.

Notice is hereby given that, on May 16, 1951, the Federal Power Commission issued its order entered May 15, 1951, in Project No. 620; and on May 17, 1951, its order entered May 15, 1951, Projects Nos. 1645 and 2040 authorizing issuance of Minor Licenses in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5924; Filed, May 22, 1951;
8:47 a. m.]

NOTICES

[Project No. 1862]

CITY OF TACOMA, WASH.

NOTICE OF ORDER DETERMINING ORIGINAL COST AND PRESCRIBING ACCOUNTING

MAY 17, 1951.

Notice is hereby given that, on May 17, 1951, the Federal Power Commission issued its order entered May 15, 1951, determining actual legitimate original cost and prescribing accounting in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 51-5913; Filed, May 22, 1951;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26101]

FURNITURE IN WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

MAY 18, 1951.

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

Filed by: L. E. Kipp, Agent, for carriers parties to his tariffs I. C. C. Nos. A-3600 and A-3748.

Commodities involved: Furniture and parts, carloads.

From: Points in Illinois, Iowa, Kansas, Minnesota, Michigan, Nebraska, and Wisconsin.

To: Denver, Colorado Springs, Pueblo, and Trinidad, Colo., and points taking same rates.

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

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3600, Supp. 117. L. E. Kipp's tariff I. C. C. No. A-3748, Supp. 46.

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. 51-5919; Filed, May 22, 1951;
8:46 a. m.]

[4th Sec. Application 26102]

VARIOUS COMMODITIES FROM EASTHAMPTON, MASS., AND HARTFORD, CONN., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

MAY 18, 1951.

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: I. N. Doe and C. W. Boin, Agents, for carriers parties to Agent Doe's tariff I. C. C. No. 604.

Commodities involved: Advertising matter, paper bags, office supplies and equipment, rubber goods, and various other commodities, carloads.

From: Easthampton, Mass., and Hartford, Conn.

To: Kansas City, Mo.-Kans.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 604, Supp. 1.

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. 51-5920; Filed, May 22, 1951;
8:47 a. m.]

[4th Sec. Application 26103]

PETROLEUM PRODUCTS FROM MOBILE TO OPELIKA, ALA.

APPLICATION FOR RELIEF

MAY 18, 1951.

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 the Louisville and Nashville Railroad Company and other carriers named in the application.

Commodities involved: Gasoline and other petroleum products, in tank-car loads.

From: Mobile, Ala.

To: Opelika, Ala.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 223.

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. 51-5921; Filed, May 22, 1951;
8:47 a. m.]

[4th Sec. Application 26104]

CAUSTIC SODA FROM BALDWIN, ARK., TO DALLAS, TEX.

APPLICATION FOR RELIEF

MAY 18, 1951.

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 Missouri Pacific Railroad Company and other carriers named in the application.

Commodities involved: Caustic soda, in tankcar loads.

From: Baldwin, Ark.

To: Dallas, Tex.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 51.

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. 51-5922; Filed, May 22, 1951;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2614]

ALLENTOWN-BETHLEHEM GAS CO.

ORDER GRANTING EXCEPTION FROM COMPETITIVE BIDDING REQUIREMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of May A. D. 1951.

Allentown-Bethlehem Gas Company ("Allentown"), a gas utility subsidiary company of The United Gas Improvement Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated under the act regarding the following transactions:

Allentown proposes to issue and sell for \$1,500,000 in cash, \$1,500,000 principal amount of its First Mortgage Bonds, 5% percent series due 1976. Such bonds are to be issued under and secured by the First Mortgage dated April 1, 1924, of Allentown to Fidelity Trust Company, Trustee (under which Fidelity-Philadelphia Trust Company is successor trustee) and the various indentures supplemental thereto, including specifically a supplemental indenture to be dated as of June 1, 1951, to be entered into between Allentown and said trustee. The application states that the proceeds from the sale of such bonds will be used by Allentown to repay short term bank loans, presently totalling \$470,000; to repay the balance of certain advances made by The United Gas Improvement Company, presently totalling \$595,000; and to apply toward Allentown's 1951 construction program estimated to cost in the aggregate \$1,238,770.

