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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10283

CREATING A BOARD OF INQUIRY TO REPORT ON CERTAIN LABOR DISPUTES AFFECTING THE COPPER AND NON-FERROUS METALS INDUSTRY

WHEREAS there exist certain labor disputes between Kennecott Copper Corporation, Phelps Dodge Corporation, American Smelting and Refining Company, Anaconda Copper Mining Company, including International Smelting and Refining Company, and other employers who are similarly engaged in mining, milling, smelting, or refining copper or other non-ferrous metals and certain of their employees represented by certain labor organizations, including the International Union of Mine, Mill and Smelter Workers, several Railroad Brotherhoods, and unions affiliated with the American Federation of Labor; and

WHEREAS in my opinion such disputes have resulted, or threaten to result, in strikes or lockouts affecting a substantial part of the copper and non-ferrous metals industry, an industry engaged in trade and commerce among the several states and with foreign nations, and in the production of goods for commerce, which strikes or lockouts, if permitted to occur or continue, will imperil the national health and safety:

NOW, THEREFORE, by virtue of the authority vested in me by section 206 of the Labor-Management Relations Act, 1947 (Public Law 101, 80th Congress), I hereby create a Board of Inquiry, consisting of such members as I shall appoint, to inquire into the issues involved in such disputes.

The Board shall have powers and duties as set forth in Title II of the said Act. The Board shall report to the President in accordance with the provisions of section 206 of the said Act on or before September fourth, 1951.

Upon the submission of its report, the Board shall continue in existence to perform such other functions as may be required under the said Act, until the Board is terminated by the President.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 30, 1951.

[F. R. Doc. 51-10654; Filed, Aug. 31, 1951; 9:27 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bull. 1, Supp. 1, Corn]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951 CORN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of corn. The 1951 C. C. C. Grain Price Support Bulletin 1, (16 F. R. 1987), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.751 Purpose.
601.752 Availability of price support.
601.753 Eligible corn.
601.754 Warehouse receipts.
601.755 Determination of quantity.
601.756 Determination of quality.
601.757 Maturity of loans.
601.758 Determination of support rates.
601.759 Warehouse charges.
601.760 Settlement.

AUTHORITY: §§ 601.751 to 601.760 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421.

§ 601.751 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1, (16 F. R. 1987), apply to loans and purchase agreements under the 1951-Crop Corn Price Support Program.

§ 601.752 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever corn is grown in the continental United States

(Continued on p. 8875)

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FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

except that farm-storage loans will not be available in areas where the PMA State committee determines that corn cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through May 31, 1952: *Provided*, That in areas where it is determined by the PMA State committee that producers are not in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability of loans and purchase agreements shall be such earlier date as may be determined by the PMA State committee. Such earlier date shall be not later than thirty days prior to the first day of the 10-day delivery period established in accordance with the provisions of § 601.757. The PMA State committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the PMA county committee not later than the final date of availability of loans and purchase agreements in the area.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing corn in 1951 as landowner, landlord, tenant, or sharecropper.

§ 601.753 *Eligible corn.* At the time the corn is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The corn must be of the classes Yellow Corn (Class I), White Corn (Class II), or Mixed Corn (Class III) and must have been produced in the continental United States in 1951 by an eligible producer.

(b) The corn must be ear or shelled cor : *Provided*, That irrespective of the provisions of the mortgage supplement relating to delivery of ear corn upon payment of the cost of shelling, the corn must be shelled before delivery is made under loans or purchase agreements.

(c) (1) The beneficial interest in the corn must be in the person tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the corn was harvested, or, such corn must have been purchased by an eligible producer who will operate a different farm in 1952 from that operated in 1951. In the latter case the number of bushels being placed under loan or purchase agreement must not be in excess of the total number of bushels produced by the producer on the farm operated by him in 1951.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall make determinations concerning succession.

(d) Corn placed under loan must not grade "weevily" and except for moisture content must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must meet the following moisture requirements: For ear corn placed under a farm-storage loan, the moisture content must not exceed 20.5 percent if the corn is tendered for loan from time of harvest through February 1952; 19.0 percent if tendered for loan during March 1952; 17.5 percent if tendered for loan during April 1952; and 15.5 percent if tendered for loan during May 1952. For corn placed under a warehouse-storage loan, and for shelled corn placed under a farm-storage loan, the moisture content must not exceed 13.5 percent irrespective of when the corn is tendered for loan.

(e) Corn delivered under a purchase agreement must grade No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better. Corn delivered from farm storage under a purchase agreement must not contain in excess of 17.5 percent moisture. Corn represented by warehouse receipts tendered

to CCC under a purchase agreement must not contain in excess of 13.5 percent moisture and must not grade "weevily."

§ 601.754 *Warehouse receipts.* Warehouse receipts, representing corn in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements of this section:

(a) Warehouse receipts must indicate that the corn is insured, must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement, or warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by paragraph (b) of this section.

(d) A separate warehouse receipt must be submitted for each grade and class of corn.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.759.

§ 601.755 *Determination of quantity.* (a) The quantity of corn placed under farm-storage loan may be determined either by weight or by measurement. The quantity of corn placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent):	*Adjustment factor (percent)*
15.6 to 16.5, both inclusive	98
16.6 to 17.5, both inclusive	96
17.6 to 18.5, both inclusive	94
18.6 to 19.5, both inclusive	92
19.6 to 20.5, both inclusive	90
Above 20.5	No loan

(c) A bushel of shelled corn, when determined by measurement, shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

(d) In determining the quantity of sacked corn by weight, a deduction of ¾ of a pound for each sack will be made.

(e) Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 601.756 *Determination of quality.* The class, grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Corn, whether or not such determinations are made on the basis of an official inspection.

§ 601.757 *Maturity of loans and delivery prior to maturity.* (a) Loans mature on demand but not later than July 31, 1952.

(b) Corn may be delivered under purchase agreements and in satisfaction of farm storage loans after maturity in accordance with § 601.668, 1951 CCC Grain Price Support Bulletin 1: *Provided, however,* That in areas where it is determined by the PMA State committee that producers are not in a position to store corn safely for the full storage period (for the reasons set forth in paragraph (d) of § 601.752) the PMA State committee may establish an earlier delivery period for corn in farm-storage under loans and purchase agreements which shall be the first 10 days of either April, May, June, or July, 1952. CCC will accept deliveries of corn during such 10-day period, provided the producer notifies the PMA county committee of his intention to deliver at least 10 days prior to the first day of the 10-day delivery period. The 10-day delivery period may be extended if it is determined by the county committee that more time is needed for the acceptance of deliveries.

(c) Corn under farm storage loan may be delivered at any time prior to maturity with the approval of the county committee, if the farm is sold or there is a change of tenancy, or if the county committee determines that delivery is necessary because the corn is going out of condition or because the corn is threatened with flood damage which cannot be prevented by the producer.

§ 601.758 *Determination of support rates.* Basic county support rates for corn will be set forth in 1951 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. The support rate for corn placed under a loan shall be the applicable basic support rate adjusted in accordance with the provisions of this section.

(a) *County support rates.* (1) Both farm-storage and warehouse-storage loans will be made at the support rate established for the county in which the corn is stored.

(2) Basic support rates per bushel will be established for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, for the respective States and counties.

(b) *Premiums and discounts*—(1) *Farm storage.* In the case of eligible corn delivered from farm storage under purchase agreements and in the case of farm-storage loans, the applicable premiums and discounts shown in the "Schedule of Premiums and Discounts" in this paragraph, except for eligible corn under loan grading "mixed," shall be applied to the basic rate at the time of settlement. In the case of eligible corn grading "mixed" placed under a farm-storage loan, the discount shall be applied to the basic rate at the time the loan is completed.

(2) *Warehouse storage.* In the case of warehouse-storage loans, the applicable premiums and discounts for eligible corn shown in the "Schedule of Premiums and Discounts" in this paragraph shall be applied to the basic support rate at the time the loan is completed. In the case of eligible corn represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shall be applied to the basic support for the approved point of delivery at the time of settlement. The discounts for weevily and for moisture content are not applicable since corn in approved warehouse storage which grades weevily or contains in excess of 13.5 percent moisture is not eligible.

SCHEDULE OF PREMIUMS AND DISCOUNTS

PREMIUMS

Grade No.:	*Cents per bushel*
1	1
2	½

DISCOUNTS

Moisture content (percent):	*Cents per bushel*
0–14.0	0
14.1–15.5	1
15.6–16.0	2
16.1–16.5	3
16.6–17.0	4
17.1–17.5	5
Weevily	2
Mixed	2

§ 601.759 *Warehouse charges.* (a) Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage.

(b) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing corn stored in warehouses operating under the Uniform Grain Storage Agreement is on or before July 31, 1952, the amount of the loan or purchase price shall be discounted by the applicable storage charges per bushel shown in the following table:

Date of deposit:	*Amount of deduction (cents per bushel)*
Prior to Jan. 14, 1952	10
Jan. 14–Feb. 2 inclusive	9
Feb. 3–Feb. 22 inclusive	8
Feb. 23–Mar. 13 inclusive	7
Mar. 14–April 2 inclusive	6
April 3–April 22 inclusive	5
April 23–May 12 inclusive	4
May 13–June 1 inclusive	3
June 2–June 21 inclusive	2
June 22–July 11 inclusive	1
July 12–July 31 inclusive	0

(c) Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

(d) For corn stored in approved warehouses operated by Eastern common carriers, the amount of the loan or purchase price, except as provided in paragraph (c) (2), of § 601.760, shall be discounted by the amount of the approved tariff rates for storage (not including elevation) which will accumulate from the date storage charges begin to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges determined above shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.760 *Settlement*—(a) *Farm-storage loans*—(1) *Settlement at basic rate.* Settlement on corn delivered to CCC under farm-storage loans grading No. 3, or better, or No. 4 on the factor of test weight only but otherwise grading No. 3, or better, shall be made at the support rate for the approved point of delivery for the grade and quality of the total quantity of corn delivered subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in paragraph (b) of § 601.758.

(2) *Settlement value of other corn.* If the corn, upon delivery, grades sour or heating or otherwise does not meet the requirements set forth in the "Schedule of Premiums and Discounts" or is of a quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the corn placed under loan, less the difference, if any, at the time of delivery, between the market price of the grade and/or quality placed under loan and the market price of the corn delivered, as determined by CCC.

(b) *Warehouse-storage loans.* (1) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, CCC Form 25, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form, "Full storage charges, not including receiving charges, paid through July 31, 1952 $ _____," a refund in an amount of the smaller of (i) the storage charges prepaid by the producer or (ii) the amount of the storage charges deducted at the time the loan was completed, will be made to the producer by the PMA commodity office.

(2) For corn stored in approved warehouses operated by Eastern common carriers, if the warehouse loan is not redeemed and the supplemental certificate and delivery order contains a statement in substantially the following form: "Full storage charges paid through July 31, 1952 $ _____," a refund will be made to the producer by the PMA commodity office of the amount of storage deducted at the time the loan was completed plus any elevation charge which was prepaid by the producer and for which he was given credit at the time the loan was completed.

(c) *Purchase agreement.* (1) Corn delivered to CCC under a purchase agreement must meet the requirements of eligible corn as specified in paragraph (e) of § 601.753. The purchase rate per bushel of eligible corn shall be the basic support rate established for the approved point of delivery subject to the discount of warehouse charges in accordance with § 601.759, except as provided in subparagraph (2) of this paragraph, and subject to premiums and discounts as shown in the "Schedule of premiums and Discounts" in paragraph (b) of § 601.758.

In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, CCC Form 25, if the warehouse receipt or the accompanying supplemental certificate representing corn stored in the warehouse contains a statement in substantially the following form, "Full storage charges, not including receiving charges, paid through July 31, 1952 $ _____," the producer shall be given credit for the smaller of (i) the storage charges prepared by the producer or (ii) the amount of the warehouse-storage charges determined according to the time of deposit as specified in § 601.759, at the time the settlement value of the corn delivered is determined.

(2) For corn stored in approved warehouses operated by Eastern common carriers, if the supplemental certificate and delivery order representing corn stored in the warehouse contains a statement in substantially the following form, "Full storage charges paid through July 31, 1952 $_____," no discount for storage shall be made from the support rate at the time the settlement value of the commodity delivered is determined. The producer shall be given credit for the amount of any elevation charge prepaid at the time the settlement value of the corn delivered is determined, if he presents evidence showing such prepayment.

(d) *Charges for early delivery.* (1) If corn is delivered to CCC before July 31, 1952, in accordance with § 601.757 (b), a charge shall be made against the producer at the time of settlement at the rate of 1/20 of a cent per bushel a day from the date delivery is accomplished, or from the final date for delivery shown in the delivery instructions issued by the county committee, whichever is earlier, through July 31, 1952; to compensate CCC for the carrying charges incurred because of early delivery.

(2) No such charge shall be made for early delivery made in accordance with § 601.757 (c).

(e) *Track loading.* A track-loading payment of 2 cents per bushel shall be made to the producer on corn delivered to CCC on track at a country point.

Issued this 27th day of August, 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-10583; Filed Aug. 31, 1951; 8:53 a. m.]

[1951 C. C. C. Cottonseed Bull. 1, Amdt. 1]

PART 643—OILSEEDS

SUBPART—1951 COTTONSEED LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation containing the requirements for the 1951 Cottonseed Loan and Purchase Agreement Program (1951 C. C. C. Cottonseed Bulletin 1), and published in 16 F. R. 6745, are amended, in order to show a corrected date of February 29, 1952, through which warehouse charges must be paid on cottonseed stored in an approved warehouse, by revising § 643.524 of such regulations to read as follows:

§ 643.524 *Warehouse receipts.* Cottonseed stored in an approved warehouse must be represented by negotiable warehouse receipts, properly endorsed if not in bearer form, meeting the requirements of CCC. Receipts covering identity-preserved cottonseed shall show the condition, weight, and moisture content of the cottonseed. Receipts covering commingled cottonseed shall show the net weight of the cottonseed and the grade of such cottonseed expressed in accordance with the U. S. Official Standards for Grades of Cottonseed. The warehouseman shall be responsible for the delivery of the grade and quantity shown in receipts covering commingled cottonseed. Each receipt shall indicate by endorsement or otherwise that all warehouse charges through February 29, 1952, have been paid. Each receipt covering commingled cottonseed shall show that the warehouseman has provided insurance for the benefit of the holder of the receipt to the extent set out in § 643.515.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b)

Issued this 28th day of August 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-10582; Filed, Aug. 31, 1951; 8:53 a. m.]

TITLE 7—AGRICULTURE

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

[Grapefruit Reg. 144]

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

LIMITATION OF SHIPMENTS

§ 933.530 *Grapefruit Regulation 144*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 3, 1951. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless such regulation is terminated sooner, will so continue until September 15, 1951; the recommendation and supporting information for regulation in the manner herein prescribed, beginning on September 3, 1951, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on August 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the termination of the present regulation and the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions, including such termination and effective time, has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the uninterrupted regulation of the handling of grapefruit during the current marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Grapefruit Regulation 143 (7 CFR 933.529; 16 F. R. 6794) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., September 3, 1951, and ending at 12:01 a. m., e. s. t., September 17, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

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

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

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

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

(3) As used in this section, "handler," "variety," and "ship," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

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

Done at Washington, D. C., this 30th day of August 1951.

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

[F. R. Doc. 51-10606; Filed, Aug. 31, 1951; 9:08 a. m.]

[Lemon Reg. 397, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisons in paragraph (b) (1) (ii) of § 953.504 (Lemon Regulation 397, 16 F. R. 8573) are hereby amended to read as follows:

(ii) District 2: 390 carloads.

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

Done at Washington, D. C., this 30th day of August 1951.

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

[F. R. Doc. 51-10652; Filed, Aug. 31, 1951; 9:08 a. m.]

[Lemon Reg. 398]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.505 *Lemon Regulation 398*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engaged in public rule-making procedure, and postpone the effective date of this section until 30 days after

publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 29, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 2, 1951, and ending at 12:01 a. m., P. s. t., September 9, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 397 (16 F. R. 8573), and made a part hereof by this reference.

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

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

Done at Washington, D. C., this 30th day of August 1951.

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

[F. R. Doc. 51-10651; Filed, Aug. 31, 1951; 9:08 a. m.]

[Orange Reg. 387]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.533 *Orange Regulation 387*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on August 30, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendaton of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., p. s. t., September 2, 1951, and ending at 12:01 a. m., p. s. t., September 9, 1951, is hereby fixed as follows:

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

(*b*) Prorate District No. 2: 1,300 carloads;

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

(*d*) Prorate District No. 4: Unlimited movement.

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

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

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

(*d*) Prorate District No. 4: No movement.

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

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

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

Done at Washington, D. C., this 31st day of August 1951.

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

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., Sept. 2, 1951, to 12:01 a. m., P. d. s. t., Sept. 9, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0775
A. F. G. Corona	.0282
A. F. G. Fullerton	1.1460
A. F. G. Orange	.4365
A. F. G. Riverside	.1264
A. F. G. San Juan Capistrano	.5779
A. F. G. Santa Paula	.4389
Eadington Fruit Co., Inc	5.2343
Hazeltine Packing Co	.2491
Krinard Packing Co	.1509
Placentia Cooperative Orange Association	.6201
Placentia Pioneer Valencia Growers Association	.7863
Signal Fruit Association	.0972
Azusa Citrus Association	.5587
Covina Citrus Association	1.2635
Covina Orange Growers Association	.5416
Damerel-Allison Association	.7004
Glendora Citrus Association	.4189
Glendota Mutual Orange Association	.3429

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Valencia Heights Orchard Association	0.4840
Gold Buckle Association	.4402
La Verne Orange Association	.6310
Anaheim Valencia Orange Association	1.3347
Fullerton Mutual Orange Association	2.8652
La Habra Citrus Association	1.2287
Yorba Linda Citrus Association, The	1.2108
Escondido Orange Association	2.2682
Alta Loma Heights Citrus Association	.0583
Citrus Fruit Growers	.0609
Etiwanda Citrus Fruit Association	.0133
Old Baldy Citrus Association	.0385
Rialto Heights Orange Growers	.0347
Upland Citrus Association	.1561
Upland Heights Orange Association	.0877
Consolidated Orange Growers	2.1074
Frances Citrus Association	1.3647
Garden Grove Citrus Association	2.0838
Goldenwest Citrus Association	1.7677
Irvine Valencia Growers	3.5056
Olive Heights Citrus Association	2.4861
Santa Ana-Tustin Mutual Citrus Association	1.0626
Santiago Orange Growers Association	5.0262
Tustin Hills Citrus Association	2.1977
Villa Park Orchards Association	2.3525
Bradford Bros., Inc	.8894
Placentia Mutual Orange Association	3.8115
Placentia Orange Growers Association	3.3089
Yorba Orange Growers Association	1.1303
Call Ranch	.0640
Corona Citrus Association	.4627
Jameson Co	.0921
Orange Heights Orange Association	.5721
Crafton Orange Growers Association	.2157
East Highlands Citrus Association	.0586
Redlands Heights Groves	.1947
Redlands Orangedale Association	.1595
Rialto-Fontana Citrus Association	.0805
Break & Son, Allen	.0446
Bryn Mawr Fruit Growers Association	.1021
Mission Citrus Association	.0599
Redlands Cooperative Fruit Association	.2531
Redlands Orange Growers Association	.1447
Redlands Select Groves	.1646
Rialto Orange Co	.1437
Southern Citrus Association	.1152
United Citrus Growers	.2242
Zilen Citrus Co	.0207
Arlington Heights Citrus Co	.1173
Brown Estate, L. V. W	.1035
Gavilan Citrus Association	.0768
Highgrove Fruit Association	.0293
McDermont Fruit Co	.0939
Monte Vista Citrus Association	.0918
National Orange Co	.0181
Riverside Citrus Association	.0070
Riverside Heights Orange Growers Association, The	.0222
Sierra Vista Packing Association	.0289
Victoria Avenue Citrus Association	.1757
Claremont Citrus Association	.1118
College Heights Orange and Lemon Association	.2144
Indian Hill Citrus Association	.2167
Pomona Fruit Growers Exchange	.3195
Walnut Fruit Growers Association	.5379
West Ontario Citrus Association	.1833
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.2826

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
San Dimas Orange Growers Association	0.2736
Canoga Citrus Association	.8232
North Whittier Heights Citrus Association	.8807
San Fernando Heights Orange Association	.6979
Sierra Madre-Lamanda Citrus Association	.3238
Camarillo Citrus Association	1.3315
Fillmore Citrus Association	2.2707
Mupu Citrus Association	1.8794
Ojai Orange Association	.4221
Piru Citrus Association	1.6091
Rancho Sespe	.6696
Santa Paula Orange Association	1.0264
Tapo Citrus Association	.8290
Ventura County Citrus Association	.4059
Limoneira Co	.5412
East Whittier Citrus Association	.4267
Murphy Ranch Co	.9618
Anaheim Cooperative Orange Association	2.2392
Bryn Mawr Mutual Orange Association	.1377
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	.5385
Foothill Citrus Union, Inc	.0560
Fullerton Cooperative Orange Association	.4112
Garden Grove Orange Cooperative, Inc	1.4464
Golden Orange Groves, Inc	.1763
Highland Mutual Groves, Inc	.0038
Index Mutual Association	.4471
La Verne Cooperative Citrus Association	1.6761
Olive Hillside Groves, Inc	.8645
Orange Cooperative Citrus Association	1.9016
Redlands Foothill Groves	.3514
Redlands Mutual Orange Asscociation	.1505
Ventura County Orange and Lemon Association	1.1830
Whittier Mutual Orange and Lemon Association	.2225
Babijuice Corporation of California	.7394
Banks, L. M	.6461
Becker, Samuel Eugene	.0092
Bennett Fruit Co	.0503
Borden Fruit Co	.6744
Cappos Bros. Produce	.0072
Cherokee Citrus Co., Inc	.1060
Chess Co., Meyer W	.3697
Dozier, Paul M	.0123
Dunning Ranch	.0000
Evans Bros. Packing Co	.3979
Gold Banner Association	.1509
Granada Hills Packing Co	.0323
Granada Packing House	.8129
Hill Packing Co., Fred A	.0461
Knapp Packing Co., John C	.5456
L Bar S Ranch	.0937
Lawson, William J	.0000
Lims & Sons, Joe	.1316
Orange Belt Fruit Distributors	1.4956
Orange Hill Groves	.0089
Otto, Arnold	.0651
Panno Fruit Co., Carlo	.3722
Paramount Citrus Association	.7469
Patitucci, Frank L	.0089
Placentia Orchard Co	.5388
Prescott, John A	.0187
Redlands Fruit Association, Inc	.0145
Ronald, P. W	.0207
San Antonio Orchard Co	.2686
Stephens, T. F	.2434
Summit Citrus Packers	.0169
Treesweet Products Co	.1128
Wall, E. T., Grower-Shipper	.1193
Western Fruit Growers, Inc	.3293

[F. R. Doc. 51-10699; Filed, Aug. 31, 1951; 11:36 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

MISCELLANEOUS AMENDMENTS

1. Part 220 is hereby amended in the following respects:

a. Effective September 3, 1951, paragraph (g) of § 220.3 is amended by adding the following sentence at the end thereof: "In any case in which an excess so created, or increase so caused, by transactions on a given day does not exceed $100, the creditor need not obtain the deposit specified therefor in the first part of paragraph (b) of § 220.3."

b. Effective September 3, 1951, subparagraph (2) of paragraph (f) of § 220.4 is amended to read as follows:

(2) Make loans, and may maintain loans, to or for any partner of a firm which is a member of a national securities exchange to enable such partner to make a contribution of capital to such firm, or may make and maintain subordinated loans to such a member firm for capital purposes, provided (i) the lender as well as the borrower is a partner in such firm, or (ii) the borrower is a member of such exchange, the lender is a corporation all of the common stock of which is owned directly or indirectly by the firm or by general partners and employees of the firm, and, in addition to the fact that an appropriate committee of the exchange has approved the firm's affiliation with the corporation and is satisfied that the loan is not in contravention of any rule of the exchange, the loan has the approval of such committee, or (iii) the lender as well as the borrower is a member of such exchange, the loan has the approval of an apropriate committee of the exchange, and the committee, in addition to being satisfied that the loan is not in contravention of any rule of the exchange, is satisfied that the loan is outside the ordinary course of the lender's business, and that, if the borrower's firm does any dealing in securities for its own account, the loan is not for the purpose of enabling the firm to increase the amount of such dealing;

c. Effective September 17, 1951, the second part of paragraph (g) of § 220.6 is amended to read as follows:

(2) A creditor may permit interest, dividends or other distributions received by the creditor with respect to securities in a general account to be withdrawn from the account only on condition that the adjusted debit balance of the account does not exceed the maximum loan value of the securities in the account after such withdrawal, or on condition that (i) such withdrawal is made within 35 days after the day on which, in accordance with the creditor's usual practice, such interest, dividends or other distributions are entered in the account,

(ii) such entry in the account has not served in the meantime to permit in the account any transaction which could not otherwise have been effected in accordance with this part, and (iii) any cash withdrawn does not represent any arrearage on the security with respect to which it was distributed, and the current market value of any securities withdrawn does not exceed 10 percent of the current market value of the security with respect to which they were distributed. Failure by a creditor to obtain in a general account any cash or securities that are distributed with respect to any security in the account shall, except to the extent that withdrawal would be permitted under the preceding sentence, be deemed to be a transaction in the account which occurs on the day on which the distribution is payable and which requires the creditor to obtain in accordance with paragraph (b) of § 220.3 a deposit of cash or maximum loan value of securities at least as great as that of the distribution.

2. a. This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to make certain technical amendments with respect to (1) the obtaining of small amounts of margin, (2) certain capital contribution loans by affiliated companies, (3) clarification of the provisions regarding the withdrawal of dividends from undermargined accounts.

b. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the 30-day prior publication described in section 4 (c) of such act, are unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262).

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78 w. Interprets or applies secs. 3, 7, 8, 17, 48 Stat. 882, as amended, 886, as amended, 888, as amended, 897, as amended; 15 U. S. C. 78c, 78g, 78h, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-10510; Filed, Aug. 31, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 5]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

MISCELLANEOUS AMENDMENTS

Part 620 is hereby amended for the dual purpose of designating additional Air Defense Identification Zones, and redefining the boundaries of some existing Domestic and Coastal ADIZ's. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedures Act is not required.

1. Section 620.13 (b) is amended to read as follows:

§ 620.13 *Authorized exceptions.* * * *

(b) *Altitude limitations.* The provisions of § 620.11 and § 620.12 are not applicable to aircraft operating within the Knoxville, Albuquerque, Los Angeles, San Francisco, Seattle, Great Falls, Minneapolis, Traverse City, and Bangor Air Defense Identification Zones at altitudes less than 4,000 feet above the immediate terrain or to aircraft entering these same Air Defense Identification Zones from within the continental limits of the United States at altitudes less than 4,000 feet above the immediate terrain.

2. Section 620.21 (a) to (e) and (g) to (j) are amended to read as follows:

§620.21 *Domestic ADIZ's.* * * *

(a) *Seattle (Domestic) ADIZ.* The area bounded by a line 49° 00′ N., 114° 00′ W.; 47° 00′ N., 114° 00′ W.; 43° 00′ N., 119° 00′ W.; due west to 43° 00′ N., 124° 40′ W.; 46° 15′ N., 124° 30′ W.; 48° 00′ N., 125° 15′ W.; 48° 29′ 38″ N., 124° 43′ 35″ W.; along the U. S.-Canadian international boundary line to 49° 00′ N., 114° 00′ W. (point of beginning).

(b) *San Francisco (Domestic) ADIZ.* The area bounded by a line 40° 00′ N., 120° 00′ W.; 39° 00′ N., 120° 00′ W.; 37° 00′ N., 119° 00′ W.; 34° 50′ N., 121° 10′ W.; 38° 50′ N., 124° 00′ W.; 40° 00′ N., 124° 35′ W.; due east to 40° 00′ N., 120° 00′ W. (point of beginning).

(c) *Los Angeles (Domestic) ADIZ.* The area bounded by a line 37° 00′ N., 119° 00′ W.; 35° 00′ N., 116° 00′ W.; due east to 35° 00′ N., 115° 00′ W.; 32° 42′ N., 115° 00′ W.: along the U. S.-Mexican international boundary line to 32° 32′ 03″ N., 117° 07′ 25″ W.; 32° 30′ N., 117° 20′ W.; 32° 30′ N., 117° 45′ W.; 33° 15′ N., 118° 30′ W.; 34° 00′ N., 120° 30′ W.; 34° 50′ N., 121° 10′ W.; 37° 00′ N., 119° 00′ W. (point of beginning).

(d) *Albuquerque (Domestic) ADIZ.* The area bounded by a line 38° 45′ N., 108° 30′ W.; 38° 14′ N., 104° 50′ W.; 37° 15′ N., 104° 30′ W.; 37° 15′ N., 104° 14′ W.; 35° 40′ N., 103° 25′ W.; 34° 15′ N., 103° 25′ W.; 33° 00′ N., 105° 10′ W.; due west to 33° 00′ N., 110° 45′ W.; 35° 00′ N., 110° 55′ W.; 37° 02′ N., 110° 52′ W.; 38° 45′ N., 108° 30′ W. (point of beginning).

(e) *Knoxville (Domestic) ADIZ.* The area bounded by a line 38° 16′ N., 82° 00′ W.; 35° 38′ N., 81° 00′ W.; 35° 13′ N., 81° 34′ W.; 34° 53′ N., 82° 11′ W.; 34° 53′ N., 82° 15′ W.; 35° 06′ N., 82° 15′ W.; 35° 06′ N., 82° 25′ W.; 34° 45′ N., 82° 27′ W.; 34° 15′ N., 83° 23′ W.; due west to 34° 15′ N., 84° 38′ W.; 35° 07′ N., 85° 06′ W.; 36° 08′ N.; 86° 30′ W.; 36° 25′ N., 86° 30′ W.; 36° 52′ N., 86° 10′ W.; 37° 40′ N., 85° 30′ W.; 38° 06′ N., 83° 35′ W.; 38° 16′ N., 82° 00′ W. (point of beginning).

* * * * * *

(g) *Great Falls (Domestic) ADIZ.* The area bounded by a line 49° 00′ N., 104° 00′ W.; 46° 00′ N., 104° 00′ W.; due west to 46° 00′ N., 110° 39′ W.; 46° 18′ N., 110° 55′ W.; 46° 41′ N., 111° 54′ W.; 46° 43′ N., 113° 09′ W.; 46° 59′ N., 114° 00′ W.; 49° 00′ N., 114° 00′ W.; due east along the U. S.-Canadian international boundary line to 49° 00′ N., 104° 00′ W. (point of beginning).

(h) *Minneapolis (Domestic) ADIZ.* The area bounded by a line 49° 00′ N., 104° 00′ W.; easterly along the U. S.-Canadian international boundary line to 48° 03′ N., 90° 00′ W.; 44° 00′ N., 90° 00′ W.; 41° 46′ N., 92° 00′ W.; 41° 35′ N., 95° 59′ W.; 41° 17′ N., 93° 00′ W.; 46° 00′ N., 98° 00′ W.; due west to 46° 00′ N., 104° 00′ W.; 49° 00′ N., 104° 00′ W. (point of beginning).

(i) *Traverse City (Domestic) ADIZ.* The area bounded by a line 48° 03′ N., 90° 00′ W.; easterly along the U. S.-Canadian international boundary line to 44° 00′ N., 82° 12′ W.; due west to 44° 00′ N., 90° 00′ W.; 48° 03′ N., 90° 00′ W. (point of beginning).

(j) *Bangor (Domestic) ADIZ.* The area bounded by a line 44° 00′ N., 76° 31′ W.; easterly along the U. S.-Canadian international boundary line to 44° 46′ 36″ N., 66° 54′ 11″ W.; 44° 30′ N., 67° 07′ W.; 43° 10′ N., 70° 00′ W.; 43° 45′ N., 70° 00′ W.; due west to 43° 45′ N., 76° 00′ W.; 44° 00′ N., 76° 31′ W. (point of beginning).

NOTE: Prohibited areas within these ADIZ's remain out of bounds for all aircraft.

3. Section 620.22 (a) and (b) are amended to read as follows:

§ 620.22 *Coastal ADIZ's* * * *

(a) *Atlantic (Coastal) ADIZ.* The area bounded by a line 44° 30′ N., 66° 45′ W.; 40° 00′ N., 64° 00′ W.; 32° 00′ N., 74° 00′ W.; 33° 30′ N., 78° 00′ W.; 35° 10′ N., 75° 10′ W.; 36° 10′ N., 75° 10′ W.; 37° 00′ N., 75° 30′ W.; 39° 30′ N., 73° 45′ W.; 40° 15′ N., 73° 30′ W.; 41° 15′ N., 69° 30′ W.; 42° 00′ N., 69° 30′ W.; 42° 40′ N., 70° 10′ W.; 43° 10′ N., 70° 00′ W.; 44° 30′ N., 67° 07′ W.; 44° 30′ N., 66° 45′ W. (point of beginning).

(b) *Pacific (Coastal) ADIZ.* The area bounded by a line 51° 00′ N., 130° 00′ W.; 48° 30′ N., 125° 00′ W.; 48° 29′ 38″ N., 124° 43′ 35″ W.; 48° 00′ N., 125° 15′ W.; 46° 15′ N., 124° 30′ W.; 43° 00′ N., 124° 40′ W.; 40° 00′ N., 124° 35′ W.; 38° 50′ N., 124° 00′ W.; 34° 50′ N., 121° 10′ W.; 34° 00′ N., 120° 30′ W.; 33° 15′ N., 118° 30′ W.; 32° 30′ N., 117° 45′ W.; 32° 30′ N., 117° 20′ W.; along a line parallel to, and approximately 12 miles from, the Mexican Coast to 29° 00′ N., 114° 51′ W.; 27° 00′ N., 121° 30′ W.; 38° 00′ N., 129° 00′ W.; 50° 00′ N., 132° 00′ W.; 51° 00′ N., 130° 00′ W. (point of beginning).

4. Section 620.23 is amended as follows:

§ 620.23 *International Boundary ADIZ's.* * * *

(a) *Canadian (International) Boundary ADIZ.* A line from 44° 30′ N., 66° 45′ W.; 44° 30′ N., 67° 07′ W.; 44° 46′ 36″ N., 66° 54′ 11″ W.; westerly along the U. S.-Canadian international boundary line to 48° 29′ 38″ N., 124° 43′ 35″ W.

(b) *Mexican (International) Boundary ADIZ.* A line from 32° 42′ N., 115° 00′ W.; westerly along the U. S.-Mexican international boundary line to 32° 32′ 03″ N., 117° 07′ 25″ W.; thence to 32° 30′ N., 117° 20′ W.

(Secs. 205, 308, 52 Stat. 984, 986; 49 U. S. C. 425, 458. Interprets or applies secs. 1201–1205, 64 Stat. 825; 49 U. S. C. 701–705. E. O. 10197, Dec. 22, 1950, 15 F. R. 9180; 3 CFR, 1950 Supp.)

This amendment shall become effective thirty days after publication in the FEDERAL REGISTER.

[SEAL] C. F. HORNE,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-10492; Filed, Aug. 30, 1951; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5746]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WALTER W. GRAMER

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale and distribution of the preparation designated as Sulgly-Minol or of any other preparation of substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or indirectly, that respondent's said preparation (a) is a cure or remedy for "athlete's foot"; (b) is an adequate or competent treatment for "athlete's foot"; (c) is a cure or remedy for any type of arthritis; (d) is an adequate or competent treatment for any type of arthritis; (e) is a cure or remedy for any of the manifestations, including pain, soreness and stiffness of any type of arthritis; (f) is an adequate or competent treatment for or will relieve the manifestations, including pain, soreness or stiffness of any type of arthritis; or (g) is an effective treatment for boils or acne; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat, 719, as amended; 15 U. S. C. 45) [Cease and desist order, Walter W. Gramer, Docket 5746, June 21, 1951]

This proceeding was heard by John W. Addison, trial examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondent's answer thereto, and hearings at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before said trial examiner, and were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, answer thereto, testimony and other evidence and proposed findings as to the facts and conclusions presented by counsel, oral arguments not having been requested, and said trial examiner, having considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 21, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondent Walter W. Gramer, an individual, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of the preparation designated as Sulgly-Minol or of any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

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

(a) That respondent's said preparation is a cure or a remedy for "athlete's foot."

(b) That respondent's said preparation is an adequate or competent treatment for "athlete's foot."

(c) That respondent's said preparation is a cure or a remedy for any type of arthritis.

(d) That respondent's said preparation is an adequate or competent treatment for any type of arthritis.

(e) That respondent's said preparation is a cure or remedy for any of the manifestations, including pain, soreness and stiffness of any type of arthritis.

(f) That respondent's said preparation is an adequate or competent treatment for or will relieve the manifestations, including pain, soreness or stiffness of any type of arthritis.

(g) That respondent's said preparation is an effective treatment for boils or acne.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce as "commerce" is defined in the Federal Trade Commission Act any advertisement or representation which contains any of the representations prohibited in paragraph 1 above.

By "Decision of the Commission and order to File Report of Compliance", Docket 5746, June 21, 1951, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 21, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-10539; Filed, Aug. 31, 1951; 8:47 a. m.]

[Docket 5744]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOUSE OF PLATE, INC., ET AL.

Subpart—*Coercing and intimidating:* § 3.350 *Customers or prospective customers; to purchase, make payment, or support product or service; by threatened suit or other intimidation.* Subpart—*Enforcing dealings or payments wrongfully:* § 3.1045 *Enforcing dealings or payments wrongfully.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1385 *Concealed interest;* § 3.1390 *Concealed subsidiary or "alter ego";* § 3.1440 *Identity.* Subpart—*Using misleading name; vendor:* § 3.2365 *Concealed subsidiary or "alter ego";* § 3.2385 *Identity.* In connection with the offering for sale, sale or distribution of novelty merchandise in commerce, (1) representing directly or by implication, that a recipient of merchandise shipped without a previous order and in the absence of an agreement to purchase is obligated to pay for the merchandise or to return it; (2) representing, directly or by implication, that failure of a receipient to either pay for or return merchandise shipped to it without a previous order and in the absence of an agreement to purchase will jeopardize the credit rating of such recipient; (3) representing, directly or by implication, that merchandise shipped without a previous order or agreement to purchase was shipped under a contract of consignment; (4) representing, directly or by implication, that merchandise is insured against loss in transit when it is not so insured; or, (5) representing by the use of the name "Certified Credit Bureau," or any other fictitious name, or in any other manner, that an account has been placed in the hands of a collection agency when the account has not been so placed; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 48. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, House of Plate, Inc., et al., Docket 5744, June 20, 1951]

In the Matter of House of Plate, Inc., a Corporation, and Robert T. Plate, Individually and as President of House of Plate, Inc.

This proceeding having been heard by the Federal Trade Commission upon the

complaint of the Commission, a stipulation as to the facts entered into by and between Daniel J. Murphy, Chief, Division of Litigation, of the Commission, and the individual respondent, Robert T. Plate, in which stipulation the said individual respondent waived all intervening procedure and further hearing as to said facts, and a memorandum signed by the said Daniel J. Murphy stating that respondent House of Plate, Inc., a corporation, is in the process of dissolution in the Michigan courts, and the Commission having made its findings as to the facts and its conclusion that the individual respondent, Robert T. Plate has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Robert T. Plate, an individual, his agents, representatives and employees, in connection with the offering for sale, sale or distribution of novelty merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that a recipient of merchandise shipped without a previous order and in the absence of an agreement to purchase is obligated to pay for the merchandise or to return it.

2. Representing, directly or by implication, that failure of a recipient to either pay for or return merchandise shipped to it without a previous order and in the absence of an agreement to purchase will jeopardize the credit rating of such recipient.

3. Representing, directly or by implication, that merchandise shipped without a previous order or agreement to purchase was shipped under a contract of consignment.

4. Representing, directly or by implication, that merchandise is insured against loss in transit when it is not so insured.

5. Representing by the use of the name "Certified Credit Bureau", or any other fictitious name, or in any other manner, that an account has been placed in the hands of a collection agency when the account has not been so placed.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent House of Plate, Inc., a corporation, without prejudice, however, to the right of the Commission to issue a new complaint or to take such further or other action against said respondent at any time in the future as may be warranted by the then existing circumstances.

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

Issued: June 20, 1951.

By the Commission.

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

[F. R. Doc. 51-10540; Filed, Aug. 31, 1951; 8:48 a. m.]

[Docket 4827]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN TOBACCO CO.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.25 *Competitors and their products;* § 3.30 *Composition of goods;* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts;* § 3.250 *Success, use or standing.* Subpart—*Disparaging competitors and their products—Competitor's products:* § 3.965 *Composition;* § 3.1010 *Qualities or properties;* § 3.1025 *Safety;* § 3.1033 *Success, use or standing.* In connection with the offering for sale, sale, and distribution in commerce, of respondent's Lucky Strike brand of cigarettes, representing, by any means, directly or by implication, (1) that among independent tobacco experts, Lucky Strike cigarettes have twice as many smokers as all other brands of cigarettes combined; or that any greater proportion or number of independent tobacco experts or of any other group or class of people smoke Lucky Strike cigarettes than is the fact; (2) that independent tobacco experts who smoke Lucky Strike cigarettes do so because of their knowledge of the grades or quality of the tobacco purchased by the respondent for use in the manufacture of Lucky Strike cigarettes; (3) that Lucky Strike cigarettes or the smoke therefrom contains less acid than do the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes; (4) that Lucky Strike cigarettes or the smoke therefrom is less irritating to the throat than the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes; (5) that Lucky Strike cigarettes or the smoke therefrom is easy on one's throat or will provide any protection against throat irritation or coughing; or, (6) that Lucky Strike cigarettes or the smoke therefrom contains less nicotine than do the cigarettes or the smoke therefrom of any of the four other leading brands of cigarettes; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Tobacco Company, Docket 4827, June 20, 1951]

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the respondent's answer thereto, testimony and other evidence in support of and in opposition to the allegations of said amended complaint, the trial examiner's recommended decision and exceptions thereto, and briefs and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, The American Tobacco Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its Lucky Strike brand of cigarettes, do forthwith cease and desist from representing, by any means, directly or by implication:

(1) That among independent tobacco experts, Lucky Strike cigarettes have twice as many smokers as all other brands of cigarettes combined; or that any greater proportion or number of independent tobacco experts or of any other group or class of people smoke Lucky Strike cigarettes than is the fact.

(2) That independent tobacco experts who smoke Lucky Strike cigarettes do so because of their knowledge of the grades or quality of the tobacco purchased by the respondent for use in the manufacture of Lucky Strike cigarettes.

(3) That Lucky Strike cigarettes or the smoke therefrom contains less acid than do the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes.

(4) That Lucky Strike cigarettes or the smoke therefrom is less irritating to the throat than the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes.

(5) That Lucky Strike cigarettes or the smoke therefrom is easy on one's throat or will provide any protection against throat irritation or coughing.

(6) That Lucky Strike cigarettes or the smoke therefrom contains less nicotine than do the cigarettes or the smoke therefrom of any of the four other leading brands of cigarettes.

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

Issued: June 20, 1951.

By the Commission.

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

[F. R. Doc. 51-10541; Filed, Aug. 31, 1951; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52806]

PART 2—MEASUREMENT OF VESSELS

MISCELLANEOUS AMENDMENTS

In order to simplify the admeasurement of vessels and the determination of their tonnages, it has been found desirable to delegate to collectors of customs the authority to make determinations with respect to the eligibility of certain spaces for exemption or deduction from, or inclusion in, the gross tonnage of the vessel concerned. To accomplish that purpose, §§ 2.43 (f), 2.45 (c) (2), 2.52 (g), and 2.59 (a), (d), Customs Regulations of 1943 (19 CFR 2.43 (f), 2.45 (c) (2), 2.52 (g), 2.59 (a), (d)), are amended as follows:

1. Section 2.43 (f) is amended by deleting the next to the last sentence thereof.

2. Section 2.45 (c) (2) is amended by deleting the last sentence thereof.

3. Section 2.52 (g) is amended by deleting the first two setences thereof and substituting the following: "Fuel oil settling tanks used solely for rendering crude oil fit for consumption in the main boilers are considered as part of the propelling machinery space."

4. a. Section 2.59 (a) is amended by deleting the first sentence thereof and substituting the following: "On a request in writing by the owner of a vessel to the collector of customs of the district in which the vessel is located, the tonnage of such portion of the space or spaces above the crown of the engine room and above the line of the upper deck as is framed in for the machinery, or for the admission of light and air, and not required to be included in the gross tonnage, shall, for the purpose of ascertaining the tonnage of the space occupied by the propelling machinery, be added to the said machinery space; but it shall then be included in the gross tonnage."

b. Section 2.59 (a) is further amended by deleting the last sentence thereof.

5. Section 2.59 (d) is amended by deleting "Commissioner" in the first sentence thereof and substituting "collector".

(R. S. 161, 4153, as amended, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 4, 28 Stat. 743, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 77, 79)

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

Approved: AUGUST 24, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-10588; Filed, Aug. 31, 1951; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 521—EMPLOYMENT OF APPRENTICES

On July 17, 1951, a notice was published in the FEDERAL REGISTER setting forth a proposed revision of the regulations contained in this part. Interested persons were given 30 days within which to submit data, views or arguments pertaining to such revision. All relevant material presented has been carefully considered. Nothing contained therein requires any modification of the revision proposed.

Accordingly, pursuant to authority contained under section 14 of the Fair Labor Standards Act of 1938, as amended, this part is revised to read as set forth in the July 17, 1951 issue of the FEDERAL REGISTER (16 F. R. 6843).

The regulations as so revised clarify the standards applicable to the employment of apprentices at subminimum wage rates under the Act and incorporate changes in the applicable procedures. The standards incorporated in the regulations as revised have been adopted by the Bureau of Apprenticeship, United States Department of Labor, upon the recommendation of the Federal Committee on Apprenticeship.

This revision shall become effective on October 1, 1951.

Signed at Washington, D. C., this 30th day of August 1951.

F. GRANVILLE GRIMES, JR.,
Acting Administrator.

Sec.

AUTHORITY: §§ 521.1 to 521.12 issued under sec. 11, 14, 52 Stat. 1066, 1068; 29 U. S. C. 211, 214.

§ 521.1 *Employment of apprentices at subminimum wages.* The Administrator or his authorized representative, to the extent necessary in order to prevent curtailment of opportunities for employment, shall issue special certificates to employers or joint apprenticeship committees [1] authorizing the employment of apprentices in skilled trades at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, subject to the conditions and limitations prescribed in this part.

§ 521.2 *Definitions.* As used in this part:

(a) "Apprentice" means a worker at least sixteen years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade as defined in § 521.4, and in conformity with or substantial conformity with the standards of apprenticeship as set forth in § 521.3.

(b) "Apprenticeship agreement" means a written agreement between an apprentice and either his employer or a joint apprenticeship committee, which contains the terms and conditions of the employment and training of the apprentice, and which conforms or substantially conforms with the standards of apprenticeship set forth in § 521.3.

(c) "Apprenticeship program" means a complete plan of terms and conditions for the employment and training of apprentices which conforms or substantially conforms with the standards of apprenticeship, as set forth in § 521.3.

(d) "Joint apprenticeship committee" means a local committee, equally representative of employers and employees, which has been established by a group of employers and a bona fide bargaining agent or agents, to direct the training of apprentices with whom it has made agreements. This term does not include a joint apprenticeship committee established for an individual plant.

(e) "Recognized apprenticeship agency" means either (1) a state apprenticeship agency recognized by the Bureau of Apprenticeship, United States Department of Labor, or (2) if no such apprenticeship agency exists in the state, the Bureau of Apprenticeship, United States Department of Labor.

(f) "Registration" means the approval by a recognized apprenticeship agency of an apprenticeship program or agreement as meeting the basic standards adopted by the Bureau of Apprenticeship, United States Department of Labor, upon the recommendation of the Federal Committee on Apprenticeship.

(g) "State" means any state of the United States or the District of Columbia or any territory or possession of the United States.

§ 521.3 *Standards of apprenticeship.* An apprenticeship program must conform with or substantially conform with the following standards of apprenticeship before the Administrator or his authorized representative will issue a special certificate authorizing employment of an apprentice under such program at wages lower than the minimum wages applicable under section 6 of the act:

(a) Employment and training of the apprentice in a skilled trade. A skilled trade is an apprenticeable occupation which satisfies the criteria set forth in § 521.4.

(b) Two or more years (4,000 or more hours) of work experience.

(c) A progressively increasing schedule of wages to be paid the apprentice which averages at least 50 percent of the journeyman's rate over the period of apprenticeship.

(d) A schedule of work processes or operations in which experience is to be given the apprentice on the job.

(e) Submission of the apprenticeship program and the apprenticeship agreement to the recognized apprenticeship agency for registration as provided in § 521.5.

(f) Joint agreement to the apprenticeship program by the employer and the bona fide bargaining agent, where a bargaining agent exists.

(g) An indication that the number of apprentices to be employed conforms to the needs and practices in the community.

(h) Adequate facilities for training and supervision of the apprentice and the keeping of appropriate records concerning his progress.

(i) Related instruction, if available. (144 hours a year is normally considered necessary. Related instruction means an organized and systematic form of instruction which is designed to provide the apprentice with knowledge of the theoretical and technical subjects related to his trade. Such instruction may be given in a classroom, through correspondence courses, or other forms of self-study.)

[1] An individual employer participating in an apprenticeship program under the control and supervision of a joint apprenticeship committee may employ an apprentice under a temporary or special certificate issued to or held by such joint apprenticeship committee. However, it is the responsibility of the employer, and not of the joint apprenticeship committee, that such employment be in compliance with the regulations and with the certificate.

§ 521.4 *Criteria for a skilled trade.* A skilled trade is an apprenticeable occupation which possesses all of the following characteristics:

(a) Is customarily learned in a practical way through training and work experience on the job.

(b) Is clearly identified and commonly recognized throughout an industry.

(c) Requires two or more years (4,000 or more hours) of work experience to learn.

(d) Requires related instruction to supplement the work experience (which instruction may be provided in accordance with § 521.3 (i)).

(e) Is not merely a part of an apprenticeable occupation.

(f) Involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products of any one company.

(g) Does not fall into any of the following categories:

(1) Selling, retailing, or similar occupations in the distributive field.

(2) Managerial occupations.

(3) Clerical occupations.

(4) Professional and semi-professional occupations (this category covers occupations for which entrance requirements customarily include education of college level).

§ 521.5 *Procedure for employment of an apprentice at subminimum wages.* Before an apprentice may be employed at subminimum wages, the employer or joint apprenticeship committee shall submit or shall have submitted an apprenticeship program to the appropriate recognized apprenticeship agency for registration.

An apprenticeship program which has been registered with a recognized apprenticeship agency shall constitute a temporary special certificate authorizing the employment of an apprentice at the wages and under the conditions specified in such program until a special certificate is issued or denied. This temporary authorization is, however, conditioned on the requirement that within 90 days from the beginning date of employment of the apprentice, the employer or the joint apprenticeship committee shall satisfy all the following requirements: (a) Enter into an apprenticeship agreement with each apprentice, (b) submit the agreement to the recognized apprenticeship agency for registration, and (c) send the apprenticeship agreement, or a true copy thereof, with evidence of registration, to the Wage and Hour Division, United States Department of Labor, Washington, D. C., and to the appropriate regional office of the Wage and Hour Division: *Provided, however,* That the Administrator or his authorized representative has not previously notified the employer or joint apprenticeship committee of disapproval of a registered apprenticeship agreement for the same or similar trade or trades as not conforming or substantially conforming with the standards of apprenticeship set forth in § 521.3.

If the agreement submitted to the Wage and Hour Division has not been registered, it should be accompanied by an explanation of the efforts made to have the agreement registered and the reasons, if any, given by the recognized apprenticeship agency for not registering it.

§ 521.6 *Issuance of special certificates.* (a) If the apprenticeship agreement and other available information indicate that the requirements of § 521.3 and the other requirements of this part are satisfied, the Administrator or his authorized representative shall issue a special certificate in accordance with § 521.1. Otherwise, he shall deny the special certificate.

(b) The special certificate, if issued, shall be mailed to the employer or the joint apprenticeship committee and a copy shall be mailed to the apprentice. If a special certificate is denied, the employer or the joint apprenticeship committee, the apprentice and the recognized apprenticeship agency shall be given written notice of the denial. The employer shall pay the apprentice the minimum wage applicable under section 6 of the act from the date of receipt of notice of such denial.

§ 521.7 *Terms of special certificates.* (a) Each special certificate shall specify the conditions and limitations under which it is granted, including the name of the apprentice, the skilled trade in which he is to be employed, the subminimum wage rates and the periods of time during which such wage rates may be paid.

(b) The terms of any special certificate, including the wages specified therein, may be amended for cause.

§ 521.8 *Records.* (a) Every employer who employs an apprentice under this part must keep the records called for under the record-keeping regulations (Part 516 of this chapter), including designation of apprentices on the payroll. In addition, every employer who employs apprentices under temporary or special certificates issued to or held by such employer shall preserve the apprenticeship program, apprenticeship agreement and special certificate under which such apprentice is employed.

(b) Every joint apprenticeship committee which holds a certificate under this part shall keep the following records for each apprentice under its control and supervision:

(1) The apprenticeship program, apprenticeship agreement and special certificate under which the apprentice is employed by an employer;

(2) The cumulative amount of work experience gained by the apprentice, in order to establish the proper wage at the time of his assignment to an employer; and

(3) A list of the employers to whom the apprentice was assigned and the period of time he worked for each employer.

(c) The records required by paragraphs (a) and (b) of this section shall be maintained and preserved for at least three years from the termination of the apprenticeship. Such records shall be kept safe and accessible at the place or places of employment or at the place or places where such records are customarily maintained. All records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 521.9 *Cancellation of special certificates.* (a) The Administrator or his authorized representative may cancel any special certificate for cause. A certificate may be canceled (1) as of the date of the employment of an apprentice, if it is found that fraud has been exercised in obtaining the certificate or in employing an apprentice thereunder; (2) as of the date of violation, if it is found that any of its terms have been violated; or (3) as of the date of notice of cancellation, if it is found that the special certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the provisions of this part have not been complied with. The apprentice must be paid the minimum wage applicable under section 6 of the act from the date of cancellation.

(b) No order canceling any special certificate shall take effect until the expiration of the time allowed for requesting reconsideration or review under § 521.11, and, if a petition for reconsideration or review is filed, the effective date of the cancellation order shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed, the employer shall reimburse any person employed under a special certificate which has been canceled for fraud or violation in an amount equal to the difference between the statutory minimum wage applicable under section 6 of the act and any lower wage paid such person subsequent to the date as of which the special certificate was canceled as provided in paragraph (a) of this section.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any special certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the employer or the joint apprenticeship committee in writing and an opportunity shall be afforded to demonstrate or achieve compliance with all lawful requirements.

§ 521.10 *Investigations and hearings.* The Administrator or his authorized representative may conduct an investigation, which may include a public hearing, prior to taking any action pursuant to this part. Interested persons shall be given notice of any such hearing by publication in the FEDERAL REGISTER or by mail and shall be afforded an opportunity to present their views.

§ 521.11 *Reconsideration and review.* (a) Any person aggrieved by the action of an authorized representative of the Administrator in denying, granting, or canceling a special certificate may, within 15 days after such action, (1) file a written request for reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance, or (2) file a written request for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review.

(b) A request for reconsideration shall be granted where the applicant shows

that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings.

(c) Any person aggrieved by the action of an authorized representative of the Administrator in denying a request for reconsideration may, within 15 days thereafter, file a written request for review.

(d) Any person aggrieved by the reconsidered determination of an authorized representative of the Administrator may within 15 days after such determination, file a written request for review.

(e) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(f) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

§ 521.12 *Amendment of this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

[F. R. Doc. 51-10610; Filed, Aug. 31, 1951; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MEDICAL CARE

Amend the section headnote and paragraph (a) of § 577.3 and rescind § 577.4 and substitute the following in lieu thereof:

§ 577.3 *Medical care by civilian physicians or civilian medical treatment facilities*—(a) *For whom authorized.* (1) Civilian medical care at the expense of Army Medical Service funds is authorized for the following personnel and none other when the required care cannot be provided by available medical treatment facilities of the Department of Defense or other Federal agencies outside Department of Defense:

(i) Officers, warrant officers, and enlisted personnel of the Regular Army and cadets of the United States Military Academy when on a duty status or when absent on any authorized leave or pass. Such attendance will not be authorized when absent without leave.

(ii) Officers, warrant officers, and enlisted personnel of the Organized Reserve Corps, the federally recognized National Guard of the several States, Territories, and the District of Columbia, the National Guard of the United States, and the Army without specification as to component when ordered or called into active Federal service or when ordered to active or inactive duty training (see sec. 5, act of April 3, 1939 (53 Stat. 557; 10 U. S. C. 456) as amended).

(iii) Members of the Reserve Officers' Training Corps en route to or from or during their attendance at camps of instruction under section 47a, National Defense Act (41 Stat. 778; 10 U. S. C. 441).

(iv) Applicants for enlistment or reenlistment and inductees under the Universal Military Training and Service Act (PL 51, 82d Cong.) as amended (limited to necessary physical and mental examination except as provided in subdivision (v) of this subparagraph).

(v) Applicants for entry into the Army or inductees while undergoing observation.

(vi) Prisoners.

(vii) Prisoners of war, persons interned by the Army, and other persons in military custody or confinement.

(viii) Civilian seamen in the service of vessels operated by the Department of the Army.

(ix) Civilian employees of the Army will be afforded "on-the-job" medical and surgical service through the Army Federal Civilian Employees' Health Service Program.

(2) Elective medical treatment in civilian medical treatment facilities or by civilian physicians will not be authorized or paid for from the above-mentioned funds.

(3) In the event a member of the Organized Reserve Corps, the federally recognized National Guard of the several States, Territories, and the District of Columbia, the National Guard of the United States, or the Reserve Officers' Training Corps is furnished medical care by civilian physicians or civilian medical treatment facilities after termination of camp or the prescribed tour of training duty for personal injury suffered or disease contracted not in line of duty, the member concerned is personally responsible for payment of charges for inpatient or outpatient care furnished by civilian physicians or civilian medical treatment facilities.

* * * * *

§ 577.4 *Medical care in medical treatment facilities of Federal agencies outside Department of Defense*—(a) *For whom authorized.* (1) Medical care in medical treatment facilities of other Federal agencies at the expense of Army Medical Service funds is authorized for the following personnel when the required care cannot be provided by available medical treatment facilities of the Department of Defense:

(i) Officers, warrant officer, and enlisted personnel of the Regular Army and cadets of the United States Military Academy. The duty status of these individuals does not affect their authority to receive medical care.

(ii) Officers, warrant officers, and enlisted personnel of the Organized Reserve Corps, the federally recognized National Guard of the several States, Territories, and the District of Columbia, the National Guard of the United States and the Army without specification as to component when ordered or called into active Federal service or when ordered to active or inactive duty training (see sec. 5, act of April 3, 1939 (53 Stat. 557; 10 U. S. C. 456) as amended).

(iii) Members of the Reserve Officers' Training Corps enroute to or from or during their attendance at camps of instruction under section 47a, National Defense Act (41 Stat. 778; 10 U. S. C. 441).

(iv) Applicants for enlistment or reenlistment and inductees under the Universal Military Training and Service Act (PL 51, 82d Cong.), as amended (limited to necessary physical and mental examination except as provided in subdivision (v) of this subparagraph).

(v) Applicants for entry into the Army or inductees while undergoing observation.

(vi) Prisoners.

(vii) Prisoners of war, persons interned by the Army, and other persons in military custody or confinement.

(viii) Civilian seamen in the service of vessels operated by the Department of the Army.

(ix) Civilian employees of the Army will be afforded "on-the-job" medical and surgical service through the Army Federal Civilian Employees' Health Service Program.

(2) In the event a member of the Organized Reserve Corps, the federally recognized National Guard of the several States, Teritories and the District of Columbia, the National Guard of the United States, or the Reserve Officers' Training Corps is furnished medical care at the medical treatment facilities of Federal agencies outside the Department of Defense after termination of camp or the prescribed tour of training duty for personal injury suffered or disease contracted not in line of duty, the member concerned is personally responsible for payment of charges for in-patient or outpatient care furnished by medical treatment facilities of Federal agencies outside the Department of Defense.

(b) *Rates of charge.* Charges for hospitalization or treatment will be at rates prescribed for pay patients for the applicable fiscal year.

[Cl, SR 40-505-11 and SR 40-505-12, Aug. 17, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-10537; Filed, Aug. 31, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 5, Amdt. 3]

CPR 5—IRON AND STEEL SCRAP

GEOGRAPHICAL APPLICATION; IMPORTED SCRAP

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 3 to Ceiling Price Regulation 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

CPR-5, which contains a full statement of the considerations prompting its

issuance was issued to become effective February 7, 1951.

The statement of considerations points out that, from June 24, 1950 to December 31, 1950, the general level of prices of iron and steel scrap increased approximately twenty percent. The statement also points out the importance of reclaiming iron and steel scrap for the production of steel, now so vitally needed for the defense effort. It therefore seems desirable at this time that the provisions of CPR–5 should be applicable to the territories and possessions of the United States.

Section 4b of the regulation provides that for shipping points located outside the basing points named in the regulation, the ceiling price shall be the price established for the scrap at the most favorable basing point minus the lowest established charge for transporting scrap from the shipping point to the basing point. This follows the traditional method of establishing selling prices on such commodities in the territories.

Prior to the issuance of this amendment, members of the affected industry were consulted and their recommendations followed.

AMENDATORY PROVISIONS

1. Section 2 is amended to read:

SEC. 2. *Geographical application.* This regulation shall apply to sales, deliveries, and preparation of iron or steel scrap in the forty-eight States of the United States, its territories and possessions and the District of Columbia.

2. Section 28 (f) is amended to read:

(f) "Imported Scrap" means all iron and steel scrap having a point of origin outside the United States, its territories and possessions, and the District of Columbia.

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

Effective date. This Amendment 3 to CPR–5 shall become effective September 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 31, 1951.

[F. R. Doc. 51–10705; Filed, Aug. 31, 1951; 12:06 p. m.]

[Ceiling Price Regulation 22, Amdt. 2 to Supplementary Regulation 7]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

REMOVAL OF TIME LIMITATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 7 to Ceiling Price Regulation 22 previously provided, among other things, that a manufacturer of chemicals wishing to add a maintenance and repair materials cost adjustment to his base period prices for chemicals under Ceiling Price Regulation 22 must file a statement of such adjustment factors with Office of Price Stabilization on or before August 1, 1951. This date was later extended to September 4, 1951. This amendment now removes the requirement that this statement be filed by any specific date and permits such a statement to be filed at any time. The amendment also provides that in most instances the filing of a statement of the maintenance and repair materials cost adjustment factors for chemicals will obviate the necessity of filing an amended Public Form No. 8.

The removal of the time limitation for filing a statement of the adjustment factors is necessary because of the indefinite postponement of the mandatory effective date of Ceiling Price Regulation 22.

The provision of the amendment which provides that where a manufacturer has already filed a Public Form No. 8, the filing of the statement of the adjustment factors, in all instances except one, shall be in lieu of filing an amended Public Form No. 8, was issued to relieve manufacturers of the burden of preparing additional reports on Public Form No. 8 which would repeat in substance information already contained in reports previously filed. The one exception to this is where the Public Form No. 8 previously filed covered Ceiling Price Regulation 22 ceiling prices below General Ceiling Price Regulation ceiling prices and the recomputation to include the maintenance and repair materials cost adjustment results in Ceiling Price Regulation 22 ceiling prices higher than the General Ceiling Price Regulation ceilings. In this instance neither the statement of adjustment factors nor the Public Form No. 8 previously filed provides the required information which can be obtained only by the filing of an amended Public Form No. 8 in addition to the statement of adjustment factors.

AMENDATORY PROVISIONS

Paragraph (c) of section 4 of Supplementary Regulation 7 to Ceiling Price Regulation 22 is amended to read as follows:

(c) *Reports.* (1) If you wish to add a maintenance and repair materials cost adjustment to your base period prices, you must file with the Rubber, Chemicals and Drugs Division, Office of Price Stabilization, Washington 25, D. C. a statement of the maintenance and repair materials cost adjustment factor or factors which you have computed, identifying the unit of your business or groups of units for which each such factor is computed. Thereafter you may add to your ceiling prices under section 3 of Ceiling Price Regulation 22 the maintenance and repair materials cost adjustment permitted by this section.

(2) If you have previously filed a Public Form No. 8 for the chemical or chemicals involved, the statement required by this section shall be in lieu of filing an amended Public Form No. 8 under section 37 of Ceiling Price Regulation 22, unless the Public Form 8 which you previously filed reported ceiling prices for the chemical or chemicals at or below their ceiling prices established under the General Ceiling Price Regulation, and your recomputation under this section results in ceiling prices above those established under the General Ceiling Price Regulation. In the latter event, you must file an amended Form 8 as required by section 37 of Ceiling Price Regulation 22, in addition to the statement required by this section, and you are also governed by the provisions of section 48 of Ceiling Price Regulation 22.

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

Effective date. This amendment shall become effective September 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 31, 1951.

[F. R. Doc. 51–10706; Filed, Aug. 31, 1951; 12:06 p. m.]

[Ceiling Price Regulation 30, Amdt. 10]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

MATERIALS COST ADJUSTMENT FOR INDUSTRIAL DIAMONDS AND TUNGSTEN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 10 to Ceiling Price Regulation 30 (16 F. R. 4108) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits manufacturers who use industrial diamonds and tungsten products in their manufactured products to add to their base period prices increases in costs of these materials from their selected base period to August 1, 1951. Before this amendment a manufacturer was permitted to add to his base period price only increases in cost of these materials which had occurred between the end of his base period and March 15, 1951.

On April 6, 1951 this Agency issued Ceiling Price Regulation 19 (Tungsten Concentrates). That regulation established $65.00 a short ton as the ceiling price for tungsten concentrates. The ceiling price for this material previously established by the General Ceiling Price Regulation had ranged between $28.50 and $65.00 per short ton unit. On May 7, 1951, this Agency issued Ceiling Price Regulation 33 (Ferro-Tungsten, Tungsten Metal Powder, and other Tungsten Products). That regulation permitted manufacturers of ferro-tungsten, tungsten metal powder, and other tungsten products to reflect in their ceiling prices the increased cost of tungsten concentrates permitted by Ceiling Price Regulation 19.

Tungsten products account for as much as 100 percent of the materials costs of some of the commodities covered by CPR 30. Thus, if manufacturers are required to absorb the increased cost of tungsten products, caused by the issuance of CPR 33, the profit margins of those manufacturers who use a substantial portion of tungsten products, would be eliminated and, in some cases, these manufacturers would be compelled to operate at a loss. Accordingly, this amendment permits manufacturers to reflect in their ceiling prices these increases in their costs of tungsten products.

Manufacturers of diamond tools must rely wholly on imported industrial diamonds. On March 20, 1951, the prices of these diamonds were increased approximately 20 percent by the foreign sellers of the diamonds. The cost of industrial diamonds constitutes up to 80 percent of the total cost of the products in which they are used. Accordingly, manufacturers of products containing industrial diamonds cannot absorb these price increases without undue financial hardship.

The wide coverage of this amendment made it impossible to consult in detail with representatives of all the industries affected. However, in the preparation of this amendment conferences were held with many industry representatives and consideration was given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended in the following respects:

1. Section 17 (b) is amended to read as follows:

(b) Multiply the physical amount of each manufacturing material which you used during the same fiscal year, either in your entire business or a unit of your business, whichever you are calculating on, by the dollars-and-cents amount of the change in net cost per unit of the material to you between the end of your base period and December 31, 1950. The term "end of your base period" is explained in section 45 (*Definitions*). For any material listed in Appendix B you may figure the change to March 15, 1951. For any material listed in Appendix D you may figure the change to August 1, 1951. Before starting to figure the change in net cost per unit of the material, you should read carefully the instructions contained in sections 21 through 26.

2. Section 18(b) is amended to read as follows:

(b) Multiply this physical amount of each of these manufacturing materials by the change in its net cost per unit to you between (1) the last day of the base period you elected for the commodity being priced and (2) December 31, 1950. For any material listed in Appendix B you may figure the change to March 15, 1951. For any material listed in Appendix D you may figure the change to August 1, 1951. Before starting to figure the change in net cost, you should read carefully the instructions contained in sections 21 through 26.

3. Section 20 (c) is amended to read as follows:

(c) Multiply this total physical amount by the dollar-and-cents change, between (1) the end of your base period, and (2) December 31, 1950, in net cost to you per unit of the material used. For any material listed in Appendix B you may figure the change to March 15, 1951. For any material listed in Appendix D you may figure the change to August 1, 1951. Add together the resulting figures which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is your increase in manufacturing materials cost. Before starting to figure the change in net cost you should read carefully the instructions contained in sections 21 through 26.

4. In section 22 the text preceding paragraph (a) is amended to read as follows:

Under any of the four alternative methods you may use for calculating the "materials cost adjustment", you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, March 15, 1951, or August 1, 1951, whichever date is applicable. To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the first of the following prices available to you. In no event may the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of the issuance of this regulation. If you use paragraphs (b), (c), (d), (e), (f) or (g) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class of supplier (other than the United States) or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise, you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 42 of this regulation.

5. Section 23 is amended to read as follows:

SEC. 23. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or August 1, 1951, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 17), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

6. Appendix D is added to read as follows:

APPENDIX D

With respect to the following manufacturing materials the change in net cost may be calculated up to August 1, 1951:

(a) Industrial diamonds.

(b) (1) Ferro-tungsten, tungsten metal powder, tungstic acid, tungstic oxide, ammonium para-tungstate, sodium tungstate crystals, and sodium tungstate anhydrous.

(2) High speed tool steels and specialty steels containing tungsten.

(3) Sintered tungsten carbide products and mixed powders used in the manufacture of such products.

(4) Hard facing products containing tungsten.

(5) Pure tungsten and thoriated tungsten products.

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

Effective date. This amendment shall become effective September 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 31, 1951.

[F. R. Doc. 51-10707; Filed, Aug. 31, 1951; 12:06 p. m.]

[General Ceiling Price Regulation, Amdt. 18]

GENERAL CEILING PRICE REGULATION

HOLIDAY FRUIT CAKE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 18 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Holiday fruit cake is a specialty item of the baking industry that is primarily baked and prepared for sales to con-

sumers during the Thanksgiving and Christmas seasons. The volume of sales of the product is small, in relation to sales of the staple items of the baking industry, and its prices, ingredient and packaging costs are high.

The pattern and method of purchasing and pricing related to this product are markedly different from those of other products of the baking industry, and from this difference arises the need to exempt holiday fruit cake from the General Ceiling Price Regulation. Its ingredients, and packaging and container materials are ordinarily purchased from February to early spring. The mail order houses, which sell a substantial amount of the product, publish their holiday fruit cake prices during the late spring months, and consequently, the baking establishments specializing in the production of the product tend to set firm prices for the product during the late spring season, or 4 or 5 months before they make their deliveries. The consequence of applying the General Ceiling Price Regulation to holiday fruit cake was, therefore, to freeze the baker's price for it at a level which reflected his ingredient, packaging and labor costs during the early months of 1950, but which do not reflect the very substantial increases in such costs which took place from early 1950 to the General Ceiling Price Regulation base period. Complaints have been received to the effect that the extent of the resulting price "squeeze" on bakers is such that, unless price relief is granted, a substantial segment of the industry will be forced to sell this season's holiday fruit cake at a loss. Further information indicates that a large numbers of bakers have postponed setting prices for the product (although under normal circumstances such prices would have long since been set) pending the outcome of their requests to this Office for relief.

Because the need for price relief appears to be so urgent, the granting of it should not be held in abeyance pending the collection of data for the purpose of adopting a pricing formula which would eliminate or lighten the extent of cost increases which bakers of holiday fruit cake are now required to absorb. Under the circumstances, it has been decided that the only practicable course of action at this time is to exempt holiday fruit cake from the General Ceiling Price Regulation. The effect of this exemption is to work a decontrol of holiday fruit cake for, prior to this amendment, the General Ceiling Price Regulation was the only regulation under which prices for the product were to be established. This decontrol of holiday fruit cake is temporary, and will continue only until a tailored regulation, containing provisions for the pricing of holiday fruit cake and other bakery products, is issued for the baking industry. Work preparatory to the issuance of such a regulation is now under way, but its issuance will not take place in time to cover this season's sales of holiday fruit cake. In view of the nature of the product, the relatively high prices at which it is sold and the extremely limited period of its general sale, as compared with the staple items of the food industry, in general, and of the baking industry, in particular, it is felt that the need for temporary decontrol outweighs the consequences that such action may have on the cost of living.

Pursuant to this amendment, therefore, holiday fruit cake is added to the list of exempted food commodities described in section 14 (s) of the General Ceiling Price Regulation. Furthermore, this amendment adds a definition of holiday fruit cake designed to exclude from temporary decontrol the kinds of fruit cake that are sold the year 'round by the baking industry. This year 'round fruit cake, which contains less than 50 percent, by weight of cake mix, of fruits and nuts, is part of the regular bakery line. The pattern of purchasing of ingredients for it and of pricing it for sales to consumers does not tend to subject the baker to a price "squeeze" situation of a kind which this amendment is designed to relieve.

In view of the urgency and nature of this action and of the fact that it is taken in response to recommendations from the industry, formal consultation with industry representatives was not considered either practical or necessary.

AMENDATORY PROVISIONS

Section 14 (s) is amended by adding the following subparagraph:

(19) Holiday fruit cake, that is, fruit cake which: (1) Contains not less than 50 percent by weight of fruits and nuts in relation to the total weight of the fruit cake mix; and which (2) is packaged by the manufacturer in a wrapper or container which indicates that such fruit cake is packaged expressly for sale during the Thanksgiving or Christmas season or both.

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

Effective date. This Amendment 18 shall become effective September 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 31, 1951.

[F. R. Doc. 51-10708; Filed, Aug. 31, 1951; 12:06 p. m.]

[General Overriding Regulation 7, Amdt. 4]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

FUR SEAL MEAL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7 exempts fur seal meal from price control.

Fur seal meal is a high protein feed ingredient used in animal or poultry feed and for experimental purposes. It is a by-product of the fur seal slaughtering and fur seal hide production operations conducted in Alaska by the United States Government. The Fish and Wildlife Service of the United States Department of the Interior is the only processor of fur seal meal for domestic use, and there are no imports of the product. The quantity of the meal produced for consumption in the United States is negligible. No more than approximately 400 tons of fur seal meal have been produced annually during the period 1939–1949, and the annual gross proceeds from its sale, during the same period, have never exceeded approximately $55,000. Moreover, prices for fur seal meal are effectively controlled by the ceiling prices in effect for fish meal and meat scraps, the two principal, competitive high protein feed ingredients used in this country.

It is clear, therefore, that fur seal meal has little or no effect upon the cost of living, in general, or upon the cost of feeds or feed ingredients. Furthermore, any ceiling price restrictions imposed upon the product would involve an administrative burden out of all proportion to the importance of keeping it under price control.

Exemption of this commodity from price regulation will in no way defeat or impair the price stabilization program or the objectives of the Defense Production Act, as amended.

In view of the limited applicability of this action, the Director has not found it practicable to consult with industry representatives.