In connection with Allentown's application, the company has requested that the Commission except the proposed sale from the competitive bidding requirements of Rule U-50. If such exception is granted, Allentown proposes to negotiate terms with institutional or other purchasers at private sale. Applicant states that the interest rate, price, and other definitive terms of the bonds will be filed with the Commission by amendment.

After appropriate notice, a public hearing was held. The Commission having considered the record and deeming it appropriate to grant the exception from competitive bidding but to reserve jurisdiction with respect to the terms of the proposed bonds and all other aspects of the proposed transactions:

It is ordered, That the application of Allentown-Bethlehem Gas Company requesting exception from the competitive bidding requirements of Rule U-50 with respect to the proposed issue and sale of \$1,500,000 of First Mortgage Bonds be, and the same hereby is, granted.

It is further ordered, That jurisdiction be and is hereby reserved to pass upon all other phases of the application with respect to said bond issue pursuant to section 6 (b) of the act, including the interest rate, price to be paid, and terms of the supplemental indenture, and other

terms and conditions with respect to the proposed bonds.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 51-5911; Filed, May 22, 1951;
8:46 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 17792]

DR. CARL GOEBEL

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Dr. Carl Goebel, deceased. F-28-31435.

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 Dr. Carl Goebel, 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:

a. One hundred forty (140) shares of \$50 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, a corporation organized under the laws of the State of Montana, evidenced by certificates numbered 609511 for one hundred (100) shares, 984205 for twenty (20) shares, 984208 for five (5) shares and 88412 for fifteen (15) shares, registered in the name of Egger & Co., presently in the custody of the Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in a deposit account for "Union Bank of Switzerland" (Schweizerische Bankgesellschaft), Zurich, Switzerland, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of the Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, arising out of the receipt on and after June 14, 1941 of cash dividends derived from the shares of stock described in subparagraph 2-a hereof, constituting a portion of the sum of money on deposit with the Chase National Bank of the City of New York, for account of "Union Bank of Switzerland" (Schweizerische Bankgesellschaft), Zurich, Switzerland, 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 Dr. Carl Goebel, deceased, the aforesaid nation-

als 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 Dr. Carl Goebel, 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 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5930; Filed, May 22, 1951;
8:49 a. m.]

[Vesting Order 17794]

KATHERINE KINCER

In re: Stock owned by Katherine Kincer. F-28-31436.

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 Katherine Kincer, whose last known address is Frankenthal, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of \$25.00 par value stock of Canadian Pacific Railway Company, evidenced by certificate numbered X588931, registered in the name of Katherine Kincer and presently in the custody of Cameron & Perkins, 324 Elm Avenue, Long Beach 12, California, 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, 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).

NOTICES

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 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5931; Filed, May 22, 1951;
8:49 a. m.]

[Vesting Order 17811]

AKTIEBOLAGET OSCAR AHREN

In re: Accounts maintained in the name of Aktiebolaget Oscar Ahren, Stockholm, Sweden, and owned by persons whose names are unknown. F-62-506.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

zations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 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.

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, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Aktiebolaget Oscar Ahren, Stockholm, Sweden

Column I	Column II
Name and address of institution which maintains account	Designation of Account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	"Aktiebolaget Oscar Ahren" (a/c #FS87009), consisting of a cash balance and a miscellaneous portfolio of bonds, as described by the Chase National Bank of the City of New York, in its report on Form OAP-700, bearing its Serial No. 10.

[F. R. Doc. 51-5932; Filed, May 22, 1951;
8:49 a. m.]

[Vesting Order 17812]

N. V. EFFECTEN EN BANKIERSKANTOOR LEO FRENKEL

Re: Accounts maintained in the name of N. V. Effecten En Bankierskantoor Leo Frenkel, Rotterdam, Holland, and owned by persons whose names are unknown. F-49-1347.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests

in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts, excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 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.