AMENDATORY PROVISIONS

General Overriding Regulation 7 is amended by adding a new section 7 to read as follows:

SEC. 7. *Fur seal meal.* No ceiling price regulation issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of fur seal meal.

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

Effective date. This amendment shall become effective September 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 31, 1951.

[F. R. Doc. 51-10709; Filed, Aug. 31, 1951; 12:06 p. m.]

[Ceiling Price Regulation 11, Amendment 4]

CPR 11—RESTAURANTS

Correction

Due to a clerical error, the word "established" was used instead of the word "establishment" in section 1, paragraph (b) of Amendment 4 to Ceiling Price Regulation 11, effective August 1, 1951, (16 F. R. 7408). Accordingly, the first sentence in section 1 (b) of Amendment 4 to CPR 11 is corrected to read as follows: "The term "restaurant", when used in this regulation, means any place, establishment or location, whether tempo-

rary or permanent, where any meals, "food items" or beverages are sold and served for consumption on or about the premises."

[Ceiling Price Regulation 58]

CPR 58—RECLAIMED RUBBER

Correction

Due to a clerical error in the second sentence of section 7 (c) (5) of Ceiling Price Regulation 58 (16 F. R. 7557) and the first phrase to be defined in section 8 of Ceiling Price Regulation 58 the word "for" was substituted for the word "of". Accordingly, the second sentence of section 7 (c) (5) is corrected to read as follows: "State also the average allowance of freight which such ceiling price covers" and the first phrase to be defined in section 8 is corrected to read as follows: "Customary quantity differential and customary allowance of freight".

[Ceiling Price Regulation 59]

CPR 59—SCRAP RUBBER

Correction

Due to a clerical error in the subtitle of Table I of Ceiling Price Regulation 59 (16 F. R. 7560) the word "ten" was substituted for the word "ton". Accordingly the subtitle of Table I is corrected to read as follows: "[Ceiling delivered prices for chief consuming centers (per ton)]".

[Ceiling Price Regulation 60]

CPR 60—CASTINGS

Correction

Ceiling Price Regulation 60, issued July 30, 1951, is corrected as follows:

1. In the last sentence of section 2 (a) (2), change "(c)" to read "(b)".
2. In the last sentence of section 2 (a) (3), change "(c)" to read "(b)".

[Ceiling Price Regulation 65, Amdt. 1]

CPR 65—CEILING PRICE FOR CANNED SALMON

CANNED ALASKA RED SALMON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 65 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes an adjustment in the ceiling prices specified by CPR 65 for canned Alaska Red salmon, so as to reflect increased unit costs.

As was recognized in the statement of considerations to CPR 65, Canned Salmon, the highly seasonal nature of the salmon industry requires that ceiling prices be established for each year's pack as it comes to market. Consequently, that regulation established prices only for the 1951 pack and the small carryover of the 1950 pack. It was stated expressly at that time, that should the 1951 pack actually be abnormally large or small, the ceiling prices contained in CPR 65 would be promptly revised to reflect more accurately the changes in unit costs.

Since issuance of CPR 65, the pack of salmon in western Alaska has been finished and while packing in certain other Alaska areas is still continuing, those areas produce, for the most part, varieties of salmon other than Reds. The pack of Alaska Reds up to August 11, 1951, is 766,336 cases as against last year's pack of 1,036,917 cases for a corresponding date in 1950. In the Bristol Bay area, which comprises a large part of the western Alaska salmon territory, the current pack of Alaska Red salmon is the smallest in fifty-four years.

Due to the nature of the operations of this industry in which a substantial part of the total operating and administrative expense represents fixed commitments, a short pack is bound to result in extreme cost increases. The Office of Price Stabilization, in close cooperation with the industry and with the Defense Fisheries Administration of the Department of the Interior, has sought to reflect as closely as possible the increase in unit costs occasioned by the shortage of the current pack of Alaska Reds, in formulating the price increases effected by this amendment. Moreover, an average of all cost increases since June 1950 has been calculated as a yardstick in measuring the increase the industry will need to meet the problems created by this abnormally short pack. An evaluation of cost data available to the Office of Price Stabilization indicates that an increase of 20 percent over the highest prices in effect during June 1950 or, as an alternative, an increase of 8 percent over the average level established by the General Ceiling Price Regulation would appear to reflect most equitably up to date increases in unit costs of canning Alaska Red salmon, without unduly distorting the price relationships between this species and others, and without exceeding unreasonably the general level of canned salmon prices otherwise established by CPR 65.

The result of this amendment will be to raise the specific ceiling prices established by CPR 65 for Alaska Red salmon only by slightly over 10 percent. Such an upward adjustment is necessary, since various kinds of red salmon constitute a major item in the total production and because Alaska Reds represent the great bulk of red salmon canned. While, of necessity, this price action makes it likely that the increase allowed manufacturers will be passed on to the consumer, it will at the same time encourage future availability and distribution of red salmon, a moderately priced high-protein food item, which might disappear from the market if rigid price ceilings were to force producers to sell this item at a loss.

A companion amendment to the General Ceiling Price Regulation protects primary distributors of canned salmon against losses resulting from a price squeeze which might otherwise be caused by this amendment. At the same time, great care has been taken to prevent speculation or improper pyramiding of markups.

In keeping with the standards set forth in the statement of considerations to CPR 65, the Office of Price Stabilization will reexamine, from time to time, the specific ceiling prices established therein, in the light of unit costs and final salmon pack figures as they become available, to protect that industry against loss as a result of abnormal shortages, but also in order that savings which may result from comparatively larger packs for other species may be passed on to the consumer.

In formulating this amendment the Director of Price Stabilization has consulted with industry representatives to the extent practicable and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950, as amended: To prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive: And to relevant factors of general applicability.

AMENDATORY PROVISIONS

The table of prices set fourth in section 4 (a) of Ceiling Price Regulation 65 is amended by substituting for the three items listed under the heading of "Alaska Reds" the following:

Alaska Red	1 pound tall	$32.00
Do	1 pound flat	33.00
Do	½ pound flat	19.25

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

Effective date. This amendment shall become effective August 30, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 30, 1951.

[F. R. Doc. 51-10625; Filed, Aug. 30, 1951; 3:04 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 54]

GCPR, SR 54—ADJUSTMENT OF CEILING PRICES FOR SALES OF LAMB OR MUTTON BY WHOLESALERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the allocation of meat (16 F. R. 1272) and Economic Stabilization Agency General Order 2 (16 F. R. 738), this Supplementary Regulation 54 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling prices for sales of lamb, yearling mutton and mutton by wholesalers are currently determined in accordance with the General Ceiling Price Regulation as supplemented by the provisions of Supplementary Regulation 37. This supplementary regulation changes the method of determining these prices.

The prices established under the General Ceiling Price Regulation for sales of lamb and mutton have been such that some wholesalers have not been able to realize normal margins on those commodities. In many cases the ceilings of wholesalers have been based on purchases made at lower prices than the current ceilings of the slaughterers who now supply them. As a result the normal margins between the costs of many wholesalers and the selling prices of those wholesalers have been appreciably narrowed. This supplementary regulation is designed to relieve this situation on a temporary basis.

The question of the appropriate addition to be provided for wholesalers is under consideration in connection with a dollars-and-cents regulation setting prices for sales of lamb and mutton at wholesale which is now being prepared. It is presently indicated that a fair and equitable markup for wholesalers of lamb or mutton is $2.00 per cwt. on sales to retailers, and accordingly this is the markup allowed by this supplementary regulation. It may be that upon further study of the problem of markups to be allowed wholesalers on sales of lamb or mutton, $2.00 per cwt. will prove to be too high or too low. If this is the case, the wholesaler's markup will be revised accordingly in the regulation establishing specific dollars-and-cents ceilings. In the meantime, however, the situation confronting some wholesalers of lamb or mutton is a serious one, and this supplementary regulation is designed to deal with it until the dollars-and-cents ceilings are issued.

The regulation provides that wholesalers may sell carcasses or kosher forequarters of lamb, yearling mutton or mutton of a given grade at a price figured anew each week based on the previous week's average cost of carcasses or kosher forequarters of lamb, yearling mutton or mutton of that grade plus a markup. The markup allowed is $2.00 per cwt. on sales to retailers and to purveyors of meals, 50 cents per cwt. on sales to other wholesalers, and $1.00 per cwt. on sales to all other classes of purchasers. In addition to the foregoing markups the wholesaler is permitted to make an addition of 50 cents per cwt. for local delivery.

This regulation also requires an adjustment of prices of lamb, yearling mutton and mutton cuts sold by wholesalers. In general, the adjusted ceiling for a cut is required to bear the same percentage relationship to the new carcass or kosher forequarter ceiling as the GCPR ceiling for that cut bore to the GCPR carcass or kosher forequarter ceiling.

This supplementary regulation also prohibits the sale of cuts of lamb or mutton which were not sold between December 19, 1950, and January 25, 1951. Since the issuance of the General Ceiling Price Regulation, some sellers of lamb and mutton have been selling cuts not previously sold by them and have charged prices for these cuts purporting to be set under section 4 of the General Ceiling Price Regulation, which generally permits pricing of a new commodity by adding to the cost of that commodity the markup for similar commodities previously sold.

The prices which have been set on these new cuts, however, have been substantially out of line with general prices for lamb and mutton cuts. This constitutes an evasion of the General Ceiling Price Regulation, would constitute an evasion of this supplementary regulation, and does not represent normal business practice.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

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

So far as practicable the Director of Price Stabilization gave consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability. The ceiling prices established by this supplementary regulation are not below the prices which prevailed during the period from January 25, 1951 to February 24, 1951, inclusive, for the commodities covered by this regulation.

The Director of Price Stabilization finds that the prohibition against the selling of new cuts contained in this supplementary regulation is necessary to prevent circumvention or evasion of the General Ceiling Price Regulation and of this supplementary regulation.

In formulating this supplementary regulation, the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Titles I and IV, 64 Stat. 799, 803, as amended; 50 U. S. C. App. Sup. 2071–2073, 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales of carcasses or cuts of lamb, yearling mutton and mutton by wholesalers which supersede those established by the General Ceiling Price Regulation for these items. It also prohibits the sale at wholesale of a cut of lamb, yearling mutton or mutton if such a cut was not sold by the person making the sale during the period between December 19, 1950 and January 25, 1951, inclusive.

SEC. 2. *Where this supplementary regulation applies.* This supplementary regulation is applicable in the 48 states and the District of Columbia.

SEC. 3. *Sales covered by this regulation.* This regulation applies to all sales of lamb, yearling mutton or mutton except those made to an ultimate consumer for consumption by himself or his family.

SEC. 4. *Ceiling prices on sales by wholesalers shall be determined separately for each grade of lamb, yearling mutton and mutton.* If you are a wholesaler of lamb, yearling mutton or mutton you must after the effective date of this regulation determine your ceiling prices separately in accordance with sections 5, 6, 7, 8 and 9, for each standard Department of Agriculture grade of lamb, for each standard Department of Agriculture grade of yearling mutton and for each standard Department of Agriculture grade of mutton.

SEC. 5. *Ceiling prices of carcasses or kosher forequarters of lamb, yearling mutton, or mutton sold by wholesalers—* (a) *Non-kosher carcasses.* If you are a wholesaler as defined in section 12, you must redetermine your ceiling prices for non-kosher carcasses of lamb, yearling mutton or mutton on each Monday beginning with the first Monday after the effective date of this supplementary regulation. For the seven days beginning with each Monday after the effective date of this regulation, your ceiling price at your place of business for a sale of a non-kosher carcass of lamb, yearling mutton or mutton is your seven-day cost per cwt. for non-kosher carcasses of that grade of lamb, yearling mutton or mutton, as determined in section 6, plus

(1) $2.00 per cwt. if the sale is made to a retailer or a purveyor of meals;

(2) 50 cents per cwt. if the sale is made to a wholesaler;

(3) $1.00 per cwt. if the sale is made to any other buyer.

(b) *Kosher carcasses.* You must determine your ceiling prices for kosher carcasses separately in the manner specified in section 5 (a) for non-kosher carcasses.

(c) *Kosher forequarters.* You must determine your ceiling prices for kosher forequarters in the manner specified in this section 5 (c).

(1) If the number of kosher carcasses delivered to you during any seven-day period ending Friday is the same as or more than the number of kosher forequarters delivered to you as such during the same seven-day period, your ceiling price for forequarters shall be determined in the manner specified in section 7.

(2) If the number of kosher carcasses delivered to you during any seven-day period ending Friday is less than the number of kosher forequarters delivered to you during the same seven-day period, your ceiling price for kosher forequarters shall be determined separately in the manner specified in section 5 (a) for non-kosher carcasses.

(d) *Local delivery.* If you deliver a non-kosher or kosher carcass or kosher forequarter of lamb, yearling mutton or mutton to the buyer's place of business you may add 50 cents per cwt. to the ceiling price determined under this section.

SEC. 6. *How you compute your seven-day cost per cwt.*—(a) *Seven-day cost of non-kosher carcasses.* At the end of each week compute your seven-day cost per cwt. for non-kosher carcasses of lamb, yearling mutton or mutton of a particular grade by doing the following:

(1) Compute the total cost of non-kosher carcasses of lamb, yearling mutton or mutton of that grade delivered to you during the seven days ending on Friday. The total cost shall be the net amount you pay your suppliers for non-kosher carcasses of lamb, yearling mutton or mutton of that grade delivered during the seven-day period, plus any transportation charges you pay for the delivery of these lamb, yearling mutton or mutton carcasses to your business establishment.

(2) Divide the figure obtained in (1) by the invoice weight in hundredweight of non-kosher carcasses of lamb, yearling mutton or mutton of that grade delivered to you during the seven day period involved.

(3) The resulting figure is your seven day cost per cwt.

If during any seven day period ending Friday you have not received any deliveries of non-kosher carcasses of lamb, yearling mutton or mutton of a particular grade, determine your seven day cost per cwt. by following the procedure specified in section 6 (a) for the most recent seven day period ending on Friday during which you received deliveries of non-kosher carcasses of lamb, yearling mutton or mutton of that particular grade.

(b) *Seven day cost of kosher carcasses.* Compute your seven day cost of kosher carcasses in the manner specified in section 6 (a), for non-kosher carcasses.

(c) *Seven day cost of kosher forequarters.* Compute your seven day cost of kosher forequarters in the manner specified in section 6 (a) for non-kosher carcasses. You will need to make this computation only if it is required by section 5 (c) (2).

SEC. 7. *Ceiling prices of cuts of lamb, yearling mutton or mutton sold by wholesalers*—(a) *General.* If you are a wholesaler you must also redetermine your ceiling prices for a cut of lamb, yearling mutton or mutton on each Monday beginning with the first Monday after the effective date of this supplementary regulation.

(b) *Sales to retailers or purveyors of meals (non-kosher lamb cuts).* For the seven days beginning with each Monday after the effective date of this supplementary regulation, you must determine your ceiling price at your place of business for a non-kosher cut of lamb of a particular grade sold to a retailer or a purveyor of meals as follows:

(1) Take your seven day cost per cwt. of non-kosher lamb carcasses of the same grade and add $2.00 per cwt.;

(2) Multiply the figure in (1) by your highest GCPR ceiling prices for that cut of lamb sold to retailers or purveyors of meals;

(3) Divide the figure obtained in (2) by your highest GCPR ceiling price for a non-kosher lamb carcass sold to a retailer or purveyor of meals;

(4) The result, rounded to the nearest ten cents per cwt., is your ceiling price at your place of business for that cut of lamb of that grade sold to a retailer or a purveyor of meals.

(c) *Sales to wholesalers (non-kosher lamb cuts).* For the seven days beginning with each Monday after the effective date of this supplementary regulation, you must determine your ceiling price at your place of business for a non-kosher cut of lamb of a particular grade sold to a wholesaler as follows:

(1) Take your seven day cost per cwt. of non-kosher lamb carcasses of the same grade and add 50 cents per cwt.;

(2) Multiply the figure in (1) by your highest GCPR ceiling price for that cut of lamb sold to wholesalers;

(3) Divide the figure in (2) by your highest GCPR ceiling price for a non-kosher lamb carcass sold to a wholesaler;

(4) The result rounded to the nearest 10 cents per cwt. is your ceiling price at your place of business for that cut of lamb of that grade sold to a wholesaler.

(d) *Sales to others (non-kosher lamb cuts).* For the seven days beginning with each Monday after the effective date of this supplementary regulation you must determine your ceiling price at your place of business for a non-kosher cut of lamb of a particular grade sold to a buyer other than a retailer, purveyor of meals or a wholesaler as follows:

(1) Take your seven day cost per cwt. of non-kosher lamb carcasses of the same grade and add $1.00 per cwt.;

(2) Multiply the figure in (1) by your highest GCPR ceiling price for that cut of lamb sold to a buyer other than a retailer, purveyor of meals or a wholesaler;

(3) Divide the figure in (2) by your highest GCPR ceiling price for a non-kosher carcass sold to a buyer other than a retailer, purveyor of meals or a wholesaler;

(4) The result rounded to the nearest 10 cents per cwt. is your ceiling price at your place of business for that cut of lamb of that grade sold to a buyer other than a retailer, purveyor of meals, or a wholesaler.

(e) *Sales of non-kosher cuts of yearling mutton and mutton.* You determine your ceiling prices for a non-kosher cut of yearling mutton or mutton in the same way as you determine your ceiling price for a non-kosher cut of lamb.

(f) *Kosher cuts.* Your ceiling price at your place of business for a kosher cut of lamb, yearling mutton, or mutton of a particular grade must be redetermined on each Monday after the effective date of this regulation in the same way as your ceiling price for a non-kosher cut of lamb, yearling mutton or mutton of a particular grade, except that it shall be calculated on the basis of your seven-day cost of kosher forequarters if you are required to determine this figure by the provisions of section 5 (c) (2) and otherwise shall be calculated on the basis of your seven-day cost of kosher carcasses.

(g) *Local delivery.* If you deliver the cut of lamb, yearling mutton or mutton to the buyer's place of business you may add 50 cents per cwt. to the prices computed under this section.

SEC. 8. *Separate ceilings for kosher forequarters and cuts applicable only to sales to bona fide purchasers of kosher meat.* The ceilings established in sections 5, 6, 7 and 9 for sales of kosher carcasses, kosher forequarters and kosher cuts are applicable only to sales to bona fide purchasers of kosher meats. If you sell a kosher carcass, kosher forequarter or kosher cut to a person other than a bona fide purchaser of kosher meat, its ceiling price is to be determined under section 7 as though it were a non-kosher carcass, forequarter or cut.

SEC. 9. *Sales by slaughterers of lamb, yearling mutton or mutton purchased from non-affiliated sources.* If you are a slaughterer of lamb or sheep or a person affiliated with such a slaughterer including a packer's branch house, your ceiling prices for carcasses or cuts of lamb, yearling mutton or mutton purchased for resale from a source not affiliated with you shall continue to be determined in accordance with the General Ceiling Price Regulation. However, you may determine your ceiling price for such carcasses or cuts in accordance with the provisions of sections 5, 6, 7 and 8 if

(1) The product is readily distinguishable as having been purchased for resale (i. e., it bears the registration number required by section 3 (f) or 4 (f) of Distribution Regulation 1 or any wrapping or packaging bearing the name or identification of the non-affiliated slaughterer from whom you bought);

(2) The name of the person from whom you bought for resale is stated on your invoice. If the item is a wrapped

or packaged item, the name of the person whose identification appears on the package or wrapper must be shown;

(3) After September 10, 1951, you do not sell any lamb, yearling mutton or mutton carcasses or cuts to any slaughterer, packer, packer's branch house, or any person affiliated therewith;

(4) You do not, during any calendar quarter beginning on or after August 1, 1951 calculate your prices under section 5, 6, 7, and 8 on a greater volume, by weight, of lamb than you obtained from unaffiliated sources and resold during the last quarter of 1950.

SEC. 10. *Sale of new cuts of lamb, yearling mutton or mutton.* You may not, after the effective date of this regulation, sell any cut of lamb, yearling mutton or mutton unless you sold such a cut during the period from December 19, 1950 to January 25, 1951, inclusive.

SEC. 11. *Records.* If you are a wholesaler of lamb, yearling mutton or mutton you must make and preserve for inspection by the Office of Price Stabilization for a period of two years complete and accurate records showing your seven day cost for non-kosher and kosher carcasses and, where required by section 5 (c) (2), of kosher forequarters, of each grade of lamb, yearling mutton or mutton for each week after the effective date of this regulation.

SEC. 12. *Definitions.* (a) "Affiliated" means the relationship between two persons when one is owned or controlled by the other or both are owned or controlled by the same person or when one is an employee or agent of the other.

"Owned" or "controlled" means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock, or to make loans and advances (excepting sales on open account) in excess of 5 percent of the other person's monthly sales.

(b) "Bona fide purchaser of kosher meat" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(c) "Grade" means a standard grade of lamb, mutton or yearling mutton in accordance with the "Official U. S. Standards for Grades of Lamb, Yearling Mutton, and Mutton Carcasses" of the United States Department of Agriculture.

(d) "Lamb", "yearling mutton" and "mutton" means meat graded as such pursuant to the provisions of Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Lamb, Yearling Mutton, and Mutton Carcasses" of the United States Department of Agriculture.

(e) "Purveyor of meals" means

(1) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and serves meals, food portions or refreshments for a consideration; or

(2) Any hospital, asylum, orphanage, prison or other similar institution; or

(3) Any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or non-commissioned officer or other authorized representative of the armed services of the United States; or

(4) Any person operating an ocean-going vessel, engaged in the transportation of cargo or passengers in foreign, coastwise, intercoastal trade, or trade upon the Great Lakes, if meat is delivered for consumption aboard such vessels.

(f) "Slaughterer" means a person who owns or is affiliated with a slaughtering plant or slaughtering facilities, or who has livestock slaughtered for him by another person.

(g) "Wholesaler": You are a "wholesaler" if you are a person (1) who buys lamb, yearling mutton or mutton for resale and (2) who is not affiliated with any slaughtering plant or facilities engaged in the slaughtering of lamb, yearlings or sheep, and (3) who maintains and operates a separate selling establishment equipped with reasonable and adequate storage facilities in such a manner that the total monthly tonnage of meats and meat by-products sold out of stock carried in a separate selling establishment constitutes not less than 90 percent of the total monthly tonnage of all meats and meat by-products resold by him, and (4) who operated in this manner at any time between January 1 1950, and April 30, 1951.

SEC. 13. *Incorporation of General Ceiling Price Regulation by reference.* If you are subject to this supplementary regulation, you shall also continue to be subject to all of the provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this supplementary regulation including, but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of your ceiling prices.

Effective date. This regulation shall become effective on September 5, 1951. You may, however, adopt in whole the provisions of this regulation at any time between August 30, 1951, and the effective date.

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 30, 1951.

[F. R. Doc. 51-10617; Filed, Aug. 30, 1951; 12:00 m.]

[General Ceiling Price Regulation, Supplementary Regulation 55]

GCPR, SR 55—SUSPENSION OF SAWMILL LOGS PRODUCED IN ALASKA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 55 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation suspends until December 31, 1951, the operation of the General Ceiling Price Regulation insofar as it applies to sales and purchases of sawmill logs produced and used in Alaska.

Because of weather conditions, sawmill logging in Alaska is a seasonal enterprise, beginning in May and terminating sometime in November of each year. The 1950 Alaskan season ended in early November; and sales or deliveries of Alaskan sawmill logs were few, if any, during the period from December 19, 1950, to January 25, 1951, inclusive, the base period under the General Ceiling Price Regulation. As a result, Alaska loggers have been unable to determine their ceiling prices for the current, 1951, season on the basis of prices which were in effect during the General Ceiling Price Regulation base period.

Because the Alaskan logging industry was not operating during the General Ceiling Price Regulation base period, and because pricing data was not readily available, the Office of Price Stabilization has been seriously handicapped in determining appropriate current ceiling prices for Alaskan sawmill logs. The pricing difficulties thus encountered, moreover, cannot be overcome in the relatively short period remaining before the current season's end.

It has, therefore, been decided to suspend for the balance of the current logging season the operation of the General Ceiling Price Regulation insofar as it applies to sales and purchases in Alaska of Alaskan sawmill logs which are delivered during the period in which this supplementary regulation is effective and are manufactured into lumber in Alaska. At the same time, it is also contemplated that the Director of Price Stabilization will issue a tailored ceiling price regulation covering Alaskan sawmill logs before the beginning of the 1952 logging season. Accordingly, the suspension of the General Ceiling Price Regulation accomplished by this supplementary regulation will remain in effect only until December 31, 1951.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the action taken in this supplementary regulation is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization has given due consideration to the national defense efforts to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended.

Formal consultation with industry representatives before the issuance of this supplementary regulation has been rendered impracticable by the need for its expeditious issuance before the close of the current Alaskan logging season.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Suspension.

Sec.
3. Geographic applicability.
4. Records.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* The purpose of this supplementary regulation is to suspend temporarily from the provisions of the General Ceiling Price Regulation sales and purchases in Alaska of sawmill logs produced and used in Alaska.

SEC. 2. *Suspension.* The provisions of the General Ceiling Price Regulation shall not apply to sales and purchases of sawmill logs produced in Alaska: *Provided,* That such sawmill logs are delivered during the period in which this supplementary regulation is effective to a lumber mill situated in Alaska for manufacture into lumber.

SEC. 3. *Geographic applicability.* The provisions of this supplementary regulation are applicable in Alaska.

SEC. 4. *Records.* Records of sales and purchases made pursuant to this supplementary regulation shall be maintained in the manner provided in section 16 of the General Ceiling Price Regulation.

SEC. 5. *Definitions.* When used in this supplementary regulation, the terms:

(a) "Sawmill log" means a tree of any species which has been severed from the stump in Alaska, trimmed of its branches, and cut into lengths suitable for manufacture into lumber.

(b) "Delivered" means receipt by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Effective dates. This suplementary regulation shall be effective from August 30, 1951, to December 31, 1951, inclusive.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 30, 1951.

[F. R. Doc. 51–10624; Filed, Aug. 30, 1951; 3:04 p. m.]

Chapter VI—National Production Authority, Department of Commerce

RP 1—RULES OF PRACTICE BEFORE HEARING COMMISSIONERS

EDITORIAL NOTE: For the purposes of publication in the FEDERAL REGISTER and in the Code of Federal Regulations, the document appearing as Implementation 1 under NPA General Administrative Order 16–06 (issue of Thursday, August 30, 1951, 16 F. R. 8799), is hereby designated RP 1—Rules of Practice Before Hearing Commissioners.

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

PURCHASE PROGRAM FOR DOMESTIC CHROME ORE AND CONCENTRATES AT GRANTS PASS, OREGON

Correction

Federal Register Document 51–10410, published at page 8680 of the issue for Tuesday, August 28, 1951, and corrected on page 8848 of the issue for Friday, August 31, 1951, is further corrected as follows: § 99.107 should read as follows:

§ 99.107 *Prices.* The prices to be paid for material accepted by the Government shall be the base prices with applicable premiums and penalties as stated below. Prices are based on a long dry ton of material delivered at the depot. Fractions appearing on analysis reports will be prorated in computing premiums and penalties.

The base price shall be $115.00 per ton of Type I (lumpy ore), or $110.00 per ton of Type II (fines) and Type III (concentrates), all analyzing as follows:

Chromic oxide (Cr_2O_3) ------- 48.00 percent
Chromium to iron ratio (CR/Fe)----- 3 to 1

PREMIUMS

Chromic oxide content—above 48 percent: $4.00 per ton for each 1 percent of chromic oxide content.

Chromium to iron ratio—above 3 to 1: $4.00 per ton for each one-tenth increase in Cr to Fe ratio up to but not exceeding 3.5 to 1.

PENALTIES

Chromic oxide content—below 48 percent: $3.00 per ton for each 1 percent of chromic oxide content down to and including 42 percent.

Chromium to iron ratio—below 3 to 1: $3.00 per ton for each one-tenth decrease in Cr to Fe ratio down to and including 2 to 1.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

Basis and purposes. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755, 16 U. S. C. 704) authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds to determine when, to what extent, and by what means, such birds, or any part, nest or egg thereof, may be hunted, taken, captured, killed, possessed, sold, purchased, shipped, transported, carried, or exported.

On May 22, 1951, the public was invited to participate in the preparation of these regulations by submitting their views, data, or arguments, in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before July 9, 1951 (16 F. R. 4983). After due consideration of all relevant material submitted to the said Service pursuant to the notice and under authority of said statutory provision the regulations under the Migratory Bird Treaty Act are amended as follows:

1. Section 6.3 (b) is amended to read as follows:

(b) (1) Migratory game birds may not be taken within one-half mile of any place where salt or any feed that may attract such birds is placed, exposed, deposited, distributed, scattered, or present at any time during or within two weeks prior to the open season on such birds. In addition migratory game birds may not be taken under any circumstances by the aid or use of salt or any feed that constitutes for such birds a lure, attraction, or enticement to, on, or over the area where hunters are attempting to take them.

(2) Nothing in this section shall be construed to apply to propagating, scientific, or other operations in accordance with the terms of permits issued pursuant to § 6.8; or to the taking of birds over properly shocked corn, standing crops of corn, wheat, or other grain or feed, and grains found scattered solely as a result of normal agricultural harvesting; or to the feeding of migratory game birds at any time not in connection with hunting.

2. Paragraphs (a), (b), and (d) of § 6.4 are amended as follows:

Paragraph (a) Atlantic Flyway States is amended by changing the mourning dove season in South Carolina to read "Sept. 15–Sept. 29 and Dec. 22–Jan. 5", also to prescribe seasons for rails and gallinules in Maine from Oct. 5–Oct. 22 and from Nov. 23–Dec. 10 and in New York from Oct. 19–Nov. 5 and from Dec. 7–Dec. 24, and further by amending and transferring footnote 4 to paragraph (e) Atlantic Flyway States as footnote 4 reading as follows:

[4] Scoter, eider and old-squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Connecticut, Maine, Massachusetts, New Hampshire, and New York from Sept. 28–Dec. 31, and in Rhode Island from Sept. 28–Jan. 5. In areas other than those beyond outer harbor lines such birds may be taken during the open season for other ducks. In the above States only, the daily bag limit is 7 scoter, eider or old-squaw ducks singly or in the aggregate, and not exceeding 14 in possession singly or in the aggregate.

Paragraph (b) Mississippi Flyway States is amended to prescribe seasons for rails and gallinules in Alabama from Nov. 22–Jan. 5, in Michigan from Oct. 12–Nov. 25, and in Wisconsin from Oct. 13–Nov. 25 and also that on the opening day the hunting of these birds in Wisconsin may not start before 1 p. m.

Footnote 7 Alaska under paragraph (d) Pacific Flyway States is amended by changing the sentence relating to limits for other ducks to read "Limits for other ducks not over 5 a day with 10 in possession".

3. New schedules are added to § 6.4, as follows:

(e) *Atlantic Flyway States:*

	Migratory waterfowl and coot			Woodcock
	Ducks	Geese (except snow geese)	Coot	
Daily bag limits	[1] 4 [1] 8	[2] 2 [2] 2	10 10	4. 8.
Possession limits				
Seasons in: [3]				
Connecticut [4]	Nov. 16–Dec. 30			Oct. 20–Nov. 19.
Delaware	Nov. 9–Dec. 23			Nov. 15–Dec. 14.
Florida	Nov. 22–Jan. 5			
Georgia	Nov. 22–Jan. 5			Dec. 23–Jan. 21.
Maine [4]	Oct. 5–Oct. 22 and Nov. 23–Dec. 10			Oct. 1–Oct. 31.
Maryland	Nov. 22–Jan. 5			Oct. 5–Nov. 3.
Massachusetts [4 5]	Oct. 26–Dec. 9			Oct. 20–Nov. 19.
New Hampshire [4]	Oct. 5–Oct. 22 and Nov. 16–Dec. 3			Oct. 1–Oct. 31.
New Jersey	Nov. 9–Dec. 23			Oct. 20–Nov. 19.
New York [6]	Oct. 19–Nov. 5 and Dec. 7–Dec. 24			See footnote 6.
North Carolina	Nov. 22–Jan. 5			Dec. 12–Jan. 11.
Pennsylvania	Oct. 12–Nov. 24			Oct. 8–Nov. 6.
Rhode Island [4]	Nov. 22–Jan. 5			Nov. 1–Dec. 1.
South Carolina	Nov. 22–Jan. 5			Dec. 12–Jan. 11.
Vermont	Oct. 12–Nov. 25			Oct. 1–Oct. 31.
Virginia	Nov. 22–Jan. 5			Nov. 20–Dec. 19.
West Virginia	Nov. 2–Dec. 16			Oct. 13–Nov. 11.
Puerto Rico	Dec. 15–Feb. 12			
District of Columbia [7]				

[1] Wood duck: No open season in West Virginia. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose or its subspecies and 1 white-fronted goose, and in addition 3 blue geese a day or in possession.

[3] Brant: In Delaware and New Jersey Nov. 9–Nov. 18; Connecticut Nov. 16–Nov. 25; Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina and Virginia Nov. 22–Dec. 1; Maine and New Hampshire Oct. 5–Oct. 14; Massachusetts Oct. 26–Nov. 4; New York Oct. 19–Oct. 28; Pennsylvania Oct. 12–Oct. 20; Vermont Oct. 12–Oct. 21; and West Virginia Nov. 2–Nov. 11. Daily bag and possession limit 3.

[4] Scoter, eider and old-squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Connecticut, Maine, Massachusetts, New Hampshire, and New York from Sept. 28–Dec. 31, and in Rhode Island from Sept. 28–Jan. 5. In areas other than those beyond outer harbor lines such birds may be taken during the open season for other ducks. In the above States only, the daily bag limit is 7 scoter, eider or old-squaw ducks singly or in the aggregate, and not exceeding 14 in possession singly or in the aggregate.

[5] Only Canada geese or its subspecies may be taken in Massachusetts.

[6] New York: East and north of Oswego River from Lake Ontario to its junction with the Oneida River, Oneida River to Oneida Lake, north shore of Oneida Lake to Barge Canal, Barge Canal to Rome, the main line of New York Central R. R. from Rome to Albany, and main line of Boston & Albany R. R. from Albany to Massachusetts State line, Oct. 8–Nov. 1, inclusive; west and south of the above described boundary (except Long Island) Oct. 19–Nov. 12, inclusive; that part of New York known as Long Island, Oct. 22–Nov. 15, inclusive; from 9 a. m. until 5, p m. on the opening day, and thereafter from 7 a. m. until 5 p. m. in each of these zones.

[7] No open season in District of Columbia but migratory game birds may be possessed therein in accordance with § 6.6 (c).

(f) *Mississippi Flyway States:*

	Migratory waterfowl and coot			Woodcock
	Ducks	Geese	Coot	
Daily bag limits	[1] 4 [1] 8	[2] 5 [2] 5	10 10	4. 8.
Possession limits				
Seasons in—				
Alabama	Nov. 22–Jan. 5			Dec. 1–Dec. 30.
Arkansas	Nov. 22–Jan. 5			Dec. 1–Dec. 30.
Illinois	Oct. 26–Dec. 9 [3]			
Indiana	Oct. 26–Dec. 9			Oct. 15–Nov. 13.
Iowa	Oct. 12–Nov. 25			
Kentucky	Nov. 22–Jan. 5			
Louisiana	See footnote 4			Dec. 22–Jan. 20.
Michigan	Oct. 12–Nov. 25			See footnote 5.
Minnesota	Oct. 5–Nov. 18			Oct. 1–Oct. 30.
Mississippi	See footnote 6			Dec. 1–Dec. 30.
Missouri	Oct. 26–Dec. 9			Nov. 10–Dec. 9.
Ohio [7]	Oct. 19–Dec. 2			Oct. 8–Nov. 6.
Tennessee	Nov. 22–Jan. 5			
Wisconsin [8]	Oct. 13–Nov. 25			Oct. 1–Oct. 31.

[1] Bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Including in such limit not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

[3] No open season for geese in that part of Alexander County, Ill., established as closed area by proclamation 2748 of Oct. 1, 1947 (12 F. R. 6521).

[4] Louisiana: Excluding lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana and latitude 31° North, but including any lands and waters of the State of Mississippi lying westerly of the aforesaid center line, Nov. 2–Dec. 16.

[5] Michigan: Woodcock, Upper Peninsula, Oct. 1 to Oct. 20; Lower Penninsula, Oct. 15 to Nov. 5.

[6] Mississippi: Excluding lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana and latitude 31° North, but including any lands and waters of the State of Louisiana lying easterly of the aforesaid center line, Nov. 22–Jan. 5.

[7] Ducks, geese, coot on Pymatuning Reservoir in Ashtabula County, Ohio, and one-quarter mile distant in any direction from said reservoir, Oct. 12–Nov. 24.

[8] Wisconsin: On opening day the season for waterfowl and coot will start at 1 p. m.

(g) *Central Flyway States:*

	Migratory waterfowl and coot		
	Ducks	Geese	Coot
Daily bag limits	[1] 5	[2] [3] 5	10
Possession limits	[1] 10	[2] [3] 5	10
Seasons in—			
Colorado	Oct. 19–Nov. 7 and Dec. 14–Jan. 2. [3]		
Kansas	Oct. 19–Dec. 7.		
Montana	Oct. 12–Nov. 30. [3]		
Nebraska	Oct. 19–Dec. 7.		
New Mexico [4]	Oct. 12–Oct. 31 and Dec. 17–Jan. 5.		
North Dakota	Oct. 5–Nov. 23.		
Oklahoma [5]	Oct. 19–Dec. 7.		
South Dakota	Oct. 5–Nov. 23.		
Texas [5 6]	Nov. 9–Dec. 28.		
Wyoming	Oct. 12–Nov. 30. [3]		

[1] Wood ducks: No open season in Colorado, Kansas, North Dakota, South Dakota, and Wyoming. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Including in such limit not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

[3] No open season on snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, or in Colorado and Wyoming. No open season in Colorado on blue geese.