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, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of N. V. Effecten En Bankierskantoor Leo Frenkel, Rotterdam, Holland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
H. Hentz & Co., 60 Beaver St., New York 4, N. Y.	(a) Credit balance, and (b) miscellaneous portfolio of stocks; as described by H. Hentz & Co., in its report on Form OAP-700, bearing its Serial No. 5.

[F. R. Doc. 51-5933; Filed, May 22, 1951; 8:50 a. m.]

[Vesting Order 17822]

AKIO KITANI

In re: Cash owned by personal representatives, heirs, next of kin, legatees and distributees, of Akio Kitani, deceased. F-39-6706-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 Akio Kitani, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: Cash, in the amount of \$332.45, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of Akio Kitani, 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 owning to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees, of Akio Kitani, deceased, the aforesaid nationals of a designated enemy country (Japan); and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees, of Akio Kitani, 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 (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 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5934; Filed, May 22, 1951; 8:50 a. m.]

[Return Order No. 967]

HEDVIG E. S. MADDAUS

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

Hedvig E. S. Maddaus, Valatia, New York, Claim No. 31416, April 3, 1951 (16 F. R. 2904), \$137.17 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5935; Filed, May 22, 1951; 8:50 a. m.]

PETER S. CERRUTI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim Nos., Property, and Location

Peter S. Cerruti, Chiavari, Italy, Claim No. 35577; Adelaide Cerruti Panizza, Milano, Italy, Claim No. 41986; Leonida Cerruti, Chiavari, Italy, Claim No. 41987; Michelina Bianchini Cerruti, Genova, Italy, Claim No. 41988; \$18,371.84 in the Treasury of the United States, to Peter S. Cerruti. All right, title and interest in and to that certain trust estate being administered by the Title Insurance and Guaranty Company, a California corporation, and August Cerruti of San Francisco, California, as Co-Trustees, pursuant to a trust agreement dated October 16, 1940, between Peter S. Cerruti and Michelina Cerruti, husband and wife and the Title Insurance and Guaranty Company, together

with all rights, powers and authority of revocation or of modification of said agreement reserved by the said Peter S. Cerruti and Michelina Cerruti, to the extent such rights and interests were owned by the claimants immediately prior to vesting by Vesting Order No. 2243 (8 F. R. 16222, December 1, 1943).

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5936; Filed, May 22, 1951; 8:50 a. m.]

VITALIANO PASSARDI

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

Vitaliano Passardi, Marta, Italy, Claim No. 31011, an undivided one-half interest in the property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent No. 2,255,819.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5937; Filed, May 22, 1951; 8:50 a. m.]

SOCIETE DE LA VISCOSE FRANCAISE

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 Nos. and Property

Societe de la Viscole Francaise, Paris, France, Claims Nos. 40439 & 40440, Property described in Vesting Order No. 720 (8 F. R. 2163) relating to United States Patent Application Serial Nos. 290,310 (now Patent No. 2,318,796); 290,309 (now Patent No. 2,320,381); 311,909 (now Patent No. 2,332,955) and 311,910 (now Patent No. 2,346,201).

Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to

United States Letters Patent Nos. 2,116,611 and 2,107,637.

All interests and rights created in the Attorney General by virtue of a license agreement (License No. 2366-F), dated December 2, 1947, by and between the Attorney General of the United States, as licensor, and E. I. duPont de Nemours & Co., as licensee, relating to United States Letters Patent No. 2,116,611, including royalties in the amount of \$4,266.89.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5940; Filed, May 22, 1951;
8:51 a. m.]

KATHLEEN KERSTING

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

Kathleen Kersting, Milan, Italy, Claim No. 5520, \$2,199.42 in the Treasury of the United States.

Real property located at 1851 South Broadway (Lawrence) Avenue, Wichita, Kansas, more particularly described as lots 140 and 142 on South Lawrence Avenue in English's Seventh Addition, according to the recorded plat thereof, City of Wichita, County of Sedgwick, State of Kansas.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5938; Filed, May 22, 1951;
8:51 a. m.]

SOCIETE DE CONSTRUCTIONS D'APPAREILS
MECANIQUES ET ELECTRIQUES POUR AU-
TOMOBILES

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 de Construction d'Appareils Mecaniques et Electriques pour Automobiles,

NOTICES

S. C. A. M. E. A., Neuilly-sur-Seine, France, Claim No. 36869, Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,254,082.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5939; Filed, May 22, 1951;
8:51 a. m.]

ANTONIO MAZZUCA

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

Antonio Mazzuca, Chicago, Illinois, Claim No. 41225, \$1,098.20 in the Treasury of the United States.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5941; Filed, May 22, 1951;
8:51 a. m.]

SOCIETE DE CONSTRUCTIONS MECANIQUES
DE STAINS, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Societe de Constructions Mecaniques de Stains, S. A., Paris, France, Claim No. 40451, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,255,205.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5945; Filed, May 22, 1951;
8:52 a. m.]

ANTOINETTA LO RE AND MARIA BONASERA
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

Antoinetta Lo Re, Villalba (Caltanissetta), Sicily, Italy, Claim No. 39441; Maria Bonasera, Vallelunga (Caltanissetta), Sicily, Italy, Claim No. 39442; \$2,665.61 in the Treasury of the United States, one-half to each claimant.

All right, title, interest and claim of any kind or character whatsoever of Antoinetta Lo Re and Maria Bonasera in and to the Estate of Joseph Trifiro, deceased; estate probated in Surrogate's Court of Erie County, New York, Anthony Trifiro, Administrator.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5942; Filed, May 22, 1951;
8:51 a. m.]

DR. RICHARD JENNY

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

Dr. Richard Jenny, Vorarlberg, Austria, Claim No. 39947, \$350.41 in the Treasury of the United States.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5949; Filed, May 22, 1951;
8:52 a. m.]

MARIANNINA MAZZEI VITALE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or de-

crease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mariannina Mazzei Vitale, Pasquale Vitale, Nicolino Vitale and Margherita Vitale, all of Montella, Avellino, Italy, Claim No. 38022, \$618.79 in the Treasury of the United States in equal shares to Pasquale Vitale, Nicolino Vitale and Margherita Vitale; \$309.39 in the Treasury of the United States to Mariannina Mazzei Vitale, Pasquale Vitale, Nicolino Vitale and Margherita Vitale with Mariannina having a life interest therein and Pasquale, Nicolino and Margherita being entitled in equal shares to the remainder.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.
[F. R. Doc. 51-5943; Filed, May 22, 1951;
8:51 a. m.]

ELSIE J. HECK

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

Elsie J. Heck, Brooklyn, New York, Claim No. 10602, \$901.39 in the Treasury of the United States.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.
[F. R. Doc. 51-5944; Filed, May 22, 1951;
8:51 a. m.]

COMPTOIR DES TEXTILES ARTIFICIELS,
S. A. R. L.

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

Comptoir des Textiles Artificiels, S. a. r. l., Paris, France, Claim No. 40450, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,043,564.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.
[F. R. Doc. 51-5946; Filed, May 22, 1951;
8:52 a. m.]

SOCIETE POUR L'UNION DES TRANSPORTS
FERROVIARIES ET ROUTIERS

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'Union Des Transports Ferroviaires Et Routiers, Paris, France, Claim

No. 33765, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,085,329 and 2,144,081.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5947; Filed, May 22, 1951;
8:52 a. m.]

ETTORE SALANI

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

Ettore Salani, Rome, Italy, Claim No. 31014, an undivided one-half interest in the property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent No. 2,255,819.

Property described in Vesting Order No. 94 (7 F. R. 6693, August 25, 1942), relating to United States Patent Application Serial No. 433,386 (now United States Letters Patent No. 2,341,658).

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5948; Filed, May 22, 1951;
8:52 a. m.]