[4] The bag and possession limit on geese in New Mexico is 3 which may include not more than 2 Canada geese or its subspecies, or 2 white-fronted geese, or 1 snow goose.

[5] Woodcock: Oklahoma, Dec. 1 to Dec. 30; Texas, in the counties of Shelby, Nacogdoches, Angelina, Trinity, San Jacinto, Liberty, Chambers, and all counties south and east thereof, Dec. 23 to Jan. 21; no open season in rest of Texas. Daily limit 4, possession limit 8.

[6] Texas: Black-bellied tree duck, no open season.

(h) *Pacific Flyway States:*

	Migratory waterfowl and coot		
	Ducks	Geese and brant (except ross's goose)	Coot
Daily bag limits	[1] 6	[2] 6	15
Possession limits	[1] 6	[2] 6	15
Seasons in—			
Arizona	Nov. 7–Jan. 5.		
California	See footnote 3.		
Idaho	Oct. 19–Dec. 17. [4]		
Nevada	Oct. 19–Dec. 17.		
Oregon	Nov. 2–Dec. 31.		
Utah	Oct. 12–Dec. 10.		
Washington	Oct. 26–Dec. 24.		
Alaska [5]			

[1] Wood duck: No open season in Arizona, Nevada, and Utah. In other Pacific Flyway States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers, 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Including in such limit not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 3 brant, or a mixed bag of (d) 1 Canada goose or its subspecies and 1 white-fronted goose, or (e) 1 Canada goose or its subspecies and 2 brant, or (f) 1 white-fronted goose and 2 brant.

[3] Waterfowl and coot in those portions of San Bernardino, Riverside, and Imperial Counties, Calif., east of U. S. Highway 95 from the Nevada line south of Blythe and east of the paved and graded road extending from Blythe to Ripley, Palo Verde and Ogilby south to its intersection with U. S. Highway 80, thence east to Yuma Nov. 7 to Jan. 5; in rest of California, Oct. 26 to Dec. 24.

[4] Idaho: Snowgeese, no open season. No open season on geese of any species in the following described area in Canyon County: Beginning at the junction of U. S. Highway 30 and State Highway 45, in the city of Nampa, thence westerly along U. S. Highway 30 to its junction with State Highway 20, thence westerly along State Highway 20 to its junction with the Lake Lowell-Marsing road, thence southerly along the Lake Lowell-Marsing road to the south end of the west embankment of Lake Lowell, thence along the oil surfaced road bearing easterly to its junction with State Highway 45, thence northerly along State Highway 45 to its junction with U. S. Highway 30, the point of beginning.

[5] See footnote 7 under schedule (4) Pacific Flyway States.

4. Sections 6.51, 6.52, 6.53, 6.71, 6.72 and 6.73 appearing in the May 11, 1949 issue of the FEDERAL REGISTER (14 F. R. 2446–2447) and which were inadvertently omitted when the regulations in this part were amended July 27, 1951, 16 F. R. 7513, are hereby readopted and approved in their entirety as set forth in Title 50 CFR.

Since the changes affecting duck limits in Alaska, and seasons for doves, rails and gallinules are a relaxation of existing regulations, publication prior to the date they become effective is not required (60 Stat. 237, 5 U. S. C. 1001 et seq.) and these amendments and §§ 6.51, 6.52, 6.53, 6.71, 6.72 and 6.73 shall become effective upon publication in the FEDERAL REGISTER. All other amendments will become effective on October 1, 1951.

(40 Stat. 755, as amended; 16 U. S. C. 704)

R. D. SEARLES,
Acting Secretary.

[F. R. Doc. 51–10538; Filed, Aug. 31, 1951; 8:47 a. m.]

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—CRAB ORCHARD NATIONAL WILDLIFE REFUGE, ILLINOIS

HUNTING

Basis and purpose. On the basis of observations and reports of officials of the Fish and Wildlife Service, it has been determined that there is an abundance of squirrels on certain portions of the Crab Orchard National Wildlife Refuge and that their removal by a controlled hunt can be permitted. This action will not interfere with the primary purpose of the refuge.

Inasmuch as the following regulation is a relaxation of the existing regulations applicable to the Crab Orchard National Wildlife Refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER §§ 33.58 to 33.60, inclusive, are added:

Sec.
33.58 Hunting permitted.
33.59 Entry.
33.60 Special restrictions.

AUTHORITY: §§ 33.58 to 33.60 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 33.58 *Hunting permitted.* Squirrels may be taken on all refuge lands east of Sneed Road during the hours of 5:00 a. m. to 5:00 p. m. daily from September 8–14, 1951, inclusive, in accordance with the State laws and regulations, and under such special regulations and conditions as may be prescribed by the officer in charge of the refuge, copies of which shall be available at refuge headquarters.

§ 33.59 *Entry.* Entry on and use of the refuge for participation in the controlled squirrel hunt shall be in accordance with the regulations in Parts 18 and 21 of this chapter and such special requirements as may be issued pursuant to § 33.58, and strict compliance therewith is required.

§ 33.60 *Special restrictions.* The season may be suspended on all or parts of the refuge by the officer in charge when, in his judgment, such action is necessary for the protection of wildlife populations on the area, or for the carrying out of official operations in the area.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Date: AUGUST 20, 1951.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 51–10507; Filed, Aug. 31, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 927]

[Docket No. AO–71–A–20–RO–1]

HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, which was issued on August 15, 1951 (16 F. R. 8275), is hereby extended to September 15, 1951.

Dated: August 29, 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51–10584; Filed, Aug. 31, 1951; 8:53 a. m.]

[7 CFR Part 937]

[Docket No. AO–230]

HANDLING OF MILK IN THE WESTERN MICHIGAN MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A 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 Coopersville, Michigan, on December 4–6, 1950, and at Grand Rapids, Michigan on December 7–12, 1950, pursuant to notice thereof which was issued on November 15, 1950, (15 F. R. 7886, F. R. Doc. 50–10434) on a proposed marketing agreement and a proposed order, regulating the handling of milk in the Western Michigan marketing area.

Upon the basis of the evidence introduced at the public hearing, and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on July 2, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 6, 1951 (16 F. R. 6573, F. R. Doc. 51–7815).

Rulings. Within the period reserved for filing exceptions, a number of producer cooperatives and milk distributors filed exceptions to certain of the findings, conclusions, and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues of record related to:

(a) Whether the handling of milk in the Western Michigan marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce;

(b) Whether the issuance of a marketing order for the Western Michigan marketing area will tend to effectuate the the declared policy of the act;

(c) The provisions to be included in an order if one is issued. The evidence on this issue involved:

(1) The extent of the marketing area;

(2) The definition of "handler", "pool plant", "producer", "other source milk", and other terms;

(3) The classification of milk and milk products;

(4) The determination and level of class prices;

(5) The method of distributing payments to producers;

(6) Administrative provisions.

Findings and conclusions. Upon the basis of evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

(a) The handling of milk produced for the Western Michigan marketing area is in the current of interstate com-

merce and directly burdens, obstructs, or affects interstate commerce in milk and its products. Substantial interstate movement occurs with respect to milk and the milk products produced therefrom in the supply area for the Western Michigan fluid milk market. The milk supplies for these cities and towns in Western Michigan are procured in an area in which milk distributors operating in larger interstate markets, particularly Detroit, Michigan, and Chicago, Illinois, draw fluid milk and cream for those cities. Producers supplying milk to distributors in this Western Michigan area have their farms intermingled with those of dairy farmers who ship to milk plants which regularly supply Detroit and Chicago.

Also intermingled with the producers who supply this Western Michigan fluid milk market are a large number of producers who are shipping milk to milk plants at which evaporated milk, butter, cheese, sweet cream, and dried milk and skim milk products are manufactured for sale throughout the United States. In fact it is common practice during the season of flush milk production for farmers to deliver directly to manufacturing plants a part or all of their milk approved for fluid consumption.

The flow of milk into the Western Michigan fluid market is affected by the relationship of that market's prices to the prices paid by competing fluid markets and by the manufacturing milk plants. Price relationships which interrupt or interfere with the distribution of milk in this region to the fluid and manufacturing markets in accordance with the relative value of milk for such outlets tend to burden, obstruct, and affect interstate commerce in milk and its products.

The excess milk over and above fluid requirements for the Western Michigan market is normally transferred to plants which manufacture butter, evaporated milk, and nonfat dry milk solids for sale in interstate markets. More than 20 million pounds of milk produced for the Western Michigan fluid market was transferred in 1949 to milk manufacturing plants by the Grand Rapids Milk Producers Association and the Muskegon Milk Producers Association. These two producers associations handled a substantial part of the milk in excess of fluid requirements for the Western Michigan market. The transfers by these associations to milk manufacturing plants for the first nine months of 1950 amounted to 18½ million pounds of milk.

Prices paid for milk by the fluid market, if out of line with prices paid by manufacturing plants, tend to increase or reduce this quantity of milk which is produced under the sanitary requirements of the fluid market but must be utilized in manufactured products. Therefore, the prices paid producers supplying the fluid market must be maintained in reasonable alignment with prices paid to manufacturing producers. It is also necessary to prevent unfair competitive pricing of the fluid milk market's surplus which is transferred to manufacturing plants at a price lower than the price offered by manufacturing plants to their regular producers.

Although the direct sale of milk in interstate commerce for fluid consumption by milk distributors in the Western Michigan market is limited at the present time to supplying the usual interstate passenger carriers, the location of the area is such that milk could be transported readily into Ohio and Indiana if prices in the Western Michigan market drop to unreasonably low levels. On the other hand, producers in Ohio and Indiana are in a position to make their milk available for sale in the Western Michigan market if prices in that area are attractive in comparison to the opportunities for sale in Ohio and Indiana.

(b) Marketing conditions in the Western Michigan area indicate that the issuance of a marketing order, such as that set forth herein, will tend to effectuate the declared policy of the Act with respect to milk produced for the Western Michigan fluid milk market.

Stability of marketing conditions and reasonable certainty of an adequate supply of pure and wholesome milk can be achieved in the Western Michigan marketing area only when all milk handlers in the area have reasonably equal costs of milk according to use and only when farmers supplying the market receive substantially the same prices per hundredweight for milk of equal quality. A condition of unequal costs among handlers causes them to attempt to obtain such equality either by reducing prices to producers which will tend to set up successive price reductions by competitors or it will cause some handlers to reduce the quantity of their purchases of milk in order to obtain proportions of higher valued uses of milk as nearly equal to competitors' utilization as possible. The latter reaction, however, may result in intermittent shortages of supply for the market and is, for that reason, unsatisfactory. The former method is oppressive to producers and over a longer period may jeopardize an adequate supply of milk. If producers receive widely varying prices for their milk they tend to shift around among milk dealers and to shift in and out of the market. These shifts engender unstable marketing conditions and militate against a dependable supply of pure and wholesome milk.

The record shows that conditions exist in the Western Michigan area which have resulted in the payment of widely varying prices to producers for milk of the same quality, and varying costs to milk distributors for milk for fluid consumption. These conditions must be remedied in order to establish and maintain such orderly marketing conditions as will establish prices to producers for milk delivered to the Western Michigan market that reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and milk products in the marketing area and will insure a sufficient quantity of pure and wholesome milk and be in the public interest.

The unsettled conditions which are disturbing the Western Michigan market result from the opportunity on the part of milk distributors to purchase milk from producers for fluid milk and cream sales within the area at widely varying prices. The price plans under which milk is presently purchased by distributors in the Western Michigan market include:

(1) A plan of payments according to class prices for determining the distributor's cost of milk, accompanied by a base and excess method of distributing payments to producers;

(2) A plan of one price for all milk which the distributor accepts for his fluid business with the understanding that producers will market their own excess milk through their own producer's association, combined with or without the base and excess plan of distributing returns to individual producers; and

(3) Various plans which price the base and excess milk delivered by each producer without regard to the utilization of the milk by the distributor.

The variety of buying plans employed in the market have resulted in purchasing advantages for certain distributors. To the extent that any distributor purchasing milk from producers without regard to its utilization uses more milk for fluid sales than the average used by other distributors, particularly those buying through cooperative associations which blend returns to their producers, that distributor can purchase milk for his fluid sales at about the average of prices paid by other distributors for their combined fluid and manufacturing milk. This results in a lower cost to this distributor of milk for fluid sales. Milk distributors in the area of course are aware of this opportunity. Some have laid off producers who were selling to them on the basis of a fluid price for milk used as fluid, and then have negotiated with other producers for an equivalent or larger quantity of milk at lower prices. The producers who are left without a market, particularly those delivering to the producers associations which guarantee a market for their members, have been forced to market their milk through manufacturing milk outlets thus depressing the average blend paid to members of the producers associations. Since these producers associations represent a large segment of the supply for the entire Western Michigan market, the influence of such lower prices tends to depress the prices received by all other producers in the area.

The plans under which distributors purchase milk from producers at prices based upon utilization are in many cases merely a vehicle for price bargaining since there is no obligation on the part of distributors to provide producers with an accounting for the use made of the milk purchased from them. In many instances producers do not know whether the distributor who paid them for milk at an excess price was utilizing that milk for bottled milk sales. It is evident, however, that payment for milk used for bottled milk sales at the excess or manufacturing milk price is not uncommon. It is possible also for a distributor to buy milk at the excess price and transfer it to another distributor who may use it for bottled milk sales. The distributor who received the transfer of excess milk

would then reduce his purchases from producers by an equivalent amount.

(c) The provisions to be included in an order if one is issued should be those contained in the attached recommended order.

(1) *Marketing area.* The marketing area should be defined to include all of the territory within the outer boundaries of the cities of Grand Rapids, Muskegon and Grand Haven and the densely populated areas surrounding these cities. This may be accomplished by defining the marketing area to include all of the territory within the boundaries of 17 townships in Kent County, 12 townships in Muskegon County, 6 townships in Oceana County and 10 townships in Ottawa County.

This area covers one natural milk market in which the distributors whose plants are located in one part of the area deliver fluid milk and cream to consumers in competition with distributors whose plants are located in other parts of the area. The producers supplying the milk distributors in this marketing area are intermingled to such an extent that the supply of milk for any part of this market would be seriously affected by any disparity in prices paid to producers supplying other parts of the market.

The requirements imposed by the health authorities of the principal urban areas within the Western Michigan milk market, Grand Rapids, Muskegon, and Grand Haven are very similar. The health inspection required of producers supplying distributors whose plants are located in the smaller towns and villages are patterned after the Michigan Model Milk Ordinance which is substantially the same as the ordinances now in effect in the three principal cities.

A group of producers requested that the marketing area be limited to Kent County only. The milk produced by these producers would be subject to a marketing order even if it applied to Kent County areas only. However, representatives of producers supplying distributors doing business outside of Kent County requested the inclusion of the larger area so that their milk would be made subject to any order which might be issued. The producers who requested that the marketing area be confined to Kent County claimed that higher sanitation standards prevail with respect to milk produced for consumption in Grand Rapids, the principal urban area in Kent County, than prevailed with respect to milk for other parts of the marketing area. The record fails to support this contention.

No representatives of distributors who would be affected by the proposed regulation offered testimony in opposition to the boundaries of the marketing area as herein provided.

One group of producers testified to the effect that certain parts of the area as it was set forth in the hearing notice should be excluded. These areas represented largely rural territories and the Holland, Michigan market. Distributors doing business in the West Michigan market apparently do not compete to any large extent with the distributors who operate in the Holland area. Producers supplying milk to the Holland area did not request that Holland be included in the marketing area. There appears to be no necessity for including the Holland area or rural areas in the marketing area in order to maintain orderly marketing in the Western Michigan milk market.

(2) *Definition of terms.* A handler should be defined as any person who operates a plant from which fluid milk products are disposed of for fluid consumption directly to consumers in the marketing area, or a plant which supplies an appreciable amount of milk to such a plant. Such a definition is designed to include all persons whom it is necessary to regulate under the order to accomplish the purposes of the act. The definition should include also any cooperative association with respect to that milk for which the cooperative assumes the responsibility for obligations under the order, as in the case of surplus milk diverted for the account of the cooperative.

Special provision is made for handlers who produce milk but who receive no milk from other producers or cooperative associations. Defined as "producer-handlers," such handlers are exempted from all provisions of the order except reporting and auditing.

The term "producer" should be defined in order to identify those dairy farmers who are the producers of the regular supply of fluid milk and cream for the market, and to whom the minimum prices specified in the order should be paid. Determination of producer status should be made on the basis of delivery of milk from the producer's farm to a pool plant. The proposed method of determining which plants are pool plants is discussed later in this decision.

The producer definition should allow a handler occasionally to divert the milk of some producers to nonpool plants if the handler reports the milk as producer receipts at his pool plant. This provision will facilitate interplant movements of milk for the purpose of adjusting to short-time variations in supply and requirements without depriving the farmers producing the milk of their status as producers.

The determination of pool plant status is the essential part of the determination of which dairy farmers are to be included in the market-wide pool. Therefore, specific requirements for pool plants are needed to define the supply which is generally regarded as a part of the fluid market.

Since the supply area for the Western Michigan market overlaps the supply areas of other fluid markets and the manufacturing milk production area, the pool plant definition should include a requirement that a substantial portion of the milk received at the plant be disposed of as fluid products in the marketing area. This requirement is intended to provide for including in the pool all of the plants which have significant fluid milk and cream sales in the marketing area. Fluid milk plants which primarily serve markets outside the marketing area but make a few sales inside the area, and plants which are primarily manufacturing milk plants would be excluded. Such plants cannot be regarded as a part of the Western Michigan fluid milk and cream market.

The order proponents suggested a requirement that 10 percent of the receipts from dairy farmers be disposed of in the marketing area directly to consumers. This figure appears to be reasonable and no opposition to it was expressed at the hearing. Therefore, the 10 percent requirement standard should be adopted.

The producer proponents of the order proposed also that a plant operated by a cooperative association be a pool plant without meeting the delivery requirements to pool plants distributing milk in the marketing areas in certain months provided the cooperative association plant had transferred a substantial quantity of milk to the fluid market in previous months. This proposal was designed to maintain the producer status of those dairy farmers whose deliveries are made to a plant auxiliary to the fluid market but which does not distribute milk directly to consumers. The only plant of this type mentioned in the record is operated by a cooperative association. However, the auxiliary type of plant need not be confined to cooperative operation. Therefore, it appears that some provision should be made for the inclusion of any plant which regularly supplies milk for fluid sales to any handler.

Participation in the fluid market can be demonstrated by the shipment of a certain percentage of the plant's receipts of milk to those plants which distribute milk and cream directly to consumers in the marketing area. During some months of the year, that is when the market is already amply supplied, it would not be practical to require the shipment of milk to the marketing area in order to maintain pool plant status. Therefore, such plants should be permitted to maintain pool plant status if they have previously shipped at least 10 percent of their milk receipts to the market as milk in eight of the 12 preceding months. For such auxiliary plants, it should also be required that the producers delivering milk to the plant hold permits issued by one of the health authorities of the principal cities in the marketing area. If such auxiliary plants are required to serve the Western Michigan fluid milk market, it is only logical to assume that they would be needed to serve the larger centers of population. No such plants are contemplated, according to the record, to serve the smaller communities in the marketing area.

Definitions of "producer milk" and "other source milk" are included to distinguish between the regular milk supply for the fluid market which is priced under the order and occasional receipts from other sources. Other source milk may be surplus from another fluid milk market or milk from a plant which is primarily a manufacturing plant. If such other source milk is disposed of as Class I milk in the marketing area, a payment on that quantity at the difference between the manufacturing milk price and the Class I price should be required in order to curb any incentive for handlers to drop regular producer supplies of milk

to purchase surplus or manufacturing milk at a price advantage.

The provisions of a base and excess plan of payment requires a definition of "base", "base milk", and "excess milk." Other standard terms are defined for the purpose of facilitating the drafting of subsequent provisions of the order.

(3) *Classification of milk.* Milk should be classified in two classes reflecting the principal differences in the value and in the quality of milk required for different uses. Class I should include all skim and butterfat disposed of for consumption as milk, skim milk or cream for fluid consumption, flavored milk, plant loss of producer milk in excess of 2 percent, and skim milk and butterfat not accounted for in Class II utilization. Class II should include skim milk and butterfat used to produce ice cream or ice cream mix, dried whole milk, nonfat dry milk solids, whole or skimmed, evaporated or condensed milk, sweetened or unsweetened, in bulk or in hermetically sealed cans, butter, cheese (including cottage cheese) or contained in buttermilk, livestock feed, or in milk dumped or in plant loss of producer milk not in excess of 2 percent and all plant loss of other source milk.

It was proposed that skim milk and butterfat in milk, flavored milk, skim milk and buttermilk for fluid consumption and milk not accounted for in other classes be included in Class I. That disposed of as sweet or sour cream for fluid consumption or used in cottage cheese was proposed as Class II and used in manufactured products except butter and nonfat dry milk solids, as Class III. Skim milk and butterfat used in butter, nonfat dry milk solids and livestock feed and in dumped milk and plant loss, limited to 2 percent in the case of producer milk, would make up Class IV.

Representatives of health departments in the major cities of the marketing area testified that milk sold for fluid consumption and that used to produce skim milk, flavored milk, or cream sold for fluid consumption must be produced and handled in compliance with the same sanitation standards. These standards are substantially uniform in all of the cities. The proposal for a separate classification for cream was based on the possibility that some handlers who operate only in portions of the marketing area not subject to city health regulations may sell cream not made from inspected milk. The volume of such sales would be relatively small and would not justify a lower price classification for all cream sold by handlers. The record does not indicate that there are any such sales.

It is concluded that milk disposed of for fluid consumption, or as any product which must be made from milk which meets all sanitary requirements of milk for fluid consumption, should be in Class I. This would include milk used for cream, flavored milk, and skim milk for fluid consumption.

It was proposed to classify milk for manufacturing uses into two classes with milk used to make butter or nonfat dry milk solids priced lower than that used in other products. The reason given for this classification was that it may be necessary to dispose of some milk as butter and skim powder at a lower return than that realized for milk for other manufacturing uses. Testimony indicated, however, that milk not needed for milk or cream for fluid consumption is normally diverted to plants for manufacture into products other than butter or powder.

Almost all of the more than 19.5 million pounds of milk moved to manufacturing plants by one cooperative in the first 10 months of 1950 went to plants manufacturing evaporated milk. No data were submitted to show how much inspected milk is used in the manufacture of butter and powder. There was no indication that an outlet for surplus milk in butter and powder manufacture is available to many handlers. In any event the amount so used appears to be too small to justify a separate classification at a lower price. Most of the excess milk in the market may be disposed of in the manufacture of products proposed to be included in Class II. It is concluded therefore that all skim milk and butterfat used in manufactured dairy products should be classified as Class II. This class also should include skim milk and butterfat in animal feed, dumped milk and plant loss, limited to 2 percent of receipts in the case of producer milk.

Since some handlers combine operations which utilize other source milk in the same plants as those which handle producer milk for the fluid market, it is necessary to provide a method for allocating such other source milk to the classes of utilization. Since producer milk is the milk which is regularly available for fluid consumption in the marketing area, the method of allocation provides that producer milk shall be allocated to Class I to the extent that such use is available.

Producers proposed that plant loss up to 2 percent of producer milk received be allowed in the lowest price class, any in excess of this amount to be in Class I. With plant operation of average efficiency, losses normally should not exceed 2 percent. Unlimited allocation of plant loss to Class II would place a premium on unaccounted-for milk and encourage incomplete records of Class I utilization. Plant losses of producer milk in excess of 2 percent should, therefore, be included in Class I. It was proposed that the 2 percent allowance be computed on milk deliveries received directly from dairy farms. Such a provision, as well as the standard provisions for prorating loss between producer and other source milk, and allowing for loss on diverted producer milk at the plant where actually received, should be included in the order.

Provision is made for classification of milk transferred between handlers and between handlers and persons not handlers. In the case of transfers between handlers, transfer is permitted in any agreed class in which the transferee plant has utilization in an amount equal to or greater than the amount so transferred, after allocating any other source milk, since under a market-wide pool the classification of milk transferred between handlers may represent any agreed producer milk use without affecting the payment to producers. Both handlers are required to report the transferred milk in the agreed classification, otherwise milk and cream transfers are classified as Class I.

In the case of transfers from a handler plant to a plant not operated by a handler, a requirement that producer milk be allocated to the higher value uses in the transferee plant might make it difficult for handlers to dispose of surplus milk. It is concluded that transfers from a handler plant to a plant not operated by a handler in the form of milk, skim milk or cream should be in Class I, but that such transfers may be classified as Class II, if so shown on the transferor's report, such use is certified by the transferee not later than the last day of the following month, the transferee or another plant to which the product may be moved by the transferee has an equivalent use in Class II and keeps books and records which make it possible for the market administrator to verify such use. An exception is provided in the case of transfers to a plant disposing of Class I milk, in which case transfers are allocated to any excess Class I disposition over milk receipts at the plant from dairy farmers.

(4) *Class prices.* Since the Western Michigan fluid milk market supply is obtained from a region in which large quantities of milk are delivered to plants which manufacture various milk products, it is necessary that the price for the fluid market be closely related to the level of prices being paid at competing manufacturing plants. There are some differences from time to time between the prices paid at plants manufacturing different products. Therefore, the Class I price should be related to that particular manufacturing milk price which represents the best outlet for manufacturing milk at any particular time. The method of accomplishing this has been to relate the Class I price to a series of basic formula prices which represent different kinds of manufacturing milk prices. A differential should be added to the highest of the prices determined by 4 separate alternate price formulas to determine the Class I price for each month.

(i) *Basic formula prices.* Producers proposed 4 alternate basic formulas for use in determining the Class I price. These formulas are based on market prices of butter and powder, butter and cheese, prices paid dairy farmers by 18 midwest dairy manufacturing plants, and prices paid by 3 Michigan dairy manufacturing plants. Three of the four price formulas included in the producer proposal are widely used for determining Class I prices in milk markets under Federal regulation. The use in this order of these price formulas with appropriate differentials added would correlate the Western Michigan Class I price with Class I prices in other markets such a Toledo, Detroit and Chicago. No objection was made to the use of the average of prices paid by certain Michigan manufacturing plants as an alternate basic formula. The plants proposed handle a large amount of the excess milk of the Western Michigan area. It is concluded that the 4 alternate basic formulas proposed are appropriate as measures of the value of

milk for manufacturing uses in the Western Michigan area and should be used for this purpose in the order.

Use of the highest formula prices as the basic formula price would base the Class I price on the most favorable manufacturing use for milk in each month. In an area where all important dairy products are manufactured, fluid milk markets must compete for milk with plants making the highest value products. The class I price should therefore be based on the formula representing the highest value of milk for manufacturing.

(ii) *Class I price.* The Class I price should be determined by adding $1.15 to the basic formula price. This added differential should be increased 15 cents when a shortage of producer milk for Class I utilization is indicated by the ratio of receipts of producer milk to Class I utilization in the second preceding two months and decreased by 15 cents when an excess supply of milk is so indicated. An additional 15 cents should be added or subtracted for each additional full five percentage points decrease or increase in the ratio of producer milk receipts to Class I utilization.

Producers proposed a Class I price differential of $1.20 to be added to the basic formula price each month. Although records of milk prices, production and sales for the Western Michigan marketing area as a whole are not complete, satisfactory records are available for the Muskegon portion of the area and experience in this segment of the area is typical of the area as a whole. During the 12-month period ending with September 1949 the "plant requirements" price (which applied to a volume of milk slightly in excess of the amount which would fall in Class I (as defined herein) averaged $1.50 above the manufacturing milk price as represented by the highest of 3 of the 4 proposed basic formulas. During and following this period, the supply of milk in relation to plant requirements increased steadily, indicating that the price reflected to producers by pricing "plant requirements" milk at $1.50 over the manufacturing milk price was at a level which would eventually attract an oversupply of milk. In the following 12-month period, October 1949–September 1950, the "plant requirements" price averaged $1.13 above the manufacturing milk price. During the first few months of this period, milk deliveries remained relatively high in relation to Class I utilization, but later declined to slightly above the level of corresponding months of the previous year and appear to have stabilized at that level. These market records indicate that a "plant requirements" price averaging $1.13 above the price of milk for manufacturing has maintained about the proper supply of milk to meet market needs. A slightly higher price applying to Class I milk would be needed to maintain the blend price to producers at the level resulting from a $1.13 "plant requirements" price.

The milksheds for the Detroit and Western Michigan markets overlap. A location adjustment of 21 cents is deducted from payments to Detroit producers within the Grand Rapids milkshed. This would make the Class I price differential recommended for the Detroit market equivalent to $1.14 at a Detroit receiving plant in the Grand Rapids milkshed. Considering the price level necessary to attract a sufficient supply of approved milk as shown by Muskegon market records, and the desirability of correlating Western Michigan area producer prices with prices paid by competing markets, it is concluded that $1.15 should be added to the basic formula price each month to determine the Class I price.

To aid in insuring an adequate supply of milk and to correlate producer prices with those in the Detroit market, a supply-demand price adjustment is desirable to bring about an automatic price increase when the supply of producer milk is at such a level in relation to Class I utilization that a shortage in the months of seasonally low production is indicated, and a price decrease when the supply may be expected to be substantially above Class I needs in the low production months. These price changes should be made as soon as possible after an oversupply or shortage is indicated, as a lag of a few months may result in increased prices in the spring months of high production as a result of a shortage the previous winter. A minimum lag of 2 months appears necessary, allowing computation in the current month of the market supply-demand relationship in the preceding two months to be applied to the Class I price in the next following month. While no specific proposal for such a price adjustment was made, the desirability of such a provision was brought out in testimony.

A minimum milk supply for the market of 115 percent of Class I utilization is usually considered necessary in any one month to provide adequate milk for Class I uses because of unequal distribution among handlers and daily and weekly variations in receipts and sales. A supply of more than 130 percent of Class I utilization in the shortest supply month would indicate a supply larger than needed. An upward price adjustment would be indicated if the market supply of producer milk in the shortest supply month might be expected to fall below 115 percent of Class I utilization and a downward adjustment indicated if the supply might be expected to exceed 130 percent of Class I utilization. Monthly data on daily average deliveries per farm indicate a fairly uniform seasonal variation in production each year. The supply-demand ratio for other months which would correspond to the 115 percent-130 percent range in the shortest supply month may therefore be computed by adjusting the midpoint of these ratios by a standard seasonal variation in producer milk deliveries computed as an average of the seasonal variation of the most recent 5 years. A Class I price increase is then indicated at 7.5 percentage points below the ratio and a decrease at 7.5 percentage points above the ratio, as computed for each month, and an additional increase or decrease for each additional full 5 percentage points decrease or increase in the receipts—Class I utilization ratio. This price adjustment may require revision after complete data on the market supply and sales are available.

Records of producer milk receipts in relation to sales and to producer prices indicate that 15 cents for each 5 percentage points is a desirable rate of supply-demand adjustment of the Class I price differential. A differential of $1.50 seems to have been effective in stimulating an increased supply of milk. A ratio of producer milk receipts to Class I utilization indicating a 105–110 percent ratio in the shortest supply month would increase the differential to $1.45 at the recommended rate of adjustment and this price, on the basis of market records, may be expected to stimulate increased milk receipts and relieve the threatened shortage.

To avoid a succession of increases and decreases if the ratio should fluctuate slightly above and below the level at which a price change is affected, it is provided that after a price change occurs a change in the ratio of an additional ½ percentage point is required to bring about a succeeding change in the opposite direction.

(iii) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Western Michigan milkshed. An appropriate price for this use is the higher of the average of the prices paid by 3 local dairy manufacturing plants and a price determined by a formula based on the market prices of butter and skim powder. The average of the prices paid by 3 Michigan dairy manufacturing plants, as recommended for use as an alternate basic formula price, will normally reflect the value of milk in the Western Michigan area which is not used for fluid consumption as milk or cream. The three plants selected are so located that their production areas include most of the Grand Rapids-Muskegon milkshed. They manufacture evaporated milk, dry milk and skim milk, cottage cheese and sweet cream. They are not operated or controlled by persons who will be handlers under the order. Two of these three plants handled over 19 million pounds of surplus milk from the Grand Rapids and Muskegon markets in the first 10 months of 1950, and represent the principal outlet for surplus milk for these markets. Two of these plants also are included in the 18 midwest plants used in determining the basic formula price in most Federal milk marketing orders and recommend for such use herein. Prices paid by the three plants over the last 4 years indicate the average of these prices will provide an appropriate alternate price for Class II milk.

It is possible, however, that due to the limited number of plants which it is practical to use, and the limited area represented, that prices paid by these plants may be lower at times than the market prices of manufactured dairy products would justify. As a safeguard against temporary depressed prices in the local area, an alternate Class II price based on the market prices of butter and nonfat dry milk solids should be provided. A formula used in many milk markets under Federal regulation for

pricing milk for manufacturing uses was proposed. This formula determines butterfat values at the average price of 92-score butter at Chicago plus 20 percent, and skim milk values at the average price of spray and roller process nonfat dry milk solids at Chicago area plants less a manufacturing cost allowance of 5.5 cents per pound and converted to skim milk equivalent by use of a yield factor of 8.5 pounds of powder per hundredweight of skim milk. Use of this formula price as an alternate Class II price would insure a price related to values of manufactured dairy products during any periods when the price paid by the particular local plants selected might be abnormally low for any reason.

Comparing the class prices here recommended with those proposed by producers, using October 1950 prices, the proposed Class I at $4.217 and Class II at $3.717, would be combined in Class I at $4.167, and the proposed Class III at $3.124 and Class IV at $2.864 would be combined in Class II at $3.124.

(iv) *Method of pricing.* The classification and allocation of producer milk should be on a skim milk and butterfat basis. Because of the wide variation in the butterfat test of the various products, it is probable that the skim milk from producer milk will frequently be utilized in a different class than the butterfat from the same milk. Classification of skim milk and butterfat separately is necessary to accomplish complete classification according to use. It is also necessary to allocate producer skim milk and butterfat separately in order to give both skim milk and butterfat in producer milk preference over other source milk in the higher value uses. A continuation of the whole milk system of pricing is desirable. Class prices should be expressed as hundredweight prices, and the price for each class should be adjusted to the actual butterfat test of the class by use of the butterfat differentials set forth below.

(v) *Handler butterfat differentials.* The Class I butterfat differential under the pricing method proposed by producers would be equivalent to the lower of 80 percent of the Class I hundredweight price or the percentage represented by the butter portion of the butter-powder formula, in either case divided by 35. Under present conditions, the 80 percent computation would be effective. Milk has not customarily been sold on a utilization basis in the market and the butterfat differential used in paying producers has been the only differential in use. At current price levels the Class I hundredweight price would be about 24 percent above the Class II price. The addition of 2 cents to the producer butterfat differential herein provided would provide a Class I butterfat differential 21 to 25 percent above the Class II butterfat value. This would bring about approximately the same relative differences between the Class I and II butterfat values and the Class I and II skim milk values. A differential so determined would give approximately the same result as the 80 percent computation proposed. It is concluded that the addition of 2 cents to the one-tenth percent producer butterfat differential, which is based on the price of 92-score butter at Chicago, will provide an appropriate Class I butterfat differential.

When the butter-powder formula is effective in setting the Class II price, the butterfat differential for that class should be based on the butterfat value determined by the formula. In the event the 3-plant average pay price is the effective Class II formula, an approximately equivalent butterfat differential may be determined by dividing 80 percent of such price by 35.

(5) *Payments to producers*—(i) *Type of pool.* Market-wide pooling of all proceeds of producer milk was proposed by the producer representatives. Marketing conditions require the payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some distributors buy as closely as possible to their needs and carry little or no surplus in the high production months. A cooperative handles the spring surplus production of its members and supplies several distributors with milk as needed. Some country plants may supply milk for fluid distribution only in the months of low production but maintain an available supply at all times. Producers supplying these various handler plants contribute equally to making available a year-around supply of milk but would receive widely varying returns under an individual handler pool method of payment.

Handlers are required to make payments for all producer milk received at the uniform base price for base milk and the excess price for excess milk, as explained below, either to producers directly or to a cooperative association for milk delivered by member producers. In the case of producers for whom a cooperative acts as marketing agent, payment may be made to the producer or to the cooperative, as agreed between the cooperative and the handler.

(ii) *Base-excess plan.* A "base plan" for returning the proceeds of milk sales to producers in a way which will encourage more uniform seasonal production is provided. Milk is to be paid for on the basis of deliveries during the August–December period.

Base plans have been in use in the Grand Rapids and Muskegon markets for several years, and a proposal was made to incorporate a base plan in the order in substantially the form now in use by the proponents. The effect of the base plan in encouraging more even production is shown by records of daily average deliveries per farm. In the Grand Rapids area deliveries in the highest month of 1942, the earliest year for which data were submitted, were 152 percent of the lowest month and in 1949 deliveries in the month of highest deliveries were only 135 percent of deliveries in the lowest month. Corresponding ratios for the Muskegon market were 172 percent for 1943 and 136 percent for 1949.

Fundamentally, the plan provides that each producer will receive the manufacturing milk price for milk delivered each month in excess of a daily average amount, the producer's "base", which base is the daily average of shipments of the producer for the period of August through December of the previous year, the "base period." For milk deliveries not in excess of base, a "base price" is paid which is computed by dividing total market base milk deliveries into the remaining returns for all producer milk marketed during the month after deducting the value of the milk in excess of base. Each producer's base for the 12 months starting each February 1 is his average daily deliveries during the August 1–December 1 period of the preceding year.

The proponent cooperatives proposed that a new producer entering the market or a producer electing to give up his base, be paid for a certain percentage of his milk during each of the first three full months of delivery at the base price and the remainder at the excess price. These percentages would be fixed for each month at a somewhat lower percentage of base and higher percentage of excess than the normal market average of all producers for the month. The average daily amount of milk paid for as base milk over the three-month period would determine the producer's daily base until a new base is established. The percentages proposed reflect the seasonal production pattern of new producers as determined from market experience. The low spring percentages are necessary if producers are to be given the option of establishing a new base in order to prevent producers having a wide seasonal variation from receiving higher payments than justified by establishing two bases each year. Also producers are not encouraged to enter the market in the months when there is an oversupply of milk. The recommended percentages of milk deliveries to be paid for at the base price, 75 percent for February, 70 percent for March, 60 percent for April and July and 40 percent for May and June, are appropriate for making payments in these months to new producers and to producers who elect to establish new bases. Payments during the base period, however, should be at the market blend price as discussed below. Base should be established on deliveries during the base period at 80 percent of deliveries. This would give old shippers the option of establishing a new base on 100 percent of daily average deliveries in the 5 months of August through December or 80 percent of deliveries in the 3 months of October, November and December.

In the Western Michigan market the months of lowest production in relation to fluid milk sales are normally October, November, December and January. The base period proposed includes August and September which are usually months of more plentiful supply than are January and February, and does not include January. These months appear to have been selected to offset the lag in production responses which require the stimulas to fall and winter production to become effective some months in advance of the period of shortest production in relation to market needs. A base period extending through January and February would tend to result in higher production in the spring months of over-

supply. Deliveries of milk in the 5 months of the base period averaged over 89 percent of "plant requirements" in the Grand Rapids area in the last 5 years which indicates the desirability of shifting production to those months. It is concluded that the proposed base forming period should be adopted except that deliveries for only 122 days during the period be required. This would allow a producer starting delivery not later than September 1 to establish a base on 100 percent of deliveries for 4 months, and for limited lapses in delivery during the period by those who ship for 5 months.

Continuation of producer payments on the base and excess plan during the base forming months was proposed. The base-excess plan was proposed as an incentive for more even seasonal production, the objective being to encourage each producer to produce more of his total year supply of milk in the late summer and fall months and less in the spring months. The plan, therefore, should not discourage increased fall production by requiring payment for all or part of higher production at the excess price. It was proposed that a new producer, or an old producer desiring to establish a new base, be paid during the base forming months at the base price for 80 percent of his milk deliveries and at the excess price for 20 percent. However, no penalty should be imposed during these months when the supply of milk is shortest in relation to demand, either on new shippers entering the market or on old shippers who desire to increase the level of their milk deliveries. It is concluded, therefore, that during the base forming months a new shipper, or an old shipper, who relinquishes his base, should be paid the market blend price for all milk delivered during up to 3 of these months, and a base then be established at 80 percent of the average daily deliveries during 3 months. If deliveries are made for 4 or 5 of the base forming months, a new base of 100 percent of such average deliveries would become effective February 1. Only 80 percent of a producer's deliveries are allowed as base when the base is established on three months deliveries. Such deliveries are made at the uniform price. Deliveries of milk for two of the base forming months in the case of old shippers and one or two months in the case of new shippers are made under the previous base or the newly established 80 percent base in establishing a base on 100 percent of his deliveries. These provisions will require reexamination after data are available on the results of their operation to determine the possible restrictive tendencies.

A proposal that bases be reduced by the difference between the average base period deliveries and 90 percent of the previous base was the result of long experience in the market which has shown that such an adjustment eliminates most cases of inequity and dissatisfaction because of reductions in base due to accident, disease, weather, feed quality and other conditions more or less beyond the control of the producer.

A producer may desire to change his level of production and should not be required to receive payment for the higher production at the excess price until the next February 1st. It was proposed that producers be permitted to reestablish a base in line with their normal production level by allowing any producer to relinquish his base and to establish a base as a new producer once during each year. This would make the plan more flexible and would take care of cases of abnormally low production during the base period due to unusual circumstances.

A period of one month is allowed following the end of the base period to computate new bases. Every producer (except those who have been on the market less than 3 months) receives a new base on February 1 computed as the average of daily deliveries during the base forming months, or 80 percent of average daily deliveries in 3 months.

It was proposed that bases in use on the effective date of the order be applicable, subject to the approval of the market Administrator, until the next February 1. However, the record indicates that there are a large number of producers who would have no base. It was proposed that the market administrator collect data on deliveries of these producers for the previous base forming months, or the first 3 months of delivery, and compute bases as if the order had been in effect during the base forming months of the previous year. Aside from the difficulties of collecting the data and making the computations in the brief period allowed, and the probable lack of some necessary records, which make the proposal impractical if not impossible to carry out, the proposal, in effect, would make certain provisions of the order retroactive to periods several months before the order would become effective. The last objection also applies to requiring payments on bases already established previous to the effective date of the order.

It is provided that all milk be paid for at a uniform price until bases have been established by deliveries during the first base period after the order becomes effective. This, of course, would not prevent a cooperative from repooling the returns for milk of its members and making payments on such base and excess plan as it may elect.

Rules have been provided for the handling of bases under certain circumstances. It is provided that any producer who fails to deliver milk to a handler for 45 consecutive days shall lose his base.

(iii) *Producer butterfat differential.* Payments to producers must be adjusted for butterfat content. The proposed butterfat differential, based on the market price of 92-score butter at Chicago is now widely used in the market. This differential (7 cents for 60–65 cent butter, and changing ½ cent with each full 5-cent change in the market price of butter) appears to have resulted in a supply of producer milk of satisfactory butterfat test for the needs of the market. Approximately the same rate of differential is used by manufacturing plants in the area, and its use will maintain the same relative price relationship to manufacturing milk at the various tests. It is therefore recommended as a provision of the order. Order prices are set for 3.5 percent milk as prices have always been announced for milk of this test in the market, and the basic test of 3.5 percent apparently requires a minimum of adjustment to arrive at prices for actual tests of producer milk.

(6) *Administrative provisions* — (i) *Administrative assessments.* The act provides that the costs of administering a milk marketing order shall be financed by assessments on handlers subject to the order. An assessment of 4 cents per hundredweight of milk received from producers was proposed for this purpose. Testimony indicates that a fair apportionment of the administrative costs among handlers may be arrived at by basing the assessment on receipts of producer milk only. Normally, little or no other source milk is received as milk at handler plants. Should the rate of 4 cents per hundredweight prove more than adequate to cover costs of administering the order, it is provided that the Secretary may prescribe a lower rate.

(ii) *Market services.* To verify payments to producers at required rates, it is necessary to determine that butterfat tests and weights are accurate. To promote orderly marketing and encourage the production of an adequate supply of milk of satisfactory quality, it is necessary to furnish information regarding the market to individual producers. The cost of these market services should be paid by the producers who receive the benefits. Cooperative associations may be performing these services for members. It is provided, therefore, that in making payments to producers who are members of cooperatives determined by the Secretary to be performing such services, handlers shall be required to deduct from payments to producers and pay to the cooperative such amounts as are authorized by the members of the cooperative. In the case of producers who are not receiving such services from their cooperative, the service should be performed by the market administrator with funds provided by a deduction from payments to such producers. It is provided, therefore, that a deduction of 5 cents per hundredweight be made from payments to producers not receiving market services from a cooperative of which they are members and paid to the market administrator to be used for performing such services, and that this rate of 5 cents may be lowered by the Secretary if experience proves a lesser amount to be sufficient.

(iii) *Other administrative provisions.* The other provisions cover administrative procedures necessary to carry out the pricing and payment requirements of the order, and for the liquidation of accounts in the event of suspension or termination of the order. Appointment of a market administrator is provided for and his powers and duties are prescribed. The computations to be made by the market administrator in determining class prices, the uniform price and the base price are set forth. A producer-equalization account is provided and the method of determining payments due to and from this account outlined so that each handler's payments to or receipts from this account, together with his pay-

ments to producers or cooperatives for milk will equal the value of his producer milk at the class prices. Handlers are required to permit verification by audit of all utilization of milk and milk products. Handlers are required to preserve all necessary records to show receipts, utilization and payments for a period of three years. This is considered long enough to allow for all necessary verification and at the same time not burden handlers with an unreasonable volume of old records. Records involved in any litigation, however, must be retained until released by the market administrator.

The termination of any obligation of a handler regarding any payment required by the order or of the market administrator to pay any handler is provided at the end of the two years. Exceptions in the case of handler obligations are made in cases of notification of the obligation by the market administrator, failure or refusal of a handler to submit records, or transactions involving fraud or willful concealment of facts. A definite date for terminating obligations prevents the filing of claims which might extend back many years and involve substantial amounts. The resulting uncertainty could cause serious inequities and endanger the stability of the market. Handlers cannot always be forewarned as to contingent liabilities and it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. It is concluded that in general a period of two years is a reasonable time in which the market administrator should complete his audits and render billings for money due under the order.

Payments to producers have customarily been made on the 15th of the month following that in which the milk was received. It is considered desirable to continue this practice, as a shorter time is impractical considering the necessary reports and computations to be made. On the other hand, producers should not be required to wait longer than 15 days when payment can be made within that time. Dates specified for announcement of class prices, submission of handler reports, announcement of uniform prices and equalization fund obligations are so set as to permit payments to producers by the 15th of the following month.

(7) *Other provisions.* Other source milk is not subject to the pricing provisions of the order. To discourage the diversion of Class I sales from producer milk to other source milk, which may be obtained at a lower cost to the handler, it is provided that a handler shall pay to the equalization account an amount computed by multiplying any quantity of other source milk allocated to Class I by the difference between the Class I and Class II prices for the month.

Producers are deprived of the use of money rightfully belonging to them if a handler refuses to pay an obligation when due. It is provided therefore that an added charge of one-half percent per month be added to overdue accounts which will compensate producers for being deprived of money due them and also remove the advantage which would accrue to a handler if he could delay payments and have the use of money due to producers at no cost.

To avoid the application of two or more Federal orders to the handling of the same milk, it is provided that if the Secretary determines the handling of any milk to be subject to the pricing and payment provisions of any other Federal milk marketing order, it shall be exempt from all except the reporting and auditing provisions of this order.

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, the 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 a marketing agreement or an order regulating the handling of milk in the Western Michigan marketing area in the manner set forth in the order hereby adopted 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 "Marketing Agreement Regulating the Handling of Milk in the Western Michigan Marketing Area," and "Order Regulating the Handling of Milk in the Western Michigan 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 order which will be published with this decision.

This decision filed at Washington, D. C. this 29th day of August 1951.

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

Order[1] *Regulating the Handling of Milk in the Western Michigan Marketing Area*

Sec.

[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.

TERMINATION OF OBLIGATIONS

Sec.
937.110 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

937.120 Effective time.
937.121 When suspended or terminated.
937.122 Continuing obligation.
937.123 Liquidation.

MISCELLANEOUS PROVISIONS

937.130 Agents.
937.131 Separability of provisions.

AUTHORITY: §§ 937.0 to 937.131, inclusive, issued under sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c.

§ 937.0 *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 Western Michigan 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 supply and demand for milk in the marketing area, 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; and

(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 maintainence and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all producer milk (including such handler's own production) received during the month.

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

DEFINITIONS

§ 937.1 *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.).

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

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

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

§ 937.5 *Western Michigan Marketing Area.* "Western Michigan Marketing Area," referred to in this subpart as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the following townships in the State of Michigan:

Kent County:
Ada.
Alpine.
Algoma.
Byron.
Caledonia.
Cannon.
Cascade.
Courtland.
Gaines.
Grand Rapids.
Lowell.
Paris.
Plainfield.
Sparta.
Vergennes.
Walker.
Wyoming.

Muskegon County:
Blue Lake.
Dalton.
Fruitland.
Fruitport.
Laketon.
Montague.
Muskegon.

Muskegon County—Continued
Norton.
Ravenna.
Sullivan.
White River.
Whitehall.

Oceana County:
Claybanks.
Benona.
Golden.
Grant.
Hart.
Shelby.

Ottawa County:
Allendale.
Chester.
Crockery.
Georgetown.
Grand Haven.
Polkton.
Robinson.
Spring Lake.
Talemadge.
Wright.

§ 937.6 *Pool plant.* "Pool plant" means a plant (except a plant receiving milk from dairy farmers whose payments for milk are subject to the provisions of another Federal milk marketing agreement or order) at which milk is received directly from dairy farmers and from which during the month:

(a) An amount of milk equal to 10 percent or more of the total milk received from dairy farmers at such plant is disposed of in the marketing area as Class I products other than to another pool plant; or

(b) An amount of milk equal to 10 percent or more of the total milk received from dairy farmers at such plant was transferred to a plant(s) described in paragraph (a) of this section during 8 of the 12 months immediately preceding the current month: *Provided,* That such milk is approved by the authorized health agencies of Grand Rapids, Grand Haven or Muskegon, Michigan, for sale for fluid consumption in the marketing area.

§ 937.7 *Handler.* "Handler" means any person who operates a pool plant or a plant from which, during the month, products defined as Class I milk are disposed of directly for fluid consumption in the marketing area, and a cooperative association with respect to milk customarily received at a pool plant which is diverted to a nonpool plant for the account of the association.

§ 937.8 *Producer.* "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, or to any other plant by diversion from a pool plant for the account of a handler.

§ 937.9 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 937.10 *Other source milk.* "Other source milk" means all skim milk and butterfat in any form received at a handler's plant other than from producers or other handlers.

§ 937.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which the Secretary determines:

(a) Is qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members; and

(c) Is engaged in making collective sales or marketing milk or its products for its members.

§ 937.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 937.70.

§ 937.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1952.

§ 937.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

MARKET ADMINISTRATOR

§ 937.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 937.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 937.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and pro-

visions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 937.85:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 937.86, 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 in this subpart, and, upon request by the Secretary, surrender, the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 937.30 and 937.31, or (2) payments pursuant to §§ 937.80 and 937.83;

(g) Calculate a base for each producer in accordance with § 937.70 and advise the producer and the handler receiving the milk of such base;

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

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to §§ 937.51 and 937.52, and the handler butterfat differential computed pursuant to § 937.53, and

(2) On or before the 10th day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 937.62, 937.63 and 937.64, and the producer butterfat differential computed pursuant to § 937.81.

REPORTS, RECORDS AND FACILITIES

§ 937.30 *Monthly reports of receipts and utilization.* On or before the 5th day of each month, each handler who operates a pool plant shall report to the market administrator, for the preceding month, in the detail and on forms prescribed by the market administrator, the receipts at his pool plant from each of the following sources and the quantities of butterfat and skim milk contained in such receipts; the utilization of such recepits; and such other information with respect to such receipts and utilization as the market administrator may prescribe;

(a) All producer milk received, including diverted producer milk;

(b) All skim milk and butterfat in any form received from each other handler; and

(c) All other source milk received except any non-fluid milk product which is disposed of in the same form as received.

§ 937.31 *Other reports.* (a) Each producer-handler and each handler who does not operate a pool plant shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer, or to a cooperative association; and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 937.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 937.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 937.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant (a) in milk from producers or from a cooperative association, (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 937.30, shall be classified (separately as skim milk and butterfat) in the classes set forth in § 937.41.

§ 937.41 *Classes of utilization.* Subject to the conditions set forth in §§ 937.42 and 937.43 the classes of utilization shall be;

(a) Class I utilization shall be all skim milk and butterfat

(1) Disposed of for consumption in fluid form as milk, skim milk or flavored milk, or sweet cream or sour cream for consumption as cream; and

(2) Not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat accounted for—

(1) As used to produce ice cream, ice cream mix, or cottage cheese, or disposed of as whole or skimmed condensed or evaporated milk (sweetened or unsweetened) in bulk or in hermetically sealed cans, cheese, buttermilk, dried whole milk, nonfat dry milk solids, or butter;

(2) Dumped or disposed of as livestock feed;

(3) As actual shrinkage of skim milk and butterfat in producer milk, but not to exceed 2 percent of such receipts; and

(4) As actual shrinkage in other source milk.

§ 937.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and in other source milk.

(b) Shrinkage on producer milk shall be computed on that quantity of milk received directly from producers. Shrinkage shall be computed on diverted producer milk at the plant receiving such milk.

§ 937.43 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to another pool plant in the form of milk, skim milk or cream shall be Class I utilization unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 937.30: *Provided,* That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant of the transferee handler after allocating other source milk in such plant in series beginning with the lowest priced utilization.

(b) Milk moved in the form of whole milk from a pool plant to a plant not a pool plant but disposing of milk for Class I uses shall be allocated to Class I in an amount equal to any disposition of milk for Class I uses from such plant in excess of the amount of milk received at such plant from dairy farmers.

(c) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool to a plant not a pool plant shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the operator of the pool plant in his re-

port submitted pursuant to § 937.30 and a statement certifying to such Class II utilization is received by the market administrator from the operator of the nonpool plant to which skim milk and butterfat was moved not later than the last day of the month following the month of such movement.

(2) The operator of such nonpool plant in the month of such movement had actually used an equivalent amount of skim milk and butterfat in Class II, or moved such amount to another nonpool plant which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of such Class II utilization.

§ 937.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 937.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for each handler.

§ 937.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 937.41 (b) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the pounds of butterfat remaining in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 937.43 (a); and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 937.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 937.46.

MINIMUM PRICES

§ 937.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c) and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the simple average as computed by the market administrator of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter (using the midpoint of any price range as one price) at Chicago as reported by the U. S. D. A. for the month;

(2) Add an amount equal to 2.4 times the simple average as published by the U. S. D. A. of prices per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the trading days that fall within the month;

(3) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(d) The average of the 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 for which prices have been reported to the market administrator:

Present Operator and Location

Carnation Milk Co., Sparta, Mich.
Saranac Milk Products Co., Saranac, Mich.
Pet Milk Co., Wayland, Mich.

§ 937.51 *Class I milk price.* (a) Subject to the provisions of paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant as described in § 937.6 for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall be the basic formula price plus $1.15.

(b) The market administrator shall compute each month a "utilization ratio" which shall be the percentage that total receipts by all handlers of producer milk during the first and second months next preceding the current month, is of total Class I utilization of all handlers during such two-month period. For each month the Class I price shall be decreased 15 cents if the "utilization ratio" as computed in the next preceding month is 7.5 percentage points or more above the average of the percentages for the corresponding months in the following schedule and the Class I price shall be increased 15 cents if such "utilization ratio" is 7.5 percentage points or more below the average of the percentages for the corresponding months in such schedule. The Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such "utilization ratio" is above or below the percentage for the corresponding month in such schedule: *Provided,* That when the price has been so decreased or increased it shall not next be increased or decreased, respectively, until such percentage is ½ percentage point higher or lower, as the case may be, than the percentage at which such price change would otherwise be made.

Month:	*Percentage*
January	125.6
February	131.0
March	144.1
April	159.2
May	172.4
June	178.1
July	157.0
August	146.1
September	136.5
October	129.2
November	122.5
December	125.8

(c) The provisions of paragraph (b) of this section shall not apply until the fourth month after this subpart becomes effective.

§ 937.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant as described in § 937.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the higher of the prices as computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The price per hundredweight computed by multiplying the average price per pound of butter as described in paragraph (b) (1) of § 937.50 by 1.2 and

then by 3.5 and adding the plus value computed pursuant to § 937.50 (b) (2).

(b) The price per hundredweight pursuant to § 937.50 (d).

§ 937.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 937.51 and 937.52 for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent the amounts determined as follows:

(a) *Class I milk.* Add 2 cents to the producer butterfat differential determined pursuant to § 937.81.

(b) *Class II milk.* Multiply the average price of butter as described in § 937.50 (b) (1) by 0.12. *Provided,* That when the Class II price is determined pursuant to § 937.52 (b), the butterfat differential shall be determined by multiplying such price by 0.8, dividing by 35, and rounding off to the nearest one-tenth cent.

§ 937.60 *Computation of value of milk for each handler.* (a) The value of producer milk received during the month by each handler who operates a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 937.53 the total combined hundredweight of skim milk and butterfat received from producers allocated to each class pursuant to §§ 937.46 and 937.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 937.46 (e) and § 937.47 by the applicable class prices.

(b) Each handler who has other source milk allocated to Class I pursuant to § 937.46 and § 937.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and Class II prices for the month adjusted by the butterfat differentials provided in § 937.53 to the butterfat test of such other source milk.

§ 937.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to § 937.60 (a) adjusted by any charges or credits pursuant to § 937.90 (a) and (b).

(b) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 937.81 multiplied by 10.

(c) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 937.62 *Uniform price.* For each month the uniform price shall be computed by: (a) Dividing the amount computed pursuant to § 937.61 by the hundredweight of milk received from producers represented by the values included in § 937.61 (a); and (b) subtracting not less than 4 cents or more than 5 cents.

§ 937.63 *Excess milk price.* For each month the excess milk price shall be the price of Class II utilization determined pursuant to § 937.52.

§ 937.64 *Computation of the base milk price.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 937.70 (b) by the excess milk price for the month.

(b) Multiply the total amount of milk to be paid for at the uniform price by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 937.61;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 937.70 (b); and

(e) Subtract not less than four cents nor more than five cents. The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants described in § 937.6.

§ 937.65 *Notification.* On or before the 10th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month.

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 937.80, 937.83, 937.85, 937.86 and 937.90.

BASE RULES

§ 937.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year after 1951 and a producer who delivered milk during all of the period for which this part is in effect in the year of 1951, shall have a base computed by the market administrator to be applicable, subject to paragraph (c) of this section, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such period: *Provided,* That a producer who had a base previous to August 1, and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base by reason of having delivered less than 3 full months shall be paid, until such time as he has been a producer 3 full months, the uniform price in each of the months of August through December and in other months the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery a base shall be established in the following manner: Multiply the total deliveries in the months of August through December by .8, in January and February by .75, in March by .7, in April and July by .6, and in May and June by .4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to paragraph (b) of this section once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

(d) From the effective date of the subpart until bases are established pursuant to this section, all milk delivered by producers shall be considered to be base milk.

§ 937.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the bases may be transferred as specified in writing to the market administrator by the joint holders to a person or persons who maintain a dairy herd or herds on the same farm.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

PAYMENT FOR MILK

§ 937.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from producers for the account of such association, the

uniform price as provided in § 937.70 (b) or (c), or the base price for base milk and for milk to be paid for at the base price pursuant to § 937.70 (b) and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 937.70 (b), adjusted by the butterfat differential pursuant to § 937.81: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 937.84, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 937.81 *Producer butterfat differential.* In making payments pursuant to § 937.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 937.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 937.82 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 937.83 and out of which he shall make all payments pursuant to § 937.84.

§ 937.83 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler

(a) Whose value of milk is required to be computed pursuant to § 937.60 (a) shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 937.80, and

(b) Who is required to make payment pursuant to § 937.60 (b) shall pay such amount to the market administrator.

§ 937.84 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 937.60 (a) is less than the total minimum amount required to be paid by him pursuant to § 937.80, less any unpaid obligations of such handler to the market administrator pursuant to § 937.83: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 937.85 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 13th day after the end of each month four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers.

§ 937.86 *Marketing services.* (a) except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 937.80 for milk received from each producer at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, with respect to all such milk received during the month, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 937.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 937.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler,

the market administrator shall notify such handler promptly of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 937.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 937.83, 937.85, 937.86, and 937.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 937.100 *Milk caused to be delivered by cooperative association.* Milk referred to in this subpart as received from producers by a handler shall include milk of producers caused to be delivered to such handlers by a cooperative association.

§ 937.101 *Handler exemption.* A producer-handler and a handler who does not operate a pool plant shall be exempt from all provisions of this subpart except §§ 937.31, 937.32, and 937.33.

§ 937.102 *Exempt milk.* Milk received at the plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act for any fluid milk marketing area shall be exempt from all provisions of this subpart except §§ 937.30, 937.31, 937.32, and 937.33.

TERMINATION OF OBLIGATIONS

§ 937.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(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 a cooperative association, the name of such producers or associations, 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 subpart, to make available to the market administrator or his representatives all books or records required by this subpart 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 month following the month during which such books and records pertaining to such obligation are

made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(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 subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or 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.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 937.120 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 937.121 *When suspended or terminated.* The Secretary shall, whenever he finds that this subpart, or any provision of this subpart, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 937.122 *Continuing obligation.* If, upon the suspension or termination of any or all provisions of this subpart, 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.

§ 937.123 *Liquidation.* Under the suspension or termination of the provisions of this subpart, 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

§ 937.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 937.131 *Separability of provisions.* If any provision of this subpart, or the application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Order of the Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk to the Western Michigan 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 Western Michigan 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.

Hobart E. Crone 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), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 51-10520; Filed, Aug. 31, 1951; 8:46 a. m.]

[7 CFR Part 963]

[Docket No. AO-233]

HANDLING OF MILK IN THE STARK COUNTY, OHIO, MARKETING AREA

PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the St. Francis Hotel, Canton, Ohio, beginning at 10:00 a. m., e. s. t., September 17, 1951.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Stark County, Ohio, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order proposals set forth below have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Marketing Agreement and Order Proposed by the Stark County Milk Producers Association:

DEFINITIONS

§ 963.1 *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.).

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

§ 963.3 *Stark County, Ohio, marketing area.* "Stark County, Ohio, marketing area", means all territory geographically located within the boundary line of Stark County, Ohio, the Village of Dalton in Sugarcreek Township in Wayne County, the part of the Village of Minerva located in Carroll County, Smith Township in Mahoning County, and Knox and West Townships in Columbiana County; all in the State of Ohio.

§ 963.4 *Handler.* "Handler" means (a) any person who: (1) operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of Class I milk, on a route extending into the marketing area; and (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to a plant other than a pool milk plant for the account of such cooperative association.

§ 963.5 *Pool plant.* "Pool plant" means a plant, except a plant of a producer-handler, in which milk is pasteurized or packaged for distribution in the marketing area or from which Class I milk is disposed of during the month on a route(s) in the marketing area, (a) located in the marketing area; or, (b) located outside the marketing area with 10 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, buttermilk, flavored milk and flavored milk drinks on routes operated wholly or partially within the marketing area.

§ 963.6 *Producer.* "Producer" means any person with respect to milk produced by him which milk is moved directly from his farm to a pool milk plant.

§ 963.7 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 963.8 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler in any form, including concentrated milk disposed of for fluid consumption, not received from a producer or a pool milk plant.

§ 963.9 *Producer-handler.* "Producer-handler" means any person (a) who produces milk; (b) receives no milk directly from the farms of other dairy farmers; and (c) operates a plant from which a route is operated in the marketing area.

§ 963.10 *Route.* "Route" means a sale or delivery (including a sale from a plant or a store) of milk, skim milk, flavored milk, or flavored milk drink in fluid form, to a wholesale or retail stop(s), including the sale or consignment of such products by a handler to wholesale or retail outlets owned, leased, or controlled, directly or indirectly, by such handler.

§ 963.11 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 963.70.

§ 963.12 *Pooling quota milk.* "Pooling quota milk" means milk delivered by a producer in each of the months of April, May, June and July which is not in excess of his base multiplied by 1.75 and then multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer in the months of August through March of each year.

§ 963.13 *Excess milk.* "Excess milk" means milk delivered by a producer in each of the months of April, May, June and July in excess of his pooling quota milk.

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

§ 963.15 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions necessary to carry out the terms and conditions of this proposed agreement.

§ 963.16 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association;

(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 to be engaged in making collective sales or marketing milk or its product for its members; and

(c) To have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 963.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 963.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions hereof;

(b) Make rules and regulations to effectuate the terms and provisions hereof;

(c) Receive, investigate, and report to the Secretary complaints of violations hereof; and

(d) Recommend amendments to the Secretary.

§ 963.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including, but not limited to, the following:

(a) Within 30 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 his duties as market administrator 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 the terms and provisions hereof;

(c) Pay, out of the funds provided by § 963.85, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation and (3) all other expenses, except those incurred under the Marketing Services provisions, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports or payments pursuant to provisions of this proposed order;

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

(g) On or before the 20th day of each month, supply each association of producers with a record of the amount of milk received by pool plants during the preceding month, from each producer who is verified by the market administrator as being a member of such association;

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

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for the month as follows:

(1) On or before the 5th day after the end of each month, the minimum class prices for skim milk and butterfat computed according to this proposed order; and

(2) On or before the 12th day after the end of each month the uniform price for pooling quota milk, the price for excess milk and the butterfat differential computed according to this proposed order; and

(j) Upon request, supply on or before the 12th day after the end of each month to each cooperative association with respect to each producer specified in § 963.80 (a) the amount of milk received, the average butterfat tests thereof, the amount of authorized deductions and such other information necessary to carry out the provisions and intent of § 963.80 (a).

REPORTS, RECORDS, AND FACILITIES

§ 963.30 *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except as otherwise provided in § 963.31 (a), shall report to the market administrator for such month, with respect to all producer milk and other source milk received during that month, in the detail and on forms prescribed by the market administrator;

(a) The quantities of butterfat and the quantities of skim milk contained therein (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received from other handlers or other sources),

(b) The utilization thereof, and

(c) Such other information with respect to such receipts and utilization as the market administrator may request.

§ 963.31 *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 request.

(b) On or before the 18th day after the end of each month, each handler who received milk from producers shall submit to the market administrator such handler's producer payroll for the month, which shall show, (1) the total pounds of pooling quota milk and excess milk received from each producer and association of producers and the percentage of butterfat contained in such milk, (2) the amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer), and (3) the nature and amount of each deduction or charge made by the handler.

§ 963.32 *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 any of his operations including those of nonpool plants, to which any producer milk is diverted, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to § 963.30; and

(b) The weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized.

§ 963.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of a calendar 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

§ 963.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources by each handler shall be classified by the market administrator pursuant to §§ 963.41 to 963.46.

§ 963.41 *Classes of utilization.* Subject to the conditions set forth in §§ 963.43 and 963.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form (except that which has been disposed of to farmers or livestock feeders for livestock feeding purposes) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk for fluid consumption and Yogurt; not specifically accounted for as Class II or Class III milk; and

(2) In shrinkage on milk received from producers which is in excess of 2 percent of such receipts.

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

(1) Disposed of in fluid form for consumption as sweet or sour cream, or any mixture of cream or milk (or skim milk);

(2) Used to produce aerated products containing milk, cream, or any combination thereof (such as Reddi-Wip, and Instant Whip); and

(3) Used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat specifically accounted for as:

(1) Having been used to produce any milk product other than as specified in paragraphs (a) (1) and (b) of this section;

(2) Having been disposed of for livestock feeding to farmers or livestock feeders;

(3) In actual shrinkage of milk received from producers, but not in excess of 2 percent of such receipts; and

(4) In actual shrinkage of other source milk computed pursuant to § 963.42.

§ 963.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and other source milk in the following manner:

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

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between producer milk and other source milk after deducting receipts from other handlers.

§ 963.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or re-used by such handler or by another handler in another class.

§ 963.44 *Transfers.* Skim milk or butterfat disposed of by a pool plant to any milk processing or milk manufacturing plant, including any other pool plant, shall be classified as Class I milk unless (a) utilization in another class is mutually indicated in writing to the market administrator by both the transferring pool plant and the receiver on or before the 7th day after the end of the month within which such disposition was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided*, That in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 963.45 *Computation of 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 compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk and Class III milk for such handler.

§ 963.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(1) Subtract plant shrinkage of skim milk pursuant to § 963.41 (c) (3) and (4) from the total pounds of skim milk in Class III milk;

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest-priced utilization, the pounds of skim milk in other source milk other than skim milk shrinkage in other source milk subtracted pursuant to subparagraph (1) of this paragraph;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other pool plants and assigned pursuant to § 963.44;

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

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

MINIMUM PRICES

§ 963.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price, pursuant to § 963.51 shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight 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 of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Weyland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the average 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 for the month as reported by the Department of Agriculture for the Chicago market;

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" (or twins) on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the month by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 963.51 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, for butterfat and skim milk in producer milk received at his plant during the month, which is classified as Class I milk shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the month indicated:

Month:	*Amount*
May and June	$1.20
April and July	1.35
All others	1.50

(b) Add together the amounts determined pursuant to § 963.50 (c) (1) (2) and divide the sum into the amount determined in § 963.50 (c) (1).

(c) Multiply the price determined in paragraph (a) of this section by the percent determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount computed in paragraph (c) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

§ 963.52 *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received at his plant during the month which is classified as Class II milk shall be the amounts determined pursuant to paragraphs (c) and (e) of this section by the market administrator as follows:

(a) To the basic formula price add the following amount for the month indicated:

Month:	*Amount*
May and June	$0.80
April and July	0.95
All other months	1.10

(b) Multiply the price determined pursuant to paragraph (a) of this section by the percent determined pursuant to § 963.51 (b).

(c) Divide the amount determined pursuant to paragraph (b) of this section by 0.035. The resulting amount shall be the Class II butterfat price per hundredweight.

(d) Subtract the amount determined pursuant to paragraph (b) of this section from the amount determined pursuant to paragraph (a) of this section, and

(e) Divide the amount determined pursuant to paragraph (d) of this section by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

§ 963.53 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, for butterfat and skim milk in producer milk received at his plant during the month which is classified as Class III milk shall be the amount determined as follows:

(a) Multiply the higher of the prices as computed pursuant to § 963.50 (a), (b) and (c) by the percent determined pursuant to § 963.51 (b) and divide by 0.035. The resulting amount shall be the Class III butterfat price per hundredweight.

(b) From the higher of the prices as computed pursuant to § 963.50 (a), (b) and (c) subtract the amount determined in paragraph (a) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class III skim milk price per hundredweight.

§ 963.54 *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a pool plant for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Stark County, Ohio, marketing area: *Provided,* That the price to be paid by a pool plant for Class I milk or Class II milk disposed of in another fluid milk marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Stark County, Ohio, marketing area, pursuant to §§ 963.51 and 963.52, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

DETERMINATION OF PRICE TO PRODUCERS

§ 963.60 *Value of producer milk.* The value of producer milk received by each pool plant during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided,* That if a pool plant after the subtraction of other source milk and receipts from other handlers, had disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his reports for the month, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to § 963.46 (a) (5) or (b) by the applicable class price.

§ 963.61 *Computation of obligation to producer-settlement fund for certain handlers operating nonpool plants.* For each month the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as any item included in Class I milk within such delivery period on each route, and subtracting therefrom an amount computed by multiplying such volume of skim milk and butterfat by the prices for skim milk and butterfat, in Class III milk.

§ 963.62 *Computation of obligation to producer-settlement fund for certain pool plants.* For each month, the obligation to the producer-settlement fund for each pool plant that receives less than 75 percent of its total receipts of skim milk and butterfat from producers or other pool plants within such month shall be computed by the market administrator by multiplying by the difference between the respective prices for skim milk and butterfat in Class I milk and Class III milk, the amount of its receipts other than from producers and other pool plants which are Class I milk at the receiving pool plant.

§ 963.63 *Computation of the 3.5 percent value of all producer milk.* For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers by:

(a) Combining into one total the pool values computed pursuant to § 963.60 for all handlers who reported pursuant to § 963.30 for such month, except those in default in payments required pursuant to § 963.80 for the preceding month;

(b) Adding an amount representing the moneys received in payment of obligations computed under §§ 933.61 and 963.62;

(c) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(e) Subtracting, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 963.84 multiplied by 10;

(f) *Excess milk price.* For each of the pooling quota months, the period April 1–July 31 provided in § 963.70 the excess milk price shall be the price of Class III utilization determined pursuant to § 963.53;

(g) *Computation of uniform price for pooling quota milk.* (1) Multiply the total pounds of excess milk and milk to

be paid for at the excess milk price pursuant to § 963.70 (b) for the month by the excess milk price;

(2) Subtract the total values arrived at in subparagraph (1) of this paragraph from the total 3.5 percent value of all producer milk arrived at in § 963.63 (e).

(3) Divide the resultant value by the total hundredweight of pooling quota milk and milk to be paid for at the pooling quota price pursuant to § 963.70 (b); and

(4) Subtract not less than 4 cents nor more than 5 cents.

§ 963.64 *Notification.* The market administrator shall notify:

(a) On or before the 12th day after the end of each month, each handler who operates a pool plant;

(1) The amounts and pool values of his skim milk and butterfat in each class and the totals of such amounts and values;

(2) The pooling quota pounds of any producer delivering milk to the pool plant which was not used in making payments for the previous month;

(3) The uniform price for pooling quota milk and the price for excess milk;

(4) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund including any obligation to be paid pursuant to § 963.62, as the case may be;

(5) The totals of the minimum amounts to be paid by such handler pursuant to §§ 963.80, 963.82, 963.85, 963.86 and 963.87.

(b) On or before the 12th day after the end of each month each handler described in § 963.4 (a) (2) of:

(1) The pounds of skim milk and butterfat disposed of as any item included in Class I milk subject to the provisions of § 963.61; and

(2) The amount due the producer-settlement fund from each such handler.

BASE AND POOLING QUOTA RULES

§ 963.70 *Determination of base.* (a) A producer who delivered milk on at least 30 days during the period October 1 through December 31, inclusive of any year shall have a base computed by the market administrator to be applicable, as provided in § 963.71 for the succeeding months of April, May, June and July, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such October 1–December 31 period.

(b) A producer who has no base shall have 10 percent of his milk shipments in the months of April, May, June and July paid for at the excess milk price and 90 percent of his shipments paid for at the uniform pooling quota price, excepting that a producer transferring to the market may provide the market administrator with the authentic record of his milk shipments into another market during the base-forming period of October 1–December 31, and that producer's base shall be calculated thereon in accordance with paragraph (a) of this section.

§ 963.71 *Determination of pooling quota.* Each producer's base multiplied by 1.75 and the result multiplied by 30 for the months of April and June and by 31 for the months of May and July shall constitute the pooling quota for each producer for the four months April 1–July 31 and shall constitute the maximum shipments of each producer to be paid for at the pooling quota price in each of the pooling quota months April 1–July 31. Any producer's milk shipments in excess of his pooling quota during the months of the pooling quota period April 1–July 31 shall be paid for at the excess milk price.

(a) From the effective date of this section until bases are established pursuant to this section, all milk delivered by producers shall be considered to be pooling quota milk.

§ 963.72 *Application of bases.* A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base period and may be transferred only as follows:

(a) Upon the death, retirement or entry in military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(b) If a base is held jointly and such joint holding is terminated the entire base may be transferred to one of the joint holders or to another person.

PAYMENT FOR MILK

§ 963.80 *Time and method of payment.* (a) On or before the 13th day after the end of each month, each pool plant shall, upon request, pay to a cooperative association with respect to milk of producers for which it has received written authorization to collect payment a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (b) of this section.

(b) On or before the 15th day after the end of each month, each pool plant shall pay each producer (other than those specified in paragraph (a) of this section) for milk received from him during such month, at not less than the uniform pooling quota price for pooling quota milk and for milk to be paid for at the pooling quota price pursuant to § 963.70 (b), and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 963.70 (b) adjusted by the butterfat differential pursuant to § 963.84, and adjusted by the deductions and charges including any Board of Health assessments which may be required by the respective Boards of Health, authorized by such producers.

§ 963.81 *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 §§ 963.61, 963.62, 963.82 and 963.87 and out of which he shall make all payments to handlers pursuant to §§ 963.83 and 963.87.

§ 963.82 *Equalization payments to the producer-settlement fund.* On or before the 14th day after the end of each month each handler operating a pool plant whose pool value is required to be computed pursuant to § 963.60 shall make full payment to the market administrator of any amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to § 963.80 (a) or (b), and pursuant to § 963.62, and each handler described in § 963.61 shall make full payment to the market administrator of any amount due the producer-settlement fund pursuant to § 963.64 (b).

§ 963.83 *Equalization payments out of the producer-settlement fund.* On on before the 16th day after the end of each month, the market administrator shall pay to each pool plant any amount by which the sum required to be paid by such handler pursuant to § 963.80 (a) and (b) is greater than the total value of the milk of such handler computed pursuant to § 963.60 for such month, less any unpaid obligations of the handler to the market administrator pursuant to § 963.82: *Provided,* That if the balance in the producer-settlement fund is insufficient to make payments to such handlers pursuant to this pargraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 963.84 *Producer butterfat differential.* In making payments pursuant to § 963.80 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the next high half-cent) computed as follows: Divide the price average of butter as computed pursuant to § 963.50 (b) (1) by 10.

§ 963.85 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 963.22 (c), each handler shall pay the market administrator on or before the 14th day after the end of each month 3 cents per hundredweight or such amount not to exceed 3 cents, as the Secretary may from time to time prescribe with respect to all receipts within the month (a) of milk from producers at pool milk plants, (including such handler's own production), and (b) of other source milk at pool plants classified as Class I: *Provided,* That a nonpool plant shall make such payments with respect to all skim milk, and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 963.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler in making payments pursuant to § 963.80 (a) and (b), with respect to all milk received from each producer at a plant, not operated by a cooperative association of which such producer is a member, shall deduct 7 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and on or before the 15th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples and tests of milk of such producers and to provide such

producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each pool plant shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 963.80 (b) as may be authorized by such producers, and pay such deductions on or before the 15th day after the end of such delivery period to the cooperative association rendering such services of which such producers are members.

§ 963.87 *Errors in payments.* 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, or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 963.80, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 963.88 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided 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 report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(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 a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in 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 such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraph (a) and (b) of this section, a handler's obligation under this order 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 order shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any 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 that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 963.90 *Except milk.* Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof, except that for any month for which the Class I milk price determined pursuant to § 963.51 (a) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund, with respect to all skim milk and butterfat disposed of in the marketing area during the delivery period as Class I milk an amount computed as follows: From the total value of such Class I milk as determined by this order subtract the total value of such Class I milk as provided by such other order and except the obligation incurred pursuant to §§ 963.61 and 963.62.

§ 963.91 *Diverted milk.* (a) Producer milk diverted by an operator of a pool milk plant from such plant to a nonpool milk plant shall be deemed to have been received by the pool milk plant from which such milk was diverted.

(b) Producer milk diverted by an association of producers from a pool milk plant to a nonpool milk plant shall be deemed to have been received by such an association.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 963.100 *Effective time.* The provisions hereof, or any amendent hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this order for the payment of money.

§ 963.101 *Suspension or termination.* Whenever the Secretary finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision hereof.

§ 963.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.103 *Liquidation.* Upon the suspension of the provisions hereof, except this section, the market administrator, or such other liquidation 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 liquidation 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

§ 963.110 *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 hereof.

§ 963.111 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Marketing Agreement and Order Proposed by the Stark County Milk Market Dealer Committee:

DEFINITIONS

§ 963.1 *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.*).

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

§ 963.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture

or such other Federal agency authorized to perform the price reporting functions specified in § 963.50.

§963.4 *Market administrator.* "Market administrator" means the agency described in § 963.20.

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

§ 963.6 *Stark County, Ohio, marketing area.* "Stark County, Ohio, marketing area" means all territory geographically located within the boundary line of Stark County, Ohio, except the townships of Sugar Creek and Paris; and including the townships of Smith in Mahoning County; township of Knox in Columbiana County; the southern parts of Franklin and Green townships of Summit County known as sections 30 to 36 inclusive in each township; and the southern part of Suffield and Randolph townships of Portage County beginning from a point at the northwest corner of lot known as #48 in Suffield Township and extending east in a straight line to the northeast corner of lot known as #51 in Randolph Township, all in the State of Ohio.

§ 963.7 *Handler.* "Handler" means (a) any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of Class I milk, fluid cream and cottage cheese: (i) On a route extending into the marketing area; or (ii) to a pool plant which receives less than 50 percent of such plant's total receipts of skim milk and butterfat from producers or from other pool plants; and (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to a plant other than a pool milk plant for the account of such cooperative association.

§ 963.8 *Producer.* "Producer" means any person with respect to milk produced by him which milk is moved directly from his farm to a pool milk plant.

§ 963.9 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(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 to be engaged in making collective sales or marketing milk or its product for its members; and

(c) To have all of its activities under the control of its members.

§ 963.10 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk directly or indirectly from any other source or any other producer under the order; and

(b) Operates a route in or extending into the marketing area.

§ 963.11 *Pool plant.* "Pool plant" means any bottling plant (except a bottling plant operated by a producer-handler) which is:

(a) Located inside the marketing area and out of which a route is operated; or

(b) Located outside the marketing area with 10 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, buttermilk, flavored milk, and flavored milk drink in fluid form on routes operated wholly or partially within the marketing area.

§ 963.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers or other pool plants and all skim milk and butterfat received at a pool plant from any other pool plant in excess of the total amount received at the latter pool plant from producers.

§ 963.13 *Route.* "Route" means a sale or delivery (including a sale from a plant or a store) of milk, skim milk, buttermilk, cottage cheese, fluid cream, flavored milk, or flavored milk drink in fluid form, to a wholesale or retail stop(s), including the sale or consignment of such products by a handler to wholesale or retail outlets owned, leased, or controlled, directly or indirectly, by such handler.

§ 963.14 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

MARKET ADMINISTRATOR

§ 963.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 963.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions hereof;

(b) Make rules and regulations to effectuate the terms and provisions hereof;

(c) Receive, investigate, and report to the Secretary complaints of violations hereof; and

(d) Recommend amendments to the Secretary.

§ 963.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including, but not limited to, the following:

(a) Within 30 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 his duties as market administrator 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 the terms and provisions hereof;

(c) Pay, out of the funds provided by § 963.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation and (3) all other expenses, except those incurred under § 963.76 (a), necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made reports or payments pursuant to provisions of this proposed order;

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

(g) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

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

(i) 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 delivery period as follows:

(1) On or before the 6th day of such delivery period the minimum prices for skim milk and butterfat in Class I milk and Class II milk computed pursuant to §§ 963.51 and 963.52;

(2) On or before the 6th day after the end of such delivery period the minimum prices for skim milk and butterfat in Class III milk computed pursuant to § 963.53; and

(3) On or before the 14th day after the end of such delivery period the uniform price computed pursuant to § 963.63 and the butterfat differential computed pursuant to § 963.71.

REPORTS, RECORDS, AND FACILITIES

§ 963.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each delivery period, each handler, except as provided in § 963.31 (a), shall report to the market administrator with respect to milk received from producers, other source milk received at a pool plant, skim milk and butterfat re-

ceived in any form at a pool plant or at a nonpool plant from a pool plant, skim milk and butterfat received in any form at a nonpool plant engaged in the manufacture of ice cream or ice cream mix which is operated by such handler and is located within the marketing area, and all skim milk and butterfat received in any form from all sources at a nonpool plant referred to in § 963.7 (a) (2), in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(b) The utilization of such receipts; and

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

§ 963.31 *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 request. Each producer-handler shall be exempt from the provisions of this order unless the volume of milk handled by him in any delivery period after the promulgation of this order exceeds the monthly average of the volume of milk handled by him during the twelve calendar months immediately preceding the promulgation date of this order. Each producer-handler shall file with the market administrator within thirty days after the promulgation of this order a report setting forth the necessary information to establish this base. Any producer-handler handling more milk than his base quota in any delivery period shall become a handler under the provisions of this section and shall notify the market administrator on or before the 8th day after the end of such delivery period and shall thereafter be subject to this order.

(b) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator such handler's producer payroll for the delivery period which shall show:

(1) The total pounds of milk received from each producer and the percentage of butterfat contained in such milk,

(2) The amount and date of payment to each producer, and

(3) The nature and amount of each deduction or charge made by the handler.

§ 963.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations, including those of his nonpool plants in which any milk is received from a pool plant or of his nonpool plants located within the marketing area in which ice cream or ice cream mix is manufactured, and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to §§ 963.30 and 963.31;

(b) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers.

§ 963.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of a calendar 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

§ 963.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources by each handler at his (a) pool plant(s) and (b) nonpool plant(s) engaged in the manufacture of ice cream or ice cream mix and located within the marketing area shall be classified separately (as skim milk or butterfat) pursuant to the following provisions of this order.

§ 963.41 *Classes of utilization.* Subject to the conditions set forth in §§ 963.43 and 963.44, skim milk and butterfat described in § 963.40 shall be classified by the market administrator on the basis of the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of for fluid consumption as milk, skim milk (except for livestock feed and dumped dairy products), flavored milk or flavored milk drinks;

(2) Accounted for as any item not listed under subparagraph (1) of this paragraph or as Class II milk or Class III milk; or

(3) Such shrinkage on milk received from producers computed pursuant to § 963.42 (d) which is in excess of 2 percent of such receipts.

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

(1) Disposed of for fluid consumption as sweet or sour cream, or buttermilk; or

(2) Used to produce any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat, or in frozen cream, or used to produce aerated products containing milk, cream, or any combination thereof (such as Reddi-Whip and Instant Whip).

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); eggnog; butter; butter oil; cheese, including cottage cheese; bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or buttermilk disposed of for livestock feed or dumped dairy products;

(2) In actual shrinkage of milk received from producers computed pursuant to § 963.42 (d) but not in excess of 2 percent of such receipts; and

(3) In actual shrinkage of other source milk computed pursuant to § 963.42 (d).

(d) Yogurt, Reddi-Whip, butter, or ice cream prepackaged and disposed of in the original package or container shall be exempt from the classification and pricing provisions of this order.

§ 963.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in milk received from producers and in other source milk received in the following manner: *Provided,* That milk of producers transferred by a handler to another handler and received at the latter's pool plant, or nonpool plant engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, without first having been received for purposes of weighing and testing in the transferring handler's pool plant shall be included in the receipts at such plant of the second handler for the purposes of computing his plant shrinkage and shall be excluded from the receipts at the pool plant of the transferring handler in computing his plant shrinkage:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, by (1) combining the shrinkage thereof for all pool plants operated by the handler, and (2) combining in a separate sum the shrinkage thereof for all nonpool plants operated by him to which any skim milk or butterfat has been transferred from any of his pool plants;

(b) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (2) of this section in such nonpool plants between (1) skim milk or butterfat, respectively, transferred from any of his pool plants, and (2) skim milk or butterfat, respectively, received from all other sources;

(c) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (2) of this section, the shrinkage on skim milk or butterfat, respectively, transferred from the handler's pool plant(s) to his nonpool plant(s) computed pursuant to paragraph (b) of this section; and

(d) Prorate the total shrinkage of skim milk and butterfat, respectively,

computed pursuant to paragraph (b) of this section between that in milk received from producers and in other source milk at his pool plants, after deducting from the total receipts therein the receipts from pool plants other than his own.

§ 963.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class, unless disposed of as any item in § 963.4 (a) (1) to a nonpool plant located more than 75 miles from the Public Square of Canton, Ohio, by the shortest highway distance as determined by the market administrator: *Provided,* That skim milk and butterfat used to produce cream may be reclassified to Class III milk if such cream is disposed of to a nonhandler and used by such nonhandler in the manufacture of butter and the receiver complies with the requirements of § 963.44 (b): *And provided further,* That any skim milk or butterfat reclassified shall be accounted for in the delivery period in which it is reclassified at the class price for the delivery period in which the skim milk or butterfat was originally classified.

§ 963.44 *Transfers.* Skim milk or butterfat transferred by a pool plant to any milk processing or milk manufacturing plant, including any other pool plant, shall be classified as Class I milk unless (a) utilization in another class is mutually indicated in writing to the market administrator by both the transferring pool plant and the receiver on or before the 8th day after the end of the delivery period within which such transfer was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided,* That in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 963.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk and Class III milk for such handler.

§ 963.46 *Allocation of butterfat classified.* (a) The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(1) Subtract from the total pounds of butterfat in Class III milk (other than butterfat in butter), the pounds of butterfat shrinkage allowed pursuant to § 963.42 (d);

(2) For the delivery periods of September, October, November, December and January, if the total pounds of butterfat received from producers and pool plants is less than 120 per cent of the total pounds of butterfat classified as Class I and Class II milk, not including reconstituted skim milk or Class I and Class II milk transferred to pool plants or nonpool plants, subtract pro rata from the pounds of butterfat remaining in each class the pounds of butterfat received in other source milk.

(3) Except as provided in subparagraph (2) of this paragraph, subtract from the pounds of butterfat remaining in each class in series beginning with the lowest-priced utilization the pounds of butterfat received in other source milk.

(4) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § 963.44; and

(5) Add to the remaining pounds of butterfat in Class III milk (other than butterfat in butter), the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

(b) Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in paragraph (a) of this section.

MINIMUM PRICES

§ 963.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price for each delivery period, pursuant to § 963.51, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the average 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 for the delivery period as reported by the Department of Agriculture for the Chicago market.

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" (or twins) on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the delivery period.

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the delivery period by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.5 and then multiply by 0.965.

§ 963.51 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers during the delivery period, which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
March, April, July and August	1.00
All others	1.15

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20.

(c) The price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to paragraph (b) of this section by 0.035; (2) subtracting such amount from the amount obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

§ 963.52 *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers during the delivery period, which is classified as Class II milk, shall be as follows as computed by the market administrator:

(a) The price per hundredweight of butterfat shall be the average price of butter as computed pursuant to § 963.50 (b) (1) multiplied by 125.

(b) The price per hundredweight of skim milk shall be the simple average

(using the midpoint of any price range as one price) of the carlot prices per pound of spray process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area for the weeks ending within the delivery period as reported by the Department of Agriculture, less 5.5 cents, multiplied by 8.5.

§ 963.53 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for skim milk and butterfat in milk received from producers during the delivery period, which is classified as Class III milk, shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of butterfat shall be the average price of butter as computed pursuant to § 963.50 (b) (1) multiplied by 120: *Provided,* That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to § 963.41 (c) (2) shall be such price less $5.00.

(b) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture less 5.5 cents, multiplied by 8.5: *Provided,* That the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be determined by (1) subtracting 8 cents from the price computed pursuant to § 963.50 (a) and then subtracting an amount computed by multiplying by 0.035 the price of butterfat computed prior to the proviso in paragraph (a) of this section, and (2) dividing the result so obtained by 0.965.

§ 963.54 *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a pool plant for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Stark County, Ohio, marketing area: *Provided,* That Class I milk or Class II milk disposed of in another fluid milk marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Stark County, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

DETERMINATION OF UNIFORM PRICE

§ 963.60 *Computation of pool value for each handler operating a pool plant.* The pool value for each delivery period for each handler operating a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable prices for skim milk and butterfat in each class pursuant to §§ 963.51, 963.52, and 963.53 the skim milk and butterfat in milk received from producers according to their classification pursuant to §§ 963.46 (a) and (b), and adding together the resulting amounts: *Provided,* That if such handler, after subtracting all receipts of skim milk and butterfat, respectively, other than in milk received from producers has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount equal to the quantity of such excess of skim milk or butterfat multiplied by the applicable prices: *And provided also,* That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to milk or cream disposed of in fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations.

§ 963.61 *Obligation to the producer-settlement fund for certain handlers operating nonpool plants.* For each delivery period the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as any item included in Class I milk within such delivery period on each route, and subtracting therefrom an amount computed by multiplying such volume of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

§ 963.62 *Computation of pool value for each handler operating a pool plant.* For each delivery period, the pool value pursuant to § 963.60 for each handler who operates a pool plant which received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants shall be increased by an amount computed by multiplying the amount of skim milk and butterfat in other source milk received which is classified as Class I milk by the difference between the price for skim milk and for butterfat in Class I milk and the highest price for skim milk and for butterfat, respectively, in Class III milk.

§ 963.63 *Computation of uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(a) Combining into one total the pool values computed under § 963.60 for all handlers who reported pursuant to § 963.30 for such delivery period, except those in default in payments required pursuant to § 963.73 for the preceding delivery period;

(b) Adding an amount representing the moneys received in payment of obligations computed under §§ 963.61 and 963.62;

(c) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total hundredweight of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 963.71 multiplied by 1,000;

(e) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(f) Subtracting not less than 4 cents nor more than 5 cents.

§ 963.64 *Notification.* The market administrator shall notify:

(a) On or before the 14th day after the end of each delivery period, each handler who operates a pool plant of:

(1) The amounts and pool values of his skim milk and butterfat in each class and the totals of such amounts and values;

(2) The uniform price;

(3) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(4) The totals of the minimum amounts to be paid by such handler pursuant to §§ 963.70, 963.73, 963.75 and 963.77.

(b) On or before the 14th day after the end of each delivery period each handler described in § 963.7 (a) (2) of:

(1) The pounds of his skim milk and butterfat in milk, skim milk, flavored milk, and flavored milk drink subject to the provisions of § 963.61; and

(2) The amount due the producer-settlement fund from each such handler.

PAYMENTS

§ 963.70 *Time and method of payment.* On or before the 20th day after the end of each delivery period, each handler (except a cooperative association) shall pay each producer for milk received from him within such delivery period not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price and adjusted by the butterfat differential pursuant to § 963.71: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 963.74 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 963.71. *Butterfat differential.* In making payments pursuant to § 963.70 there shall be added to or subtracted from, the uniform price per hundredweight for each one-tenth of one per-

cent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Multiply the hundredweight of butterfat in each class computed pursuant to § 963.46 by the applicable minimum price for butterfat in such class computed pursuant to §§ 963.51, 963.52 and 963.53.

(b) Add into one total the butterfat values obtained in paragraph (a) of this section and divide such total by the total hundredweight of butterfat in all classes computed pursuant to § 963.46 (a) to determine a weighted average price for butterfat;

(c) Subtract from the weighted average price per hundredweight of butterfat computed in paragraph (b) of this section a weighted average price per hundredweight of skim milk computed as follows:

(1) Multiply the hundredweight of skim milk computed in each class pursuant to § 963.46 (b) by the respective minimum price for skim milk in such class computed pursuant to §§ 963.51, 963.52, and 963.53; and

(2) Add into one total the skim milk values so obtained for all classes and divide such total by the total hundredweight of skim milk in all classes computed pursuant to § 963.46 (b); and

(d) Divide by 1,000 the price of butterfat resulting pursuant to paragraph (c) above and round off to the nearest tenth of a cent.

§ 963.72 *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 § 963.73 and out of which he shall make all payments to handlers pursuant to § 963.74.

§ 963.73 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler:

(a) Whose pool value is required to be computed pursuant to § 963.60, shall pay to the market administrator the amount by which such pool value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraph (a) of this section; and

(b) Whose obligation is required to be computed pursuant to § 963.60, shall pay to the market administrator such obligation for such delivery period.

§ 963.74 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's pool value pursuant to § 963.60 is less than the total minimum amount required to be paid by him pursuant to § 963.71 less any unpaid obligations of such handler to the market administrator pursuant to §§ 963.73, 963.75, 963.76 (a) and 963.77: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 963.75 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 963.22 (c) each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production), of other source milk at pool plants, except that used in the manufacture of ice cream or ice cream mix, and of other source milk on which payment is required pursuant to §§ 963.61 and 963.62: *Provided,* That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

§ 963.76 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler in making payments to producers pursuant to § 963.70 with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 963.70 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 963.77 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator, or (b) any producer from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

MISCELLANEOUS PROVISIONS

§ 963.80 *Exempt milk.* Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

§ 963.81 *Diverted milk.* (a) Milk from producers diverted by an operator of a pool plant from such plant to a nonpool plant shall be deemed to have been received by the pool milk plant from which such milk was diverted.

(b) Milk from producers diverted by an association of producers from a pool plant to a nonpool plant shall be deemed to have been received by such an association.

§ 963.82 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 963.83 *Suspension or termination.* Whenever the Secretary finds this order or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision hereof.

§ 963.84 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.85 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this paragraph, 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 distri-

bution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 963.86 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 963.87 *Separability of provisions.* If any provision hereof, or its application to any person or circumstance, is held invalid the application of such provisions, and the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

§ 963.88 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided 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 report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(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, the name of such 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 order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in 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 order 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 order shall terminate two years after the end of the calendar month during which 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.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

Dated: August 29, 1951.

[F. R. Doc. 51-10585; Filed, Aug. 31, 1951; 8:53 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

DRAWBACK REGULATIONS TO ELIMINATE THE REQUIREMENTS OF NOTICES OF INTENT, CUSTOMS INSPECTION AND SUPERVISION OF LADING, AND THE PRODUCTION OF SUPPORTING BILLS OF LADING

MISCELLANEOUS AMENDMENTS

Notice is hereby given that, pursuant to the authority contained in section 251 of the Revised Statutes and sections 309, 313, 557, and 624 of the Tariff Act of 1930, as amended (19 U. S. C. 66, 1309, 1313, 1557, 1624), and for the purpose of simplifying the preparation, filing, and processing of drawback claims, from the points of view of both the claimant and the Government, it is proposed to amend Part 22 of the Customs Regulations of 1943 (19 CFR Part 22) to eliminate the requirements for (1) filing a notice of intent, (2) customs inspection and supervision of lading, and (3) the filing of a bill of lading or copy thereof in support of the drawback claim. Other amendments are proposed for clarification or to cover established procedures. The terms of the proposed amendments, in tentative form, are as follows:

Part 22, Customs Regulations of 1943 (19 CFR Part 22), as amended, is hereby further amended as follows:

1. Footnote 3 cited in and appended to § 22.1 is redesignated footnote 2.

2. Footnote 4 cited in and appended to § 22.2 is redesignated footnote 3.

3. a. Section 22.3 is amended by deleting the parenthetical matter at the end of paragraph (b) and adding a new paragraph reading as follows:

(c) The manufacturer or producer may abandon his application for the establishment of a rate of drawback by filing a written statement to that effect addressed to the collector or deputy collector of customs with whom the application was filed or to the investigating officer. An abandoned application may not be revived to give an earlier effective date to a rate of drawback established as the result of a subsequent application. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

b. T. D. 45185 (2) shall be shown as a marginal citation opposite paragraph (c).

4. Section 22.4 (d) is amended by deleting "§§ 22.18 and 22.19 (c)" from the first and second sentences and substituting in lieu thereof "§§ 22.15 and 22.16 (c)".

5. Section 22.6 (b) (20) is amended by deleting from the drawback entry form prescribed therein "intent to export" and "intent" and substituting "exportation" for each of the deleted terms.

6. Section 22.7 and footnote 5 appended thereto are deleted and a new section and footnote are substituted in lieu thereof reading as follows:

§ 22.7 *Notice of exportation.* (a) A notice of exportation in triplicate,[4] on customs Form 7511, for each shipment of merchandise on which drawback is to be claimed shall be filed by the exporter or his agent with the collector of customs at the port at which the shipment is to be exported from the United States. Such notice shall show the name of the exporting vessel or other carrier, the number and kind of packages and their marks and numbers, the description of the merchandise and its weight (gross and net), gauge, measure, or number, the name of the exporter, and the name of the port where the drawback entry is to be filed. If the merchandise is to be exported in railroad cars, a notice of exportation shall be filed for each car.

(b) Except as provided for in §§ 22.8 and 22.9, the notice of exportation shall be filed with the shipper's export declaration, or, if filed subsequently, it shall be filed within 2 years after exportation and shall state the number and date of the shipper's export declaration. A notice of exportation not filed in the time and manner herein specified shall not be accepted unless specifically authorized by the Bureau. The merchandise on which drawback is to be claimed shall be indicated on both the shipper's export declaration and the notice of exportation by noting the word "Drawback" immediately after or under the Schedule B description.

(c) Upon receipt of the notice of exportation, the collector shall assign a number thereto which shall be the same as the number assigned to the corresponding shipper's export declaration, and which shall be stamped or endorsed on the original and each copy of the notice. On one of the copies of the notice, the collector shall certify as to the exportation of the merchandise as shown by the records of his office, and shall return such copy and one uncertified copy to the exporter or to the person designated by the exporter, for subsequent filing with the drawback entry. If the name of the exporter is not shown on the outward manifest of the exporting carrier, or if an outward manifest is not required, the collector shall require the filing of a signed copy of the bill of

[4] If the exporter desires, he may file an extra copy of the notice of exportation with the collector for numbering and return to him for use for reference or other purposes in pursuing his claim.

lading or a certified copy of the waybill or other shipping document to enable him to verify the name of the exporter and to execute his certificate. Copies of bills of lading submitted as a part of the manifest need not be signed. Whenever the collector is unable to certify to the exportation of the merchandise covered by the notice of exportation, he shall return two copies of the notice to the exporter or to the person designated by the exporter, with a statement of the facts in the case.

(d) When drawback is to be claimed under section 313 (a), (b), or (g), Tariff Act of 1930, on an aircraft departing under its own power from the United States, or on merchandise exported by aircraft, the notice of exportation shall be filed in the manner prescribed herein at the port where the shipper's export declaration is filed.

(e) When merchandise is laden on a vessel for transshipment at a domestic port outside the continental United States,[5] the notice of exportation shall be filed with the collector of customs at the port where the merchandise was last transshipped for its foreign destination (the place where the shipper's export declaration is filed). (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

7. Section 22.8 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.8 *Notice of exportation; mail shipments.* (a) If the merchandise on which drawback is to be claimed is to be exported by registered mail or parcel post, the notice of exportation shall be prepared in quadruplicate. Three copies shall be filed with the postmaster at the place of mailing, and the merchandise shall be delivered to the postmaster at the same time and mailed under his supervision. The fourth copy shall be retained by the exporter for subsequent filing with the drawback entry. Such notices shall be numbered by the exporter in accordance with § 22.10.

(b) Each package to be exported shall have stamped or written thereon a waiver of the right to withdraw the package from the mails, signed by the exporter, on customs Form 3413, or in a substantially similar form.

(c) After the packages have been mailed, the postmaster will execute his certificate on one of the copies of the notice of exportation and return such copy to the person who presented the notice, for subsequent filing with the drawback entry. One copy of the notice will be postmarked by the postmaster and mailed by him to the collector of customs at the port where the notice shows the drawback entry is to be filed, and the other copy will be retained by the postmaster as his record of the transaction. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

8. Section 22.9 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.9 *Notice of exportation; government shipments.* (a) In the case of a shipment by a department, branch, or agency of the United States Government, if no shipper's export declaration is required, the notice of exportation for such a shipment shall be prepared in quadruplicate, whether the drawback is to be claimed by such department, branch, or agency, or by the supplier of the merchandise. Three copies shall be filed by the exporter or his agent with the government officer in charge of transportation at the port of exportation. The fourth copy shall be retained by the exporter for subsequent filing with the drawback entry. Such notices shall be numbered by the exporter in accordance with § 22.10.

(b) The notice of exportation shall bear an endorsement in the following form, to be placed thereon by the exporter, for execution by the government transportation officer at the port of exportation:

CERTIFICATE OF EXPORTATION

This is to certify that the merchandise described herein was laden at the port of _____ on the _____ (Vessel or other conveyance) for _____ (Foreign destination); that said vessel or other conveyance departed from this port on _____, 19____; and that _____ (Name) was the actual shipper of the merchandise.

_____ (Name)

_____ (Date) _____ (Rank, organization, title)

(c) After the exporting vessel or other conveyance has departed, the government transportation officer at the port of exportation will execute his certificate on one of the copies of the notice of exportation and return such copy to the exporter, or to the person designated by the exporter, for subsequent filing with the drawback entry. One copy of the notice of exportation will also be signed by the government transportation officer to indicate its official status and mailed by him to the collector of customs at the port where the notice shows the drawback entry is to be filed, and the other copy will be retained by the government transportation officer as his record of the transaction. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

9. Section 22.10 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.10 *Numbering notices of exportation for mail or government shipments.* Notices of exportation covering government shipments or shipments by mail shall be given, for identification purposes, a number by the exporter in a series beginning with No. 1 for each 12-month period commencing on July 1 of each year. One series of numbers shall be used by each exporter to cover both types of shipments made by him. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

10. Section 22.11 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.11 *Amendment of notices of exportation.* At any time within the 2-year period prescribed for the completion of the drawback claim, a notice of exportation may be amended if the collector is satisfied as to the correctness of the amendment, except that no amendment to show additional packages or items of merchandise shall be allowed unless specifically authorized by the Bureau. Every application for amendment and its supporting evidence shall be in writing and submitted to the collector of customs at the port where the drawback entry is filed. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

11. Section 22.12 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.12 *Examination of merchandise.* The collector may examine any merchandise being exported with benefit of drawback if he is not satisfied as to the bona fides of the shipment. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

12. Sections 22.13, 22.14, and 22.15 are deleted.

13. Section 22.16 is redesignated § 22.13, and paragraph (a) thereof is amended to read as follows:

(a) A drawback entry and certificate of manufacture shall be filed in duplicate within 2 years after the date the articles are exported. Such entry and certificate shall be filed on customs Form 7575 except in cases covered by paragraph (c) or (e) of this section. The copy of the notice of exportation certified by the collector and one uncertified copy shall be filed with the entry. The certified copy of the notice of exportation shall show that the merchandise was shipped by the person making the drawback entry, or shall bear an endorsement of the person in whose name the merchandise was shipped, showing that the person making entry is authorized to make it and to receive the drawback. One entry may cover several shipments. All documents necessary to the liquidation of the entry, including those issued by one customs officer to another, shall be filed or applied for, as the case may require, within the 2-year period prescribed above, except that any required landing certificate shall be filed within the time prescribed in § 22.17 (c). The Bureau may specifically authorize an extension of the 2-year period for compliance with any of the foregoing requirements.

14. Redesignated § 22.13 is further amended by deleting the parenthetical matter at the end of paragraph (g) and adding a new paragraph reading as follows:

(h) When a shipment for which an outward manifest is not required is exported to Canada or Mexico from a border port of exit and information has not been furnished to the collector at

[5] Such as San Juan, P. R., or Honolulu, T. H.

the port of exportation as prescribed by § 22.7 (c) to enable him to complete his certification as to the name of the exporter, the collector shall accept a drawback entry and notice of exportation supported by a copy of any inland bill of lading covering the transportation of the merchandise to the border port, and an affidavit of the forwarder at the border port showing the name of the person for whose account the merchandise was exported, describing the merchandise, identifying it by its notice of exportation number, and certifying that the affiant was the forwarder of the merchandise, that exportation was made by a specified conveyance, and that no bill of lading was issued to cover such exportation. The drawback entry shall be filed by the person for whose account the merchandise was exported or by one authorized by such person in writing to file the entry and receive the drawback. This procedure may also be followed when aircraft, automobiles, and other vehicles are exported under their own power. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

15. Sections 22.17, 22.18, and 22.19 are redesignated as §§ 22.14, 22.15, and 22.16, respectively, and § 22.20 is deleted.

16. Section 22.21 is redesignated § 22.17 and paragraph (a) thereof is amended by deleting "intent" at the end of the paragraph and substituting in lieu thereof "exportation".

17. Section 22.22 is redesignated § 22.18 and is amended as follows:

a. Footnotes 7 and 8 cited in and appended to paragraph (a) are redesignated footnotes 6 and 7, respectively.

b. Paragraph (b) is amended to read as follows:

(b) The procedure prescribed in this part as to the filing of an application for a rate of drawback and other required documents shall be followed, so far as applicable, in filing claims for drawback under this section, except that notices of lading on customs Form 7515 shall be filed in lieu of notices of exportation on customs Form 7511.

c. Paragraph (c) is amended to read as follows:

(c) Notices of lading on customs Form 7515 shall be filed in quadruplicate with the collector of customs at the port of lading prior to the lading of the articles. Each notice shall show the name of the vessel or identity of the aircraft on which the articles are to be laden, the number and kind of packages and their marks and numbers, the description of the articles and their weight (net), gauge, measure, or number, the name of the exporter, and the name of the port where the drawback entry is to be filed. The collector shall assign a number to each such notice of lading. After numbering, one copy of the notice of lading shall be returned to the exporter to be delivered to the master or an authorized officer of the vessel for certification thereon as to the receipt of the articles and the quantity laden. This copy shall be filed by the claimant with the drawback entry.

d. Paragraph (d) is redesignated paragraph (e) and amended by deleting "(e) to (g)" in the first line and substituting in lieu thereof "(f) to (h)".

e. A new paragraph (d) is inserted reading as follows:

(d) After the vessel has cleared or obtained a permit to proceed, the collector at the port of lading shall execute his certification on one of the copies of the notice of lading and return it, with one uncertified copy, to the exporter, or the person designated by the exporter, for subsequent filing with the drawback entry. If the vessel is not required to clear or obtain a permit to proceed to another port, the collector shall return two copies of the notice to the exporter, or to the person designated by the exporter, with a statement of the facts in the case for subsequent filing with the drawback entry. In such cases, the collector at the port where the drawback entry is filed shall require the claimant to furnish an itinerary of the vessel for the immediate voyage to determine whether the vessel is engaged in a class of business or trade which warrants the allowance of drawback.

f. Paragraph (e) is redesignated paragraph (f) and amended by deleting "(g)" from the first sentence and "intent" from the second sentence and substituting in lieu thereof "(h)" and "lading", respectively, and by deleting the last sentence.

g. Paragraph (f) is redesignated paragraph (g) and amended by deleting "intent" from the first and second sentences and substituting in lieu thereof "lading".

h. Paragraph (g) is redesignated paragraph (h) and amended to read as follows:

(h) An affidavit of the master or other officer of the vessel who has knowledge of the facts, showing the class of business or trade in which the vessel on which the articles were laden as supplies was engaged at the time of lading and whether the supplies were entered in the stores log book as required by paragraph (f) of this section, shall be furnished in support of the drawback entry. Such affidavit may be executed on the copy of the "notice of lading" on which the master or other officer certifies as to the receipt and quantity of the articles laden, or be separately furnished, and shall be in substantially the following form:

I, _____ of the S. S.
(Master or other officer)
_____, declare that I have knowledge of the facts set forth herein; that certain articles covered by notice of lading No. _____, filed at the port of _____, which were laden on the above-named vessel at said port on _____, 19____, for use on board the vessel as supplies, _____
(Were or were not)
entered in the stores log book; and that at the time of lading of the articles, said vessel was engaged in the business or trade checked below:

1. Fisheries.
2. Whaling.
3. Trade between Atlantic and Pacific ports of the United States.
4. Trade between the United States and any of its possessions.
5. Foreign trade.

_____
(Name and title)

Sworn to before me this _____ day of _____, 19 _____.

_____

i. Paragraph (h) is redesignated paragraph (j).

j. Paragraph (i) is redesignated paragraph (k) and is amended by deleting "intent" from the "Declaration of Lading or Use" prescribed therein and substituting in lieu thereof "lading".

k. A new paragraph (i) is inserted reading as follows:

(i) If the notice of lading is filed subsequent to the lading of the supplies on the vessel or if the affidavit required under paragraph (h) of this section does not show that the supplies were entered in the stores log book, drawback shall not be allowed until proof has been presented in the form of an affidavit of the master, or other officer of the vessel on which the supplies were laden having knowledge of the facts, that the supplies have been used on board the vessel and that no portion thereof has been landed in the United States or any of its possessions.

18. Section 22.23 is redesignated § 22.19.

19. Section 22.24 is redesignated § 22.20, and paragraph (b) is amended by deleting "bills of lading" and substituting in lieu thereof "notices of exportation". Footnote 9 cited in and appended to paragraph (d) is redesignated footnote 8.

20. Section 22.25 is redesignated § 22.21 and paragraph (a) is amended by deleting "shipper or consignor in the bill of lading under which domestic articles are exported" and substituting in lieu thereof "exporter in the collector's certification on the notice of exportation".

21. Section 22.26 is redesignated § 22.22, and footnotes 10, 11, and 12 cited therein and appended thereto are redesignated footnotes 9, 10, and 11, respectively.

22. Section 22.27 is redesignated § 22.23 and paragraph (c) is amended by deleting "intent" in the first sentence and substituting in lieu thereof "exportation".

23. Sections 22.28 and 22.29 are redesignated §§ 22.24 and 22.25, respectively.

24. Section 22.30 is redesignated § 22.26 and is amended by deleting "bills of lading" from the first sentence of paragraph (a) and substituting in lieu thereof "notices of exportation", and by deleting "§ 22.27 (e)" from paragraph (b) and substituting in lieu thereof "§ 22.23 (e)".

25. Section 22.31 is redesignated § 22.27, and footnotes 13 and 15 cited therein and appended thereto are redesignated footnotes 12 and 13, respectively.

26. Section 22.32 is redesignated § 22.28, and footnote 16 cited therein and appended thereto is redesignated footnote 14.

27. Section 22.33 is redesignated § 22.29 and amended as follows:

a. Paragraph (c) is amended to read:

(c) The regulations in Part 18 of this chapter as to supervision of lading and certification of exportation of merchandise withdrawn from warehouse for exportation without payment of duty shall be followed so far as applicable.

b. Paragraph (d) is amended to read:

(d) In order to complete the drawback entry, a bill of lading issued by the proper representative of the exporting carrier and covering the merchandise described in the entry shall be filed within 2 years after the date the merchandise is exported. The bill of lading shall show that the merchandise was shipped by the person making the drawback entry, or shall bear an endorsement of the person in whose name the merchandise was shipped showing that the person making entry is authorized to make it and to receive the drawback. The terms of the bill of lading may limit and define its use by declaring it to be for customs purposes only and not negotiable. If a copy of the original bill of lading is filed, it shall bear the signature of the person issuing it.

c. New paragraphs are added reading as follows:

(e) Neither a memorandum copy of the bill of lading issued by the transportation company nor a bill of lading bearing merely the initials of the representative of the transportation company shall be accepted in lieu of the bill of lading described above.

(f) Collectors of customs may issue on customs Form 4475 extracts from bills of lading filed with drawback entries.

(g) If the person making the drawback entry cannot produce the required bill of lading, he may submit in lieu thereof, through the collector to the Bureau, a sworn statement showing the cause of failure with such evidence of exportation and of his right to make the drawback entry as may be obtainable.

(h) A landing certificate, when required, shall be filed within the time prescribed in § 22.17 (c). (Sec. 557, 46 Stat. 744, secs. 2, 22 (a), 23 (a), 52 Stat. 1077, 1087, 1088, sec. 624, 46 Stat. 759; 19 U. S. C. 1557, 1624.)

28. Section 22.34 is redesignated § 22.30.

29. Section 22.35 is redesignated § 22.31 and footnote 17 cited therein and appended thereto is redesignated footnote 15. The said section is amended by deleting "§ 22.36 to § 22.39" therefrom and substituting "§ 22.32 to § 22.35".

30. Section 22.36 is redesignated § 22.32.

31. Section 22.37 is redesignated § 22.33 and paragraph (f) thereof is amended to read as follows:

(f) In order to complete the drawback entry, a bill of lading and a landing certificate, when required under § 22.17 (a), shall be filed in the manner and within the time prescribed in § 22.29 in the case of merchandise exported from continuous customs custody. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

32. Sections 22.38, 22.39, 22.40, and 22.41 are redesignated §§ 22.34, 22.35, 22.36, and 22.37, respectively.

33. Footnote 18 cited in and appended to the centerhead "General Regulations Applicable to All Drawback Claims" between redesignated §§ 22.35 and 22.36 is redesignated footnote 16.

33. A new § 22.38 is inserted reading as follows:

§ 22.38 *Verification of drawback claims by Customs Agency Service.* Collectors shall cause drawback documents to be referred to the Customs Agency Service for verification whenever such reference is believed to be required for orderly and efficient administration of the drawback law and regulations, and occasionally in any case. Such verification shall include an examination of not only the manufacturing records but also the sales and financial records relating to the transaction. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

34. Section 22.42 is redesignated § 22.39.

35. Section 22.43 is redesignated § 22.40 and amended by deleting the period after "Endorsements of exporters on bills of lading" and adding thereto "or notices of exportation".

Customs Forms 7511–A and B and 7515 have been tentatively revised to conform to the requirements of these amendments.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved: August 28, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51–10589; Filed, Aug. 31, 1951; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of the current provisions of Parts 40 and 61 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by December 1, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after December 5, 1951, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

There is attached an "Explanatory Statement" setting forth the basis and purpose of the proposed rules.

The proposed revision is also attached hereto as "Proposed Revision of Part 40—Scheduled Interstate Air Carrier Certification and Operation Rules."

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 62 Stat. 1216; 49 U. S. C. 551–560, Act of July 1, 1948)

Dated: August 22, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

Explanatory statement. On October 2, 1950, the Bureau of Safety Regulation published Draft Release 50–8 in which it was proposed to combine Parts 40, 41, and 61 into a single Part 40. Such consolidation was proposed at that time because it was considered that the same standards should apply to all scheduled passenger operations being conducted under the same operating conditions. The Bureau was of the opinion that current requirements should be restated if still valid, clarified if necessary, and brought into accord with current operating procedures and techniques of the air transport industry. Furthermore, it was believed desirable that, to the extent practicable, all requirements of a mandatory nature and of general applicability should be included in a single document.

As a result of the Bureau solicitation of data, views, and arguments concerning this draft release, numerous comments of almost all segments of the air transport industry were made available for study. The attached proposed revision of Part 40 was drafted in the light of this comment. It will be noted that a considerable number of changes are being proposed in the provisions of Draft Release 50–8. The substance of the most significant of these changes is discussed below.

Applicability of part 40. Perhaps the most far-reaching change from Draft Release 50–8 lies in the scope of the attached proposal. Whereas in Draft Release 50–8 the Bureau proposed to consolidate Parts 40, 41, and 61, the attached proposal combines only Parts 40 and 61, namely, the domestic scheduled passenger air carrier certification and operations rules. In commenting upon Draft Release 50–8, the Administrator of Civil Aeronautics and the airlines maintained that the combination of domestic and international operating

limitations in a single part would increase substantially the administrative complexity involved in conducting operations under these rules.

The Bureau is of the opinion that this comment is of sufficient validity and importance to dictate against any attempt at this time to consolidate the international and the domestic regulations. It is proposed, therefore, that Part 40 shall contain a consolidation of those rules presently contained in Parts 40 and 61 with such amendment as may be necessary in the light of the objectives set forth in the preamble to Draft Release 50–8 and as a consequence of our evaluation of comments received as a result of publication of that draft release. A corresponding amendment of the international regulations will be accomplished immediately following the promulgation of Part 40. The amendment of the international regulations will take account of the amendments which have been accomplished to the domestic rules in Part 40 as ultimately promulgated.

Operations specifications. In Draft Release 50–8 the Bureau proposed that certain mandatory requirements upon the air carrier should be made through the medium of the air carrier operations manual, rendering this manual, therefore, an instrument of enforcement of the Civil Air Regulations. Several objections were raised to such a procedure. Since the administrative simplicity which was intended to be achieved as a result of this procedure does not appear to be assured, it is now proposed that Part 40 should contain procedures for the issuance of operations specifications similar to the specifications which are currently a part of air carrier operating certificates. However, the attached proposal separates the operations specifications from the operating certificate and establishes separate procedures for the issuance and amendment of each. A new proposal is made, therefore, for rules governing the contents of operations specifications as well as the procedures for issuance and amendment.

Manual. Having now established separate functions for the manual and the operating specifications, it has become necessary to re-orient the relationship of the manual with respect to air carrier operations. The preparation and dissemination of the manual is made more clearly a responsibility of the operator; however, the minimum contents are specified.

Transport category aircraft. For the past 11 years there has existed in the Civil Air Regulations a requirement that aircraft used after a certain date shall comply with transport category requirements of the appropriate certification rules and shall meet the transport category performance requirements of the appropriate operating part. Because this requirement was intended to remove from air transport service aircraft not capable of complying with the transport category requirements, such aircraft types as the Lockheed 18 and the Douglas DC–3 would not be permitted to be operated in scheduled passenger service after the specified dates unless recertificated in the transport category. During this period the Board has found it necessary on four occasions to alter the effective date of this requirement in order to permit the continued use of these aircraft types.

The safety record of both of the above aircraft types clearly demonstrates that these aircraft may be continued in scheduled passenger service without detrimental effect upon the level of safety of air transportation. The Bureau proposes, therefore, that aircraft types which have been certificated under a previous set of airworthiness rules should be permitted to continue their useful economic life unless such aircraft demonstrate through operational service the necessity for retroactive application of more restrictive airworthiness regulations. The rule requiring only transport category aircraft be used after December 31, 1953, therefore, is deleted from this proposal.

Operating limitations for transport category airplanes. A considerable number of comments have been received by the Bureau for the amendment of the operating limitations for transport category airplanes. However, it appears advisable that any consideration of the performance limitations of the operations requirements should be accomplished in conjunction with the complementary airworthiness regulations. The Bureau decided, therefore, in lieu of detailed consideration of performance limitations at this time, that discussion of these matters should be accomplished in the course of the Annual Airworthiness Review which was commenced August 8, 1951. It is anticipated that the ultimate disposition of both certification and operating rules may be better determined as a consequence of these discussions. For this reason no change is proposed at this time in the operating limitations for transport category airplanes.

Operating limitations for aircraft not certificated in the transport category. The proposals for operating limitations for aircraft not certificated in the transport category which were included in Draft Release 50–8 were identical to the requirements which presently appear in § 42.80 of Part 42 of the Civil Air Regulations. This section was proposed by the Administrator for adoption as an approximate equivalent of the many requirements and rules from various sources presently applicable to such aircraft types as the Douglas DC–3 and the Lockheed 18. The airlines have commented with respect to this proposal to the effect that these requirements are not, in fact, an approximate equivalent of existing performance limitations and would impose a serious penalty upon the operation of these aircraft types. Although the airlines maintain that no rules are necessary at this time other than the performance limitations which are currently in effect, the Bureau is of the opinion that a single set of performance limitations should be drafted, but that such performance limitations should not unduly penalize the aircraft types to which they apply in view of the exemplary safety record of such types. The Bureau proposes, therefore, to continue discussions with interested segments of the industry with a view toward obtaining agreement upon either the provisions of § 42.80 or such other performance limitations as will establish a single approximate equivalent of operating limitations presently in effect. No specific proposal is contained in the attached proposed Part 40, therefore, but it is anticipated that the necessary operating limitations will be included in Part 40 when ultimately promulgated.

Inspection organization. The Bureau proposed in Draft Release 50–8 that the air carriers' maintenance and inspection organizations be required to be separate in order to provide for a senior operation official of the air carrier to rule upon disputes between inspection and maintenance units rather than to permit a shop foreman to overrule an inspector as to the condition of an aircraft. The airlines in commenting upon this requirement have maintained that the safety record does not justify so unwarranted an intrusion into the air carriers' managerial responsibilities. The Bureau is of the opinion that the safety record in the past with respect to aircraft maintenance does not create a situation which requires such action at this time. This requirement has, therefore, been deleted in the attached proposal.

Required instruments and equipment. As in Draft Release 50–8, the aircraft requirements contained in the present proposal constitute a major revision of the scheduled air carrier regulations. In the sense that certain of the proposed aircraft requirements are not applicable to all operations in existing Civil Air Regulations, they may be regarded as technically retroactive. However, it is not believed that these requirements will cause undue hardship to the industry inasmuch as in almost every instance the scheduled passenger-carrying fleet is so equipped.

The Bureau had previously proposed to require the installation in air carrier aircraft of certain appliances and instruments which have not previously been considered by the Board as a basic aircraft certification requirement. Among such appliances and instruments are the torquemeter, the nonupsetting gyro, and the Mach airspeed indicator. Because considerable comment was received which cast doubt upon the maturity of design and the reliability of these appliances and instruments, the Bureau now proposes that requirements for such equipment should be reviewed on an airworthiness basis first in order that appropriate engineering evaluation and comment can be had. It is believed that the consideration of requirements for such equipment which is currently in progress as a result of comments submitted during the Annual Airworthiness Review will permit such an assessment to be made and will facilitate future considerations of retroactive application of such requirements on a purely operational basis.

Flight recorder. It appears that considerable question still exists as to whether available flight recorder designs are sufficiently mature to warrant mandatory installation at this time. Despite the fact that approximately 3 years of service tests have been accomplished, considerable complaint is still being re-

ceived that these instruments will involve the carrier in excessive maintenance and that their operation continues to be unreliable. It is proposed therefore that the Board undertake, with the assistance of the Civil Aeronautics Administration, to examine the reliability of existing instrument designs as a basis for future regulatory action.

Shoulder harness. Comments concerning the previous proposal to require the installation of shoulder harnesses at pilot stations indicate a distinct possibility that the shoulder harness may impede the movement of the crew in the cockpit. Furthermore, the types of physical injury incurred by crew members in accidents involving air carrier aircraft have not been found to be such as can be expected to be mitigated or prevented by the use of shoulder harnesses. Since it does not appear that sufficient operational justification exists, this requirement has accordingly been deleted.

Flight time limitations. The entire section dealing with flight time limitations has been revised inasmuch as the current proposal relates only to domestic operations. Considerable comment has been received particularly from certain airman organizations which indicates clearly the inconsistency in failing to limit daily flight time of air crewmen other than pilots. It is proposed, therefore, that daily, weekly, monthly, and annual flight time limitations be made applicable to all required flight crewmen irrespective of their function.

Training program. In this field, the Bureau encountered what is perhaps one of the most controversial elements under consideration in this revision. Considerable conflicting comment was had from all interested parties with respect to the manner in which the training program should be carried out by air carriers. The Bureau considered it advisable to make certain changes in its proposal. It is believed that the instrument check, so called, is in fact a misnomer. The instrument check has, during recent years, become more nearly a "proficiency" check and the attached proposal labels it accordingly. The Bureau proposes to continue two such checks annually, but to relate these checks more nearly to pilots' overall proficiency and to remove much of the instrument check portion which is not related to direct and intimate knowledge and skill concerning the operation of aircraft controls. It is believed that such procedures as radio range orientation, manual loop navigation, and rudimentary tracking and beam bracketing procedures can be accomplished equally as effectively on approved simulators. On the other hand, the proficiency check should include engine-out operation in multiengine aircraft. This aspect of the proficiency check is given more precise treatment in the proposed part.

It is believed that the line check will enable the carrier to ascertain whether the training provided the pilot is reflected in typical route operations. In order to assure that some control is maintained over pilot proficiency in all aircraft types, an additional requirement has been added making it necessary that either a proficiency check or a line check be had in each type of aircraft within the preceding 12 months before a pilot is to serve as pilot in command.

It is proposed, furthermore, that the frequency and extent of recurrent training, which was originally proposed to be required annually, would be left as a responsibility of the carrier.

Pilot qualifications. Draft Release 50–8 proposed to require all pilots to hold airline transport pilot ratings. This proposed requirement was predicated upon an assumption that equivalent amendments to Part 21 of the Civil Air Regulations would have been promulgated prior to the effective date of Part 40. However, considerable adverse comment was received with respect to the establishment of a new class of airline transport pilot rating and the requirement for aircraft ratings for copilots. The Bureau plans to review this matter in greater detail in order to determine whether it is appropriate at this time to amend substantially the airman certification rules. Meanwhile, it is proposed that the present pilot certification requirement will continue in force. The requirements in the attached proposal are drafted accordingly.

Positive termination. The Bureau had intended, through the technique of redispatch in flight, to alleviate certain excessive fuel requirements which were encountered in air carrier operations as a result of the present Civil Air Regulations. Recommendations have been received that, in addition, the air carriers should be relieved of the necessity of making provision for an alternate airport whenever forecasts assure that no difficulty may be anticipated in approaching and landing at the destination under visual flight rules irrespective of the fact that flight en route may be accomplished in accordance with instrument flight rules. The Bureau is of the opinion that adequate safeguards can be devised to permit operation without the additional fuel normally required when an alternate airport is specified. The Bureau proposes, therefore, that under conditions in which available forecasts assure no undue delay in transition from IFR en route to VFR approach and landing at the destination an alternate airport need not be specified.

"Take-a-look" prohibition. As a result of a series of accidents involving instrument approaches under conditions of marginal ceilings and visibility during 1946 and 1947, the Board amended the air carrier rules so as to prohibit a pilot from executing an instrument approach at an airport at which the ceiling and visibility are reported to be below the minimums specified for that airport. Several segments of the industry have, during the past 4 years, made repeated representations to the Board with respect to this prohibition, recommending that it be eliminated from the rules. In connection with the proposed Part 40 a recommendation was also received that an exception to this prohibition be made at airports at which both ILS and GCA are available and used for a particular instrument approach. The Bureau believes this recommendation to be sound and has, therefore, proposed an appropriate amendment.

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

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GENERAL

§ 40.0 *Applicability of this part.* (a) The provisions of this part are applicable to air carriers holding certificates of public convenience and necessity issued in accordance with Title IV of the Civil Aeronautics Act of 1938, as amended, when they engaged in scheduled interstate passenger air transportation utilizing multiengine aircraft within the continental limits of the United States: *Provided*, That the provisions of this part shall not apply to operations conducted pursuant to economic exemption authority issued by the Board for a period of 90 days or less: *And provided further*, That any air carrier which is authorized to engage in scheduled air transportation of cargo pursuant to a certificate of public convenience and necessity issued in accordance with Title IV of the Civil Aeronautics Act of 1938, as amended, may conduct such scheduled cargo operations under the provisions of this part in lieu of the provisions of Part 42 of this chapter or portions of this part in lieu of comparable portions of Part 42 of this chapter: *And provided further*, That in the case of routes extending beyond the continental limits of the United States, the Administrator may, by order, permit a specific air carrier to conduct operations over the whole or portions of such routes pursuant to provisions of Part 41 of this chapter.

(b) The provisions of this part shall supersede those of Parts 40 and 61 of this chapter in effect prior to the effective date of this part.

§ 40.1 *Applicability of Parts 43 and 60 of this chapter.* The provisions of Parts 43 and 60 of the Civil Air Regulations shall be applicable to all air carrier operations conducted under the provisions of this part unless otherwise specified in this part.

§ 40.2 *Definitions.* (a) As used in this part, terms shall be defined as follows:

(1) *Accelerate-stop distance.* Accelerate-stop distance is the sum of the distances required to accelerate the airplane up to a specified speed and, assuming failure of the critical engine at the instant that speed is attained, to bring the airplane to a stop. (See the pertinent airworthiness requirements for the manner in which such distance is determined.)

(2) *Act.* Act means the Civil Aeronautics Act of 1938, as heretofore or hereafter amended.

(3) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(4) *Air carrier.* Air carrier means any citizen of the United States who directly or indirectly, or by lease or by other arrangement, undertakes the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft in commerce, whether such commerce moves wholly by aircraft or partly by other forms of transportation, between any of the following places: A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; places in the same State of the United States through the airspace over any place outside thereof; places in the same Territory or possession of the United States, or the District of Columbia; a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States and a place in any other Territory or possession of

the United States; a place in the United States and any place outside thereof.

(5) *Air traffic clearance.* An air traffic clearance is an authorization issued by air traffic control for an aircraft to proceed under specified conditions.

(6) *Air traffic control.* Air traffic control is a service provided for the purpose of:

(i) Preventing collisions between aircraft, and, on the maneuvering area, between aircraft and obstructions; and

(ii) Expediting and maintaining an orderly flow of air traffic.

(7) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

(8) *Aircraft dispatcher.* An aircraft dispatcher is an airman holding an aircraft dispatcher certificate issued by the Administrator who exercises joint responsibility with the pilot in command in the dispatch and operational control governing the safe conduct of each flight.

(9) *Airframe.* Airframe shall mean all parts of an aircraft less powerplant, propeller, and appliances.

(10) *Airport.* An airport is an area of land or water which is used, or intended for use, for the landing and take-off of aircraft.

(11) *Alternate airport.* An alternate airport is an airport listed in the dispatch release as an airport to which a flight may proceed if a landing at the airport to which the flight was initially dispatched becomes inadvisable.

(12) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, and accessories which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes) and which are not a part or parts of airframes, powerplants, or propellers.

(13) *Approach area.* The approach or take-off area shall be an area symmetrical about a line coinciding with and prolonging the center line of the runway, or the most probable landing or take-off path for instrument approaches where there is a multiplicity of parallel runways, or a large hard-surfaced area continuously available for landing or take-off. This area shall be assumed to extend longitudinally in a straight line from the intersection of the obstruction clearance line with the runway to the most remote obstacle touched by the obstruction clearance line, and in no case less than 1,500 feet. Thence it shall be assumed to continue in a path consistent with the instrument approach or take-off procedures for the runway in question or, where such procedures are not specified, consistent with turns of at least 4,000 feet in radius. It shall be further assumed to extend laterally at the point of intersection of the obstruction clearance line with the runway 200 feet on each side of such center line. This distance shall increase uniformly to 500 feet on each side of such center line at a longitudinal distance of 1,500 feet from such point of intersection. Thereafter, this distance shall be assumed to be 500 feet on each side of such center line.

(14) *Approved.* Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., shall mean approved by the Administrator.

(15) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

(16) *Ceiling.* Ceiling is the distance from the surface of the ground or water to the lowest cloud layer or other obscuring media reported as "broken clouds" or "overcast," except when reported as "thin" or "partial."

(17) *Check airman.* A check airman is an airman designated by the air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

(18) *Control area.* Control area is airspace having defined dimensions, designated by the Administrator, which extends upward from an altitude of 700 feet above the surface within which air traffic control is exercised.

(19) *Control zone.* Control zone is airspace having defined dimensions, designated by the Administrator, which extends upward from the surface, which includes one or more airports, and within which rules additional to those governing control areas apply for the protection of air traffic.

(20) *Crew member.* A crew member is any individual assigned by an air carrier for the performance of duty on an aircraft in flight.

(21) *Critical engine.* The critical engine is that engine the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

(22) *Critical-engine-failure speed (transport category airplanes).* The critical-engine-failure speed is the airplane speed used in the determination of the take-off at which the critical engine is assumed to fail. (See § 4b.114 (a) of this chapter.)

(23) *Dispatch release.* A dispatch release is an authorization issued by an air carrier specifying the conditions for the origination or continuance of a particular flight.

(24) *Duty aloft.* Duty aloft includes the entire period during which an airman is assigned as a member of an aircraft crew during flight time.

(25) *Effective length of runway.* The effective length of a runway is the distance from the point where the obstruction clearance line intersects the runway to the far end thereof.

(26) *En route.* En route shall mean the entire flight from the point of origination to the scheduled termination point including intermediate stops.

(27) *Extended overwater operation.* An extended overwater operation shall be considered an operation over water, conducted at a distance in excess of 50 miles from the nearest shore line.

(28) *Flight crew member.* A flight crew member is a crew member assigned to duty on an aircraft as a pilot or flight engineer.

(29) *Flight deck duty time.* Flight deck duty time is that portion of flight time during which a flight crew member is engaged in the actual operation of an aircraft.

(30) *Flight engineer.* A flight engineer is an airman holding a flight engineer certificate issued by the Administrator whose primary assigned duty during flight is to assist the pilots in the mechanical operation of the aircraft.

(31) *Flight time.* Flight time is the time from the moment the aircraft first moves under its own power for the purpose of flight until it comes to rest at the end of the flight (block-to-block time).

(32) *IFR.* IFR is the symbol used to designate instrument flight rules.

(33) *Maneuvering area.* The maneuvering area is that part of an airport to be used for the take-off and landing of aircraft and for the movement of aircraft associated with take-off and landing.

(34) *Maximum certificated take-off weight.* The maximum certificated take-off weight is the maximum take-off weight authorized by the terms of the aircraft airworthiness certificate.[1]

(35) *Minimum control speed.* The minimum control speed is the minimum speed at which the aircraft can be safely controlled after an engine suddenly becomes inoperative. (See pertinent airworthiness requirements for the manner in which such speed is determined.)

(36) *Month.* Month shall mean that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

(37) *Night.* Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.[2]

(38) *Obstruction clearance line.* The obstruction clearance line is a line with a slope to the horizontal of 1/20 drawn tangent to or clearing all obstructions shown in a profile of the approach area.

(39) *Operational control.* Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

(40) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes

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[1] Note that the aircraft ariworthiness certificate incorporates as a part thereof the aircraft operating record or an Airplane Flight Manual which contains the pertinent limitation.

[2] The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

any trustee, receiver, assignee, or other similar representative thereof.

(41) *Pilot in command.* The pilot in command is the pilot designated by the air carrier as the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

(42) *Pilotage.* Pilotage is navigation by means of visual reference to landmarks.

(43) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(44) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust substantially parallel to the longitudinal axis of the aircraft.

(45) *Provisional airport.* A provisional airport is an airport used by an air carrier for the purpose of providing service to a community when the regular airport serving that community is not available.

(46) *Rating.* Rating is an authorization issued with a certificate, and forming a part thereof, stating special conditions, privileges, or limitations pertaining to such certificate.

(47) *Refueling airport.* A refueling airport is an airport approved as an airport to which flights may be dispatched only for refueling.

(48) *Regular airport.* A regular airport is an airport approved as a regular terminal or intermediate stop on an authorized route.

(49) *Route.* A route is airspace of a specified width which joins those points on the surface of the earth between which an air carrier provides air transportation in accordance with the terms of its certificate of public convenience and necessity issued by the Board.

(50) *Route segment.* A route segment is a portion of a route, each terminus of which is identified by:

(i) A continental or insular geographic location, or

(ii) A point at which a definite radio fix can be established.

(51) *Runway.* A runway is a clearly defined rectangular area of an airport suitable for the safe landing and take-off of aircraft.

(52) *Scheduled to serve or scheduled for duty.* Scheduled to serve or scheduled for duty shall mean the projected operations of an airman established and published by an air carrier rather than the actual operations.

(53) *Second in command.* Second in command is any pilot, other than the pilot in command, who is designated by the air carrier to act as second in command of an aircraft with a required crew of 3 or more pilots.

(54) *Show.* Show shall mean to demonstrate or prove to the satisfaction of the Administrator prior to the issuance of the air carrier operating certificate, or at any time thereafter.

(55) *Synthetic trainer.* A synthetic trainer is an approved device which simulates flight operating conditions.

(56) *Time in service.* Time in service as used in computing maintenance time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

(57) *Transport category aircraft.* Transport category aircraft are aircraft which have been type certificated in accordance with the requirements of Part 4b of this chapter or the transport category performance requirements of Part 4a of this chapter.

(58) *Type.* Type shall mean all aircraft of the same basic design, including all modificatons thereto except those modifications which result in a change in handling or flight characteristics.

(59) *UHF.* UHF is the symbol used to designate ultrahigh frequency.

(60) V_1. V_1 is the symbol used to designate the critical-engine-failure speed. (See § 4b.114 (a) of this chapter.)

(61) V_2. V_2 is the symbol used to designate the minimum take-off safety speed. (See § 4b.114 (b) of this chapter.)

(62) *VFR.* VFR is the symbol used to designate visual flight rules.

(63) *VHF.* VHF is the symbol used to designate very high frequency.

(64) V_{s_0}. V_{s_0} is the symbol used to designate the stalling speed of an airplane or the minimum steady flight speed with wing flaps in the landing position. (See §§ 4b.112 (a) and 4b.160 of this chapter.)

(65) *Visibility.* Visibility is the ability, as determined by atmospheric conditions and expressed in units of distance, to see and identify prominent unlighted objects by day and prominent lighted objects by night:

(i) *Flight visibility.* Flight visibility is the average range of visibility forward from the cockpit of an aircraft in flight.

(ii) *Ground visibility.* Ground visibility is the visibility at an airport as reported by an accredited observer.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 40.3 *Certificate required.* No person subject to the provisions of this part shall operate passenger-carrying aircraft in scheduled interstate air transportation without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator.

§ 40.4 *Contents of certificate.* An air carrier operating certificate shall specify the points to and from which, and the routes over which, an air carrier is authorized to operate.

§ 40.5 *Applications for certificate.* An application for an air carrier operating certificate shall be made in the manner and contain information prescribed by the Administrator.

§ 40.6 *Issuance.* (a) An air carrier operating certificate shall be issued by the Administrator to an applicant having a certificate of convenience and necessity issued by the Civil Aeronautics Board when the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and with the operations specifications authorized in this part.

(b) Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations in aircraft of less than 12,500 pounds maximum certificated take-off weight, or for air carrier operations conducted pursuant to a temporary authorization issued under Title IV of the act, require or permit a deviation from any specific requirement for a particular operation or class of operations for which an application for an air carrier operating certificate has been made, he may issue operations specifications prescribing requirements which deviate from the requirements of this part. The Administrator shall promptly notify the Board of such deviations in the operations specifications and the reasons therefor.

§ 40.7 *Amendment.* (a) The Administrator shall, after notice and opportunity for hearing, amend an air carrier operating certificate when he finds that such amendment is reasonably required in the interest of safety.

(b) Upon application by an air carrier the Administrator shall amend an air carrier operating certificate when he finds that the general standards of safety permit such an amendment.

§ 40.9 *Display.* The air carrier operating certificate shall be available at the principal operations office of an air carrier for inspection by any authorized representative of the Board or the Administrator.

§ 40.10 *Duration.* (a) An air carrier operating certificate shall remain in effect until termination of the certificate of public convenience and necessity or other economic authorization issued by the Board held by the air carrier, or until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After suspension or revocation it shall be returned to the Administrator.

(b) Nothing in this section shall be construed to deny or to defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act, the Civil Air Regulations, or the air carrier operating certificate occurring during the effective period of such certificate.

§ 40.11 *Transferability.* An air carrier operating certificate is not transferable, except with the written consent of the Administrator.

§ 40.12 *Operations specifications required.* (a) On and after the effective date of this part all air carrier operations specifications currently in force relating to interstate air transportation shall cease to be a part of any air carrier operating certificate and shall be deemed to be operations specifications issued under this part. Thereafter new specifications may be issued for operations subject to this part by the Administrator in a form and manner prescribed by him and in accordance with the provisions of this part.

NOTE: The purpose and effect of this provision is to abolish the operations specifications as terms and conditions of the air carrier operating certificate and to re-establish them under the rule-making power of the Board, delegated to the Administrator pursuant to section 601 (c) of the act.

(b) No person subject to the provisions of this part shall operate passenger-carrying aircraft in scheduled interstate transportation in violation of the operations specifications issued or approved by the Administrator.

§ 40.13 *Contents of specifications.* The operations specifications shall contain the following:

(a) Types of operations authorized,

(b) Types of aircraft authorized for use,

(c) En route authorizations and limitations,

(d) Airport authorizations and limitations,

(e) Time limitations for aircraft overhaul, inspections, and checks, or standards by which such time limitations shall be determined,

(f) Procedures used to maintain control of weight and balance of aircraft,

(g) Interline equipment interchange requirements, if pertinent, and

(h) Such additional items as the Administrator determines, under the enabling provisions of this part, are necessary to cover a particular situation.

§ 40.14 *Utilization of operations specifications.* The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier.

§ 40.15 *Amendment of operations specifications.* Any operations specification may be amended by the Administrator if he finds that safety in air transportation so requires or permits. Except in the case of an emergency requiring immediate action in respect to safety in air transportation or upon consent of the air carrier concerned, no amendment shall become effective until thirty days after the date the air carrier has been notified of such amendment. Within thirty days after the receipt of such notice, the air carrier may petition the Board to review the action of the Administrator, and pending its decision on the matter the Board may, in its discretion, stay the effectiveness of the amendment.

§ 40.16 *Inspection.* An authorized representative of the Board or the Administrator shall be permitted at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the act, the Civil Air Regulations, the provisions of the air carrier's operating certificate, and the operations specifications.

§ 40.17 *Operations base and office.* Each scheduled air carrier shall give written notice to the Administrator of his principal business office and his principal operations base. Thereafter, prior to any change in any such office, he shall give written notice to the Administrator.

REQUIREMENTS FOR SERVICES AND FACILITIES

§ 40.20 *Route requirements, demonstration of competence.* Except as provided for in this part for operations over unauthorized routes, no air carrier shall conduct scheduled passenger operations over any route or route segment until the air carrier has demonstrated to the satisfaction of the Administrator that it is competent to conduct such operations and that the facilities and services available are adequate for the type of operation proposed. The Administrator need not require actual flight over a route or route segment, if the air carrier shows that such flight is not essential to safety.

§ 40.21 *Width of routes.* A route or route segment shall include the navigable airspace on each side of an approved track or tracks, and it shall have a width designated by the Administrator consistent with terrain, available navigational aids, traffic density, and air traffic control procedures; except that when the flight is conducted at or above 12,500 feet above sea level east of longitude 100° W and at or above 14,500 feet above sea level west of longitude 100° W, the route or route segment shall have no designated width.

§ 40.22 *IFR routes outside of control areas.* IFR routes outside of controlled areas may be approved if the air carrier demonstrates that the navigational and communications facilities are adequate for the operations proposed, unless the Administrator finds that because of traffic density an adequate level of safety cannot be assured in a particular area.

§ 40.23 *Airports.* The air carrier shall show that each route has sufficient airports found by the Administrator to be properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, public protection, lighting, navigation and communications aids, and traffic control.

§ 40.24 *Communications facilities.* The air carrier shall show that a two-way ground to aircraft radio communication system is available at such points as will insure reliable and rapid communications over the entire route, either direct or via approved point-to-point channels for the following purposes:

(a) Communications between the aircraft and the appropriate dispatch office, in which case such system shall be independent of systems operated by the Federal Government, and

(b) Communications between the aircraft and the appropriate air traffic control unit, in which case the Administrator may permit the use of communications systems operated by the Federal Government.

§ 40.25 *Weather reporting facilities.* The air carrier shall show that sufficient weather reporting services are available at such points along the route as are necessary to insure such weather reports and forecasts as are necessary for the operation. Weather reports and forecasts used to control flight movements shall be prepared from observations made and released by the United States Weather Bureau or by a source approved by the Weather Bureau.

§ 40.26 *En route navigational facilities.* The air carrier shall show that the following navigational facilities are available along each route for the following types of operations:

(a) No nonvisual ground aids to navigation are required for day or night VFR operations where the characteristics of the terrain are such that navigation can be conducted by pilotage.

(b) Where navigation is accomplished by nonvisual aids to air navigation, such aids shall be so located as to permit navigation to any regular, provisional, refueling, or alternate airport within the degree of accuracy necessary for the particular operation involved.

(c) Considering the traffic density along the route, nonvisual aids to navigation shall be such that aircraft can be navigated to the degree of accuracy required to adhere to the flow of traffic established for air traffic control.

§ 40.27 *Discontinuance of facilities.* The substantial modification or the discontinuance of use of any communication, navigational, or weather reporting facility, originally approved for use by the air carrier, shall not be accomplished without prior written authorization of the Administrator.

§ 40.28 *Servicing and maintenance facilities.* (a) The air carrier shall show that competent personnel and adequate facilities and equipment, including spare parts, supplies, and materials, are available at such points along the air carrier's routes as are necessary for the proper servicing, maintenance, repair, and inspection of aircraft and auxiliary equipment.

(b) Subject to the approval of the Administrator an air carrier may make arrangements with another person for the performance of all or any part of the required maintenance, alteration, repair, and inspection functions.

§ 40.29 *Location of dispatch centers.* (a) The air carrier shall show that it has a sufficient number of dispatch centers adequate for the operations to be conducted and located at such points as are necessary to insure the proper clearance, dispatch, and operational control in the safe conduct of each flight.

(b) No change in the number or location of dispatch centers shall be accomplished without prior written authorization by the Administrator.

MANUAL REQUIREMENTS

§ 40.30 *Preparation of manual.* The air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in the conduct of its operations.

§ 40.31 *Contents of manual.* (a) The manual shall contain instructions, information, and comprehensive data necessary for the personnel concerned to carry out their duties and responsi-

bilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The manual may be in two or more separate parts (e. g. flight operations, ground operations, maintenance, communications, etc.) to facilitate use by the personnel concerned, but each part shall contain so much of the information listed below as is appropriate for each group of personnel:

(1) General policies,

(2) Duties and responsibilities of each flight crew and crew member and appropriate members of the ground organization,

(3) Reference to appropriate Civil Air Regulations and Civil Aeronautics Manuals,

(4) Flight dispatching and control,

(5) En route flight, navigation, and communication procedures, including procedures for the dispatch or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route,

(6) Appropriate information from the en route operations specifications, including for each approved route the type of aircraft authorized, its crew complement, the type of operation (i. e. VFR, IFR, day, night) and other pertinent information,

(7) Appropriate information from the airport operations specifications, including for each airport its location, its designation (i. e. regular, alternate, provisional, etc.) type of aircraft authorized, instrument approach procedures, landing and take-off minimums, and other pertinent information,

(8) Take-off, en route, and landing weight limitations,

(9) Procedures for briefing and familiarizing passengers with the use of emergency equipment during flight,

(10) Emergency procedures and equipment,

(11) The method of designating succussion of command of flight crew members,

(12) Procedures for determining the usability of all landing and take-off areas and for dissemination of pertinent information to operations personnel,

(13) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any other unusual meteorological conditions,

(14) Airman training programs, including appropriate ground, flight, and emergency phases,

(15) Instructions and procedures for maintenance, repair, overhaul, and servicing,

(16) Time limitations for overhaul, inspection, and checks, and standards governing revision of such time limitations,

(17) Procedures for refueling aircraft, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling,

(18) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel,

(19) Methods and procedures for maintaining the aircraft weight and center of gravity within approved limits, and

(20) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the principal operations base of the air carrier.

§ 40.32 *Distribution.* (a) Copies and revisions of the manual shall be furnished to the following:

(1) The Administrator,

(2) Authorized representatives of the Administrator assigned to the air carrier to act as aviation safety agents,

(3) Appropriate operations and maintenance personnel of the air carrier.

(b) All copies of the manual shall be kept up to date.

AIRCRAFT REQUIREMENTS

§ 40.50 *General.* Aircraft shall be identified, certificated, and equipped in accordance with the applicable requirements of the Civil Air Regulations. No air carrier shall operate any aircraft in scheduled passenger operation unless:

(a) The air carrier is rated competent, in accordance with § 40.67, to operate the type of aircraft over each route or segment thereof on which operation is proposed, and

(b) Such aircraft meets the requirements of this part and is listed in the air carrier operations specifications.

§ 40.51 *Aircraft certification requirements*—(a) *Aircraft certificated prior to June 30, 1942.* Aircraft certificated as a basic type prior to June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of §§ 40.62 through 40.65 over each route to be flown, or

(2) Comply with either the performance requirements of §§ 4a.737–T through 4a.750–T of this chapter or the requirements of Part 4b of this chapter, and shall meet the requirements of §§ 40.53 through 40.61: *Provided,* That should any type be so qualified, all aircraft of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Aircraft certificated after June 30, 1942.* Aircraft certificated as a basic type after June 30, 1942, shall be certificated as transport category aircraft and shall meet the requirements of of §§ 40.53 through 40.61 over each route to be flown.

§ 40.52 *Aircraft limitation for type of route.* All aircraft used in scheduled passenger air transportation shall be multiengine aircraft and shall comply with the following requirements.

(a) *Two- or three-engine aircraft.* Two- or three-engine aircraft shall meet the requirements of § 40.57 or § 40.64 as appropriate and shall not be used in passenger-carrying operations unless adequate airports are so located along the route that the aircraft will at no time be at a greater distance therefrom than one hour of flying time in still air at normal cruising speeds.

(1) Where the Administrator determines that the character of the terrain, the type of operation, or the performance of the aircraft to be used permit distances between airports greater than specified in this paragraph, and where he further determines that adequate safety along the proposed routes will be assured, he may authorize operation with the type of aircraft authorized in this paragraph on routes where the distances between airports exceed those specified.

(b) *Four-engine aircraft.* Four-engine aircraft shall be operated in accordance with § 40.58.

(c) *Land aircraft on overwater routes.* Land aircraft operated on flights involving extended overwater operations shall be certificated as adequate for ditching in accordance with the standards prescribed in § 4b.261 of this chapter.

OPERATING LIMITATIONS

§ 40.53 *Operating limitations for transport category airplanes.* (a) In operating any passenger-carrying transport category airplane the provisions of §§ 40.54 through 40.61 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) For transport category aircraft the performance data contained in the airplane flight manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(c) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off runway limitations of the transport category operating rules, after taking into account the temperature operating correction factors required by §§ 4a.749a–T or 4b.117 of this chapter, and set forth in the Airplane Flight Manual for the airplane.

§ 40.54 *Weight limitations.* (a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum take-off weights have been determined, and no airplane shall depart for an airport of intended destination, or have any airport specified as an alternate, which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at take-off shall not exceed the authorized maximum take-off weight for the elevation of the airport from which the take-off is to be made.

(c) The weight at take-off shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized

maximum landing weight for the elevation of such airport.

§ 40.55 *Take-off limitations to provide for engine failure.* No take-off shall be made except under conditions which will permit compliance with the following requirements.

(a) It shall be possible, from any point on the take-off up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the take-off and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the take-off area. Thereafter it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that a maximum bank thereafter does not exceed 15°.

(c) In applying conditions (a) and (b) of this section, correction shall be made for any gradient of the runway. Take-off data based on still air may be corrected to allow for the effect of a favorable wind according to reported wind conditions: *Provided,* That not more than 50 percent of the headwind component along the direction of take-off is used: *And provided further,* That not less than 150 percent of the tail wind component along the direction of take-off is used.

§ 40.56 *En route limitations; all engines operating.* No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least 6 V_{s_0} (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. Transport category airplanes certificated under Part 4a of this chapter are not required to comply with this section. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 40.57 *En route limitations; one engine inoperative.* No airplane of a maximum certificated take-off weight of less than 40,000 pounds shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least 0.02 $V_{s_0}^2$ (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track; for airplanes of a maximum certificated take-off weight of 40,000 to 60,000 pounds, inclusive, the rate of climb shall increase linearly in relation to weight to 0.04 $V_{s_0}^2$; for airplanes of a maximum certificated take-off weight of over 60,000 pounds the rate of climb shall be 0.04 V_{s_0}; for transport category airplanes certificated under Part 4a, the rate of climb shall be 0.02 $V_{s_0}^2$ for all maximum certificated take-off weights. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 40.58 *En route limitations; two engines inoperative.* No airplane having four or more engines shall be flown along an intended track except under the following conditions: *Provided,* That this section shall not apply to transport category airplanes certificated under Part 4a of this chapter:

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing my be made in accordance with the requirements of § 40.61, assuming all engines are operating at cruising speed; or

(b) The take-off weight is such that the airplane with two engines inoperative shall have a rate of climb (expressed in feet per minute) of at least 0.01 $V_{s_0}^2$ (when V_{s_0} is expressed in miles per hour) either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher.

(1) The rate of climb referred to in paragraph (b) of this chapter shall be determined by assuming the airplane's weight to be either that attained at the moment of failure of the second engine, assuming that failure to occur 90 minutes after departure, or that which may be attained by dropping fuel at the moment of failure of the second engine, assuming that sufficient fuel is retained to arrive at an altitude of at least 1,000 feet directly over the landing area.

§ 40.59 *Special en route limitations.* The 10-mile lateral distance specified in §§ 40.56 through 40.58 may, for a distance of no more than 20 miles, be reduced to 5 miles, if operating VFR, or if air navigational facilities are so located as to provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 40.60 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions stated hereinafter in paragraphs (a) and (b) of this section, would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance line and the runway. For the purpose of this section it shall be assumed that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the aircraft is landed on the most favorable runway and direction without regard to wind.

(b) It shall be assumed, considering every probable wind velocity and direction, that the aircraft is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane and allowing for the effect on the landing path and roll of not more than 50 percent of the favorable wind component.

(c) When it is forecast that weather or other conditions existing at the airport of intended destination require landing under downwind conditions, the landing path and roll shall be corrected for not less than 150 percent of the unfavorable wind component.

§ 40.61 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a flight plan unless the aircraft at the weight at take-off can comply with the requirements of § 40.60 (a) and (b) at such airport: *Provided,* That the aircraft can be brought to rest within 70 percent of the effective length of the runway.

§§ 40.62 through 40.65 *Operating limitations for aircraft not certificated in the transport category.* (See explanatory statement.)

§ 40.66 *Special airworthiness requirements*—(a) *Fire prevention.* Irrespective of the basis of airworthiness certification, all aircraft shall comply with the following requirements, except where the Administrator finds that the special circumstances in a particular case make literal observance of the requirements unnecessary for safety. Aircraft powered by engines rated at more than 600 horsepower each for maximum continuous operation shall, when used in passenger service, comply with the following fire prevention requirements of Part 4b of this chapter effective July 20, 1950: §§ 4b.1 (g) (1) through (g) (5), 4b.357, 4b.371, 4b.372, 4b.381 through 4b.384, 4b.406, 4b.412, 4b.422 (c) through (e), 4b.444 (b), 4b.444 (c) (1) through (c) (3), 4b.445, 4b.448, 4b.455, 4b.480 through 4b.483, 4b.484 (a) (1) and (a) (3), 4b.184 (b) through (e), 4b.485 through 4b.489.

(b) *Control of engine rotation.* All aircraft shall be provided with means for individually stopping and restarting the rotation of any engine in flight.

(c) *Fuel system independence.* Aircraft fuel systems shall be arranged in such manner that the failure of any one component will not result in the irrecoverable loss of power of more than one engine. A separate fuel tank need not be provided if the Administrator finds that the fuel system incorporates features which provide equivalent safety.

(d) *Induction system ice prevention.* Means for prevention and elimination of ice accumulation in the engine air induction system shall be provided for all aircraft.

(e) *Carriage of cargo in passenger compartments.* When operating condi-

tions require the carriage of cargo which cannot be loaded in cargo racks, bins, or compartments which are separate from passenger compartments, such cargo may be carried in a passenger compartment if the following requirements are complied with: *Provided*, That the Administrator, under a particular set of circumstances, may authorize deviations from these requirements when he finds that safety will not be adversely affected and that it is in the public interest to carry such cargo.

(1) It shall be packaged or covered in a manner to avoid possible injury to passengers.

(2) It shall be properly secured in the aircraft by means of safety belts or other tie-downs possessing sufficient strength to eliminate possibility of shifting under all normally anticipated flight and ground conditions.

(3) It shall not be carried aft of seated passengers.

(4) It shall not impose any loads on seats or on the floor structure which exceed the designed loads for those components.

(5) It shall not be placed in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle between the crew and the passenger compartments.

§ 40.67 *Proving tests.* (a) A type of aircraft not previously approved for use in scheduled operation shall have at least 100 hours of proving tests, in addition to the aircraft certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total at least 50 hours shall be flown over authorized routes and at least 10 hours shall be flown at night.

(b) A type of aircraft which has been previously proved shall be tested for at least 50 hours of which at least 25 hours shall be flown over authorized routes when the aircraft:

(1) Is materially altered in design, or

(2) Is to be used on a substantially different type of operation than that for which proved, or

(3) Is to be used by an air carrier who has not previously proved such a type.

(c) During proving tests only those persons required to make the tests and those designated by the Board or the Administrator shall be carried. Mail, express, and other cargo may be carried when approved by the Administrator.

AIRCRAFT INSTRUMENTS AND EQUIPMENT

§ 40.70 *Aircraft instruments and equipment.* Except as provided in § 40.182 (b), the instruments and equipment specified in §§ 40.71 through 40.79 for all operations and the instruments and equipment specified in §§ 40.80 through 40.92 for the type of operation indicated shall be in operable condition. All such instruments and equipment shall be approved and installed in accordance with the provisions of the pertinent airworthiness requirements.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 40.71 *Flight and navigational equipment for all operations.* The following flight and navigational instruments and equipment are required for all operations:

(a) Air-speed indicator,

(b) Altimeter (sensitive),

(c) Clock (sweep-second),

(d) Free air temperature indicator,

(e) Gyroscopic bank and pitch indicator,

(f) Gyroscopic rate-of-turn indicator (with bank indicator),

(g) Gyroscopic direction indicator,

(h) Magnetic direction indicator,

(i) Rate-of-climb indicator (vertical speed).

§ 40.72 *Powerplant instruments for all operations.* The following powerplant instruments are required for all operations:

(a) Carburetor air temperature indicator for each engine,

(b) Coolant temperature indicator for each liquid-cooled engine,

(c) Cylinder head temperature indicator for each air-cooled engine,

(d) Fuel pressure indicator for each pump-fed engine,

(e) Fuel flowmeter or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control,

(f) Means for indicating fuel quantity in each fuel tank,

(g) Manifold pressure indicator for each engine,

(h) Oil pressure indicator for each engine,

(i) Oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used,

(j) Oil temperature indicator for each engine,

(k) Tachometer for each engine,

(l) On and after _____ a fuel pressure warning indicator for each engine, or where a master indicator is used an individual selector switch available to the crew for each engine in the warning light circuit.

§ 40.73 *Emergency equipment for all operations.* (a) The emergency equipment specified in paragraphs (b), (c), and (d) of this section is required for all operations. Such equipment shall be readily accessible to the crew, and the method of operation shall be plainly marked. When such equipment is carried in compartments or containers, the compartments or containers shall be so marked as to be readily identified.

(b) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments in accordance with the following requirements:

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) On and after July 1, 1952, at least one hand fire extinguisher shall be conveniently located in the passenger compartment of aircraft accommodating more than six but less than 30 passengers. On aircraft accommodating 30 or more passengers, at least two fire extinguishers shall be provided. None need be provided in passenger compartments of aircraft accommodating six or less persons.

(4) Hand fire extinguishers shall be provided for cargo and baggage compartments in accordance with the provisions of § 4b.383 of this chapter.

(c) *First-aid equipment.* First-aid equipment suitable for treatment of injuries likely to occur in flight or in minor accidents shall be provided in a quantity appropriate to the number of passengers and crew accommodated in the airplane.

(d) *Emergency evacuation equipment.* (1) Adequate evacuation equipment shall be provided on and after _____, where the aircraft design is such that, when the aircraft is in normal landing configuration or is tipped to an attitude likely to result from a landing accident, the regular exits would not be sufficiently close to the ground to enable passengers and crew to be safely and expeditiously evacuated. Such evacuation equipment shall be stowed in a location readily accessible for use at the appropriate exit and so marked as to be readily accessible at all times.

(2) On and after July 1, 1952, all aircraft shall be equipped with at least one crash ax, and if accommodations are provided for more than 30 persons including the crew aircraft shall be equipped with at least two crash axes. This equipment shall be stowed in conspicuous locations.

§ 40.74 *Safety belts for all operations.* A safety belt for each passenger and crew member shall be installed in each aircraft. All safety belts installed as original or replacement equipment shall be of a type approved under the provisions of § 15.8 of this chapter. In no case shall the rated strength of a safety belt be less than that corresponding with the ultimate load factors specified in the pertinent currently effective aircraft airworthiness parts of the Civil Air Regulations. The webbing of safety belts shall be subject to periodic replacement as prescribed by the Administrator.

§ 40.76 *Miscellaneous equipment for all operations.* All aircraft shall have installed the following equipment:

(a) Seats for all occupants,

(b) Master switch arrangements for electrical circuits other than the ignition,

(c) Protective devices (fuses or circuit breakers) to be installed in the circuits to all electrical equipment, except the main circuits of starter motors or other circuits where no hazard is presented by their omission. If fuses are used, at least 50 percent spare fuses of each rating shall be provided.

(d) Windshield wiper or equivalent for each pilot,

(e) An alternate source of energy capable of carrying the required load for all required instruments requiring a power supply. Engine-driven sources of energy, when used, shall be on separate engines.

(f) Means for indicating whether the power supply for essential flight instruments is functioning properly,

(g) Independent primary and alternate static pressure systems, so vented to the outside atmosphere that they will be least affected by air flow variation, moisture, or other foreign matter, and so installed as to be airtight except for the vent into the atmosphere. When a means is provided for transferring an instrument from its primary operating system to an alternate system, such means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(h) Means for locking all companionway doors which separate passenger compartments from crew compartments. Keys for all doors which separate passenger compartments from other compartments having emergency exit provisions shall be in the possession of all crew members. All doors which lead to compartments normally accessible to passengers and which are capable of being locked by passengers shall be provided with means for unlocking by the crew in the event of an emergency.

(i) For seaplanes only, anchor light or lights, a warning bell for signalling when not under way during fog conditions, and an anchor adequate for the size of the seaplane.

§ 40.77 *Cockpit check system for all operations.* The air carrier shall provide for each type of aircraft a cockpit check system adapted to each operation in which the aircraft is to be utilized. This system shall include all items necessary for flight crew members to check for safety prior to starting engines, prior to taking off, prior to landing, and in powerplant emergencies. It shall be so designed as to obviate the necessity for a flight crew member to rely upon his memory for items to be checked and shall be readily usable in the cockpit of each aircraft.

§ 40.78 *Passenger information for all operations.* All aircraft shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew.

§ 40.79 *Exit and evacuation marking for all operations.* On or after July 1, 1952, all aircraft shall comply with the provisions of this section.

(a) All exits shall be so marked or illuminated as to permit ready identification and to attract the attention of the occupants of the aircraft under any light conditions. The location of the exit operating handles and clear, concise instructions for opening exits shall be plainly marked on or adjacent to the exits for the guidance of the occupants of the aircraft.

(b) The instructions for opening exits shall be painted with a luminous paint to permit them to be read in complete darkness unless there is installed, for each exit, a source of light with an integral energy supply independent from the main lighting system which will function automatically or manually to illuminate the exit markings in the event of a crash landing.

(c) The exterior areas of the fuselage of an aircraft shall be marked to indicate those areas suitable for cutting to facilitate the escape and rescue of occupants in the event of an accident.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 40.80 *Instruments and equipment for operations at night.* Each aircraft operated at night shall be equipped with the following instruments and equipment in addition to those required for all operations.

(a) Flashing position lights,

(b) Two landing lights,

(c) Two class I or class I–A landing flares meeting the installation requirements of § 4b.642 of this chapter.

(d) Instrument lights in accordance with the provisions of § 4b.630 of this chapter.

(e) At least one heavy-duty electric lantern conveniently located for use in passenger compartments. For aircraft carrying more than 30 passengers, at least two such lanterns shall be provided.

(f) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing, and

(g) A sensitive-type altimeter.

§ 40.81 *Instruments and equipment for operations under IFR.* Each aircraft operated under IFR shall be equipped with the following instruments in addition to those required by §§ 40.71 through 40.79.

(a) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing,

(b) A sensitive-type altimeter, and

(c) Instrument lights in accordance with the provisions of § 4b.630 of this chapter.

§ 40.83 *Supplemental oxygen*—(a) *General.* Except where supplemental oxygen is provided in accordance with the requirements of § 40.84, supplemental oxygen shall be furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements hereinafter set forth, "altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated.

(b) *Crew members.* (1) At altitudes above 10,000 feet to and including 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At altitudes above 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the entire flight time at such altitudes.

(c) *Passengers.* Each air carrier shall provide a supply of oxygen for passenger safety as approved by the Administrator in accordance with the following requirements:

(1) For flights of over 30-minute duration at altitudes above 8,000 feet to and including 14,000 feet a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at altitudes above 14,000 feet to and including 15,000 feet a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at altitudes above 15,000 feet a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 40.84 *Supplemental oxygen requirements for pressurized cabin airplanes.* When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the following requirements in the event of cabin pressurization failure.

(a) *For crew members.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crew members for the duration of the flight at such altitudes: *Provided,* That not less than a 2-hour supply of oxygen shall be provided for the flight crew members on flight deck duty. The oxygen supply required by § 40.86 may be considered in determining the supplemental breathing supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide the following amounts of oxygen:

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at flight altitudes above 15,000 feet, a supply sufficient to comply with § 40.83 (c) (3);

(ii) For the duration of the flight at flight altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 40.83 (c) (2); and

(iii) For flight at flight altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at a flight altitude above 25,000 feet, sufficient

oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 40.83 (c) (2) and (c) (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes permitting safe flight with respect to terrain clearance.

§ 40.85 *Equipment standards.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 40.83 shall meet the standards established in § 4b.651 of this chapter: *Provided,* That where full compliance with such standards is found by the Administrator to be impractical, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

§ 40.86 *Protective breathing equipment for the flight crew*—(a) *Pressurized cabin airplanes.* Each required flight crew member on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases.

(1) Not less than a 300-liter STPD supply of oxygen for each required flight crew member on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the aircraft is flown in accordance with either the normal or emergency procedures approved by the Administrator.

§ 40.87 *Equipment for over-water operations.* (a) The following equipment shall be required for all operations conducted over water in excess of 50 miles from the nearest shore line.

(1) Life preserver or other adequate individual flotation device for each occupant of the aircraft,

(2) Lifesaving rafts sufficient in number to adequately carry all occupants of the aircraft,

(3) Suitable pyrotechnic signalling devices,

(4) One portable emergency radio signalling device, capable of transmission on the appropriate emergency frequencies, which is not dependent upon the aircraft power supply and which is self-buoyant and water-resistant, and

(b) Rafts and life preservers referred to in paragraphs (a) (1) and (2) shall be installed so as to be available to the crew and passengers.

§ 40.88 *Equipment for operations in icing conditions.* (a) For all operations in icing conditions each aircraft shall be equipped with means for the prevention or removal of ice on wings, empennage, propellers, and other parts of the aircraft where ice formation will adversely affect the safety of the aircraft.

(b) For operations in icing conditions at night means shall be provided for illuminating or otherwise determining the formation of ice on the portions of the wings which are critical from the standpoint of ice accumulation. When illuminating means are used, such means shall be of a type which will not cause glare or reflection which would handicap crew members in the performance of their normal functions.

RADIO EQUIPMENT

§ 40.90 *Radio equipment; general.* Each aircraft used in scheduled passenger air transportation shall be equipped with the radio equipment specified for the type of operation in which it is engaged. All such equipment shall be of an approved type. Where two independent radio systems are required by §§ 40.91 and 40.92, each aircraft shall have independent antenna systems and alternate sources of energy: *Provided,* That where systems are used with rigidly supported nonwire antennae, only one such antenna need be provided.

§ 40.91 *Radio equipment for day operations under VFR over routes navigated by pilotage.* For all day operation conducted under VFR over routes on which navigation can be accomplished by pilotage, each aircraft shall be equipped with such radio equipment as is necessary to:

(a) Permit communications, under normal operating conditions, with at least one appropriate ground station (as specified in § 40.24) from any point on the route and with other aircraft operated by the air carrier;

(b) Permit communications with airport traffic control towers from any point in the control zone within which flights are intended. The means employed for compliance with paragraph (a) of this section may be used for compliance with this paragraph; and

(c) Receive meteorological information from any point on the route by either of two independent systems. Either of the means required for compliance with paragraphs (a) and (b) of this section may be used to comply with one of the systems required by this paragraph.

§ 40.92 *Radio equipment for day operations under VFR over routes not navigated by pilotage, for night operations under VFR, or for operations under IFR.* (a) For all day operations conducted under VFR over routes on which navigation cannot be accomplished by visual reference to landmarks, for night operations conducted under VFR, or for operations conducted under IFR, each aircraft, in addition to the equipment required by § 40.91, shall be equipped with such radio equipment as is necessary to receive satisfactorily, by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals or one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach if it is capable of receiving both signals.

(b) During the period of transition from low frequency to very high frequency radio navigation systems one means of satisfactorily receiving signals over each of these systems shall be considered as complying with the requirement that two independent systems be provided to receive en route or approach navigation facility signals: *Provided,* That ground facilities are so located and the aircraft so fueled that in case of failure of either system the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by use of the remaining aircraft system.

MAINTENANCE AND INSPECTION REQUIREMENTS

§ 40.100 *General.* Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions as authorized by the provisions of § 40.28 (b), each air carrier shall have the primary responsibility for the airworthiness of its aircraft and required equipment.

§ 40.101 *Maintenance and inspection requirements.* (a) The inspection organization shall be responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the Civil Air Regulations, with accepted standards and good practices, and that any airframe, powerplant, propeller, or appliance released for flight is airworthy.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, powerplant, propeller, or appliance shall hold an appropriate airman certificate.

§ 40.102 *Maintenance and inspection training program.* The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 40.103 *Maintenance and inspection personnel duty time limitations.* All mechanics shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days.

§ 40.104 *Weight control.* Each air carrier shall establish a system, approved by the Administrator, of continuous recordation of weight changes of individual aircraft which will provide an accurate weight and center of gravity location value.

AIRMAN AND CREW MEMBER REQUIREMENTS

§ 40.110 *Utilization of airman; general.* No air carrier shall utilize an individual as an airman unless he holds an appropriate airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized.

§ 40.111 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the type of operation and the type of aircraft, as determined by the Administrator in accordance with the standards hereinafter prescribed and specified in the operations specifications for each route or route segment.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) Where the air carrier is authorized to operate under instrument conditions, the minimum pilot crew shall be 2 pilots.

(d) On flights requiring a flight engineer, at least one other flight crew member shall be sufficiently qualified, so that in the event of illness or other incapacity emergency coverage can be provided for those functions for the safe completion of the flight.

§ 40.112 *Flight engineer.* An airman holding a flight engineer certificate shall be required on all aircraft certificated for more than 80,000 pounds maximum certificated take-off weight and on all four-engine aircraft certificated for more than 30,000 pounds maximum certificated take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require engineer personnel for the safe operation of the aircraft.

§ 40.113 *Cabin attendant.* At least one cabin attendant shall be provided by the air carrier on all flights carrying 10 or more passengers or in aircraft of more than 12,500 pounds maximum certificated take-off weight.

§ 40.114 *Aircraft dispatcher.* Each air carrier shall provide an adequate number of qualified dispatchers at each dispatch center to insure the proper clearance, dispatch, and necessary operational control for the safe conduct of each flight.

TRAINING PROGRAM

§ 40.120 *Training program, general.* (a) Each air carrier shall establish a training program sufficient to insure that each crew member and dispatcher used by the air carrier is adequately trained to perform the duties to which he is to be assigned.

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. A sufficient number of check airmen holding airman certificates and ratings appropriate to the type of check being conducted shall be provided for flight checking.

(c) The training program for each flight crew member shall consist of appropriate ground and flight training including proper crew coordination. Procedures for each flight crew function shall be standardized to the extent that each flight crew member will know the functions for which he is responsible and the relation of those functions to those of other flight crew members. The program shall include at least the appropriate requirements specified in §§ 40.121 through 40.124.

(d) The crew member emergency procedures training program shall include at least the requirements specified in § 40.124.

(e) The appropriate ground instructor or check airman shall certify to the proficiency of each individual upon completion of his training, and such certification shall become a part of the individual's record.

§ 40.121 *Initial pilot ground training.* Ground training for all pilots shall include instruction in the following:

(a) The appropriate provisions of the air carrier operations specifications and this part and Part 60 of this chapter with particular emphasis on the operation and dispatching rules and aircraft operating limitations;

(b) The manual and dispatch procedures;

(c) The duties and responsibilities of crew members;

(d) The type of aircraft to be flown including a study of the aircraft, engines, all major components or systems, standard operating procedures, and, where appropriate, operation of cabin pressurization and oxygen systems;

(e) The principles and methods of determining weight limitations for take-off and landing;

(f) Navigation and use of appropriate aids to navigation;

(g) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation (To the extent practicable this should include visits to typical air traffic control units);

(h) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, frontal systems, etc., and the recommended methods of operating under these various conditions;

(i) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, or other unusual meteorological conditions.

§ 40.122 *Initial pilot flight training.* (a) Flight training for a pilot qualifying to serve as pilot in command shall include flight instruction and practice in the following maneuvers and procedures:

(1) In each type of aircraft to be flown by him in scheduled passenger operations:

(i) At the authorized maximum take-off weight, take-off using maximum take-off power with simulated failure of the critical engine at speed V_1 and continued climb-out at speed V_2. Each pilot shall determine the proper values for speeds V_1 and V_2.

(ii) At the authorized maximum landing weight, flight in four-engine aircraft, where appropriate, with the most critical combinations of two engines inoperative, utilizing appropriate climb speeds as set forth in the airplane flight manual;

(iii) At the authorized maximum landing weight, simulated pull-out from the landing configuration accomplished at a safe altitude with the critical engine inoperative: *Provided,* That suitable combinations of aircraft weight and power less than those specified in subdivisions (i) and (ii) of this subparagraph and in this subdivision may be employed if the performance capabilities of the aircraft under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions; utilizing all types of navigational facilities and the let-down procedures used in normal operations, unless a particular type of facility is not readily available in the training area.

(b) Flight training for a pilot other than one qualifying as pilot in command shall include take-offs, landings, normal flight maneuvers in each type of aircraft to be flown by him in scheduled passenger operations, and flight under simulated instrument flight conditions.

§ 40.123 *Initial flight engineer training.* The training for flight engineers shall include at least paragraphs (a) through (e) of § 40.121.

§ 40.124 *Initial crew member emergency training.* (a) The training in emergency procedures shall be designed to give each crew member appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crew members. At least the following subjects as appropriate to the individual crew member shall be taught: The procedures to be followed in the event of the failure of an engine, or engines, or other aircraft components or systems, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum mileage.

(b) Synthetic trainers may be used for emergency training of flight crew members where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

§ 40.125 *Initial aircraft dispatcher training.* (a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the flight operation procedures, air traffic control procedures, the performance of the aircraft used by the air carrier, navigational aids and facilities, and meteorology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper Govern-

mental, company, and private agencies to render maximum assistance to the aircraft in distress.

(b) Each aircraft dispatcher shall, prior to initially performing the duty of an aircraft dispatcher, satisfactorily demonstrate to the ground instructor authorized to certify to his proficiency his knowledge of the following subjects:

(1) Contents of the air carrier operating certificate and the manual,

(2) Characteristics of the aircraft operated by the air carrier,

(3) Cruise control data and cruising speeds for such aircraft,

(4) Maximum authorized loads for the aircraft for the routes and airports to be used,

(5) Air carrier radio facilities,

(6) Characteristics and limitations of each type of radio and navigational facility to be used,

(7) Effect of weather conditions on aircraft radio reception,

(8) Airports to be used and the general terrain over which the aircraft are to be flown,

(9) Prevailing weather phenomena,

(10) Sources of weather information available, and

(11) Pertinent air traffic control procedures.

§ 40.126 *Recurrent training.* (a) Each air carrier shall provide such training as is necessary to insure the continued competence of each flight crew member and to insure that each crew member possesses complete knowledge and familiarity with all new equipment and procedures to be used by him.

(b) Each air carrier shall, at intervals established as part of the training program, require that each flight crew member demonstrate his competence with respect to procedures, techniques, and information essential to the satisfactory performance of his duty. Where the demonstration of such competence by the pilot in command requires actual flight, such demonstration shall be considered to have been met by the checks accomplished in accordance with § 40.133.

(c) The check airman or the instructor in charge of ground training or, in the case of copilots, the pilot in command shall certify as to the proficiency demonstrated, and such certification shall become a part of the individual's record.

FLIGHT CREWMAN AND DISPATCHER QUALIFICATIONS

§ 40.131 *Qualification; general.* (a) No air carrier shall utilize any flight crew member or dispatcher, or shall any such airman perform the duties authorized by his airman certificate, unless he meets the appropriate requirements of §§ 40.120 or 40.126, and §§ 40.132 through 40.138, and the recent experience requirements specified in the appropriate airman certification parts. All pilots serving as pilot in command shall hold appropriate airline transport pilot certificates and ratings. All other pilots shall hold at least a commercial pilot certificate and an instrument rating.

(b) Check airmen shall certify as to the proficiency of the individual being examined, and such certification shall become a part of the individual's airman records.

§ 40.132 *Pilot recent experience; aircraft.* No air carrier shall schedule a pilot to serve as such in scheduled passenger air transportation unless within the preceding 90 days he has made at least 3 take-offs and 3 landings in the aircraft of the particular type on which he is to serve. If he is scheduled to serve in such transportation at night, at least one of the 3 take-offs and one of the 3 landings shall have been made at night.

§ 40.133 *Pilot checks.*—(a) *Line check.* Prior to serving as pilot in command, and at least once each 12 months thereafter, a pilot shall take a line check in a type of aircraft normally to be flown by him. This check shall be given by a check pilot who is qualified for the route, and it shall consist of at least the following:

(1) Flights in scheduled air transportation of not less than 2 hours, including at least 3 landings and 3 take-offs, or

(2) Flights in scheduled air transportation of not less than 3 hours, including at least 2 landings and 2 take-offs, or

(3) A flight in scheduled air transportation of not less than 5 hours, including at least 1 take-off and 1 landing.

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has demonstrated to a check pilot his ability to pilot and navigate aircraft to be flown by him. Thereafter, at least twice each year at intervals of not less than 4 months or more than 8 months, a similar pilot proficiency check shall be given each such pilot. Where such pilots serve in more than one aircraft type, the pilot proficiency check shall be given alternately in aircraft of each type flown by him.

(2) The pilot proficiency check shall include at least the following:

(i) The flight maneuvers specified in § 40.122 (a) (1), except that the simulated engine failure during take-off need not be accomplished at speed V_1,

(ii) Flight under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the air carrier: *Provided,* That the Administrator may authorize maneuvers other than those associated with approach procedures for which the lowest minimums are approved to be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carriers.

(c) Prior to serving as pilot in command, a pilot shall have accomplished during the preceding 12 months either a proficiency check or a line check in each type aircraft used by him.

§ 40.135 *Pilot route and airport qualification requirements.* (a) The air carrier shall determine that, prior to serving over a route, each pilot in command is qualified for the route.

(b) Each such pilot shall take a written examination covering the subjects listed below with respect to each route to be flown. Those portions of the examination pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigation and letdown procedures approved for use by the air carrier.

(1) Weather characteristics,

(2) Navigational facilities,

(3) Communication procedures,

(4) Type of en route terrain and obstructional hazards,

(5) Minimum safe flight levels,

(6) Position reporting points,

(7) Holding procedures,

(8) Pertinent traffic control procedures, and

(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each such pilot shall fly through the letdown procedure authorizing the lowest minimums for each regular, provisional, and refueling airport for the trip to which the pilot is to be assigned to permit the qualifying pilot to observe the airport and surrounding terrain, including any obstructions to landing and take-off: *Provided,* That the approaches to provisional and refueling airports may be accomplished in a synthetic trainer, unless the Administrator finds in particular cases that actual flight is necessary in the interest of safety. Unless impracticable, such flights shall be conducted under day VFR. The qualifying pilot shall be accompanied by a pilot who is qualified over the route.

(d) Where an operation is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall, within the preceding 12-month period, be familiarized with such terrain by not less than one round trip as pilot over the route under day VFR conditions, and when night operation is authorized one round trip under night VFR conditions.

§ 40.136 *Maintenance of pilot route and airport qualifications for particular trips.* To maintain pilot route and airport qualifications for a particular trip, each pilot being utilized as pilot in command shall have made, within the preceding 12-month period, at least one trip over the route and one actual or simulated entry into each regular, provisional, and refueling airport authorized for use on such a trip, and shall have complied with the provisions of § 40.135 (d), if applicable.

§ 40.137 *Competence check; other pilots.* Prior to serving as pilot, and at least twice each year thereafter at intervals of not less than 4 months nor more than 8 months, each pilot not being utilized as pilot in command shall demonstrate that he is capable of flying by instruments. The instrument check may be given by a pilot serving as pilot in command or a check pilot of the air carrier.

§ 40.138 *Aircraft dispatcher; qualifications for duty.* (a) Prior to dispatching aircraft over any route or route segment, an aircraft dispatcher shall be familiar, and the air carrier shall determine that he is familiar, with all pertinent operating procedures for the entire route and with the aircraft to be used.

(b) An aircraft dispatcher shall not dispatch aircraft in the area over which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months he has made at least one round trip over the particular area on the flight deck of an aircraft. The trip selected for qualification purposes shall be one which includes entry into as many points as practicable, but it shall not be necessary for the aircraft dispatcher to make a flight over each route in the area.

FLIGHT TIME LIMITATIONS

§ 40.140 *Flight time limitations.* (a) An air carrier shall not schedule any airman to serve on duty aloft in scheduled air transportation or in other commercial flying if his total flight time in all commercial flying will exceed the following flight time limitations:

(1) 1,000 hours in any year,

(2) 100 hours in any month.

(b) An air carrier shall not schedule any airman for duty aloft for more than 8 hours during any 24 consecutive hours unless he is given an intervening rest period at or before the termination of 8 scheduled hours of flight deck duty. Such rest period shall equal twice the number of hours aloft since the last preceding rest period and in no case shall the rest period be less than 8 hours. The Administrator may authorize duty aloft in excess of the limitations specified in this paragraph where the air carrier shows that such authorization will permit flights on a particular route to be scheduled to provide more healthful or advantageous rest periods for the flight crew than would result from a literal application of this paragraph.

(c) When an airman has been on duty aloft in excess of 8 hours in any 24 consecutive hours he shall, upon completion of his assigned flight or series of flights, be given at least 16 hours for rest before being assigned any further duty with the air carrier.

(d) Time involved in transportation required of an airman by an air carrier and provided by an air carrier for the purpose of transporting the airman to an airport at which he is required to serve on a flight as a crew member, or from the airport at which he was relieved from duty as a crew member to return to his home station, shall neither be considered as part of any required rest period nor as duty aloft.

(e) Each airman engaged in scheduled air transportation shall be relieved from all duty with the air carrier for at least 24 consecutive hours during any seven consecutive days.

(f) No airman shall be assigned any duty with an air carrier during any rest period prescribed by the regulations in this part.

(g) An airman shall not be considered to be scheduled for duty in excess of prescribed limitations, if the flights to which he is assigned are scheduled and normally terminate within such limitations, but due to exigencies beyond the air carrier's control, such as adverse weather conditions, are not at the time of departure expected to reach their destination within the scheduled time.

DUTY TIME LIMITATIONS—AIRCRAFT DISPATCHER

§ 40.144 *Aircraft dispatcher daily duty limitations.* (a) The daily duty period for aircraft dispatchers shall commence at such time as will permit him to become thoroughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any aircraft. He shall remain on duty until all aircraft dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) No aircraft dispatcher shall be scheduled for duty for more than 10 consecutive hours in any 24 consecutive hours except in emergency conditions beyond the control of the air carrier, unless the aircraft dispatcher is given a rest period of not less than 8 hours at or before the termination of 10 hours of duty.

(c) Each aircraft dispatcher engaged in air transportation shall be relieved from all duty with the air carrier for at least 24 consecutive hours during any seven consecutive days.

FLIGHT OPERATIONS

§ 40.150 *General.* All scheduled passenger flight operations shall be conducted in accordance with the requirements set forth in §§ 40.151 through 40.196.

§ 40.151 *Operational control.* The air carrier shall be responsible for operational control.

§ 40.152 *Responsibility of pilot in command.* The pilot in command shall, during flight time, be in command of the aircraft and shall be responsible for the safety of the passengers, crew members, cargo, and aircraft and for the conduct of the crew members.

§ 40.153 *Operations notices.* Each air carrier shall notify the appropriate operations personnel promptly of all changes in operating procedures, including known changes in the use of navigational aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other unusual meteorological conditions and irregularities of ground and navigational facilities.

§ 40.154 *Operations schedules.* In establishing flight operations schedules, each air carrier shall allow sufficient time for the proper servicing of aircraft with fuel and oil at intermediate stops, and it shall consider the prevailing winds along the particular route and the cruising speed of the type of aircraft to be flown which shall not exceed the specified cruising output of the aircraft engines.

§ 40.155 *Pilots at controls.* In the case of aircraft requiring two or more pilots, two pilots shall remain at the controls at all times when the aircraft is taking off or landing; and while en route, except when the absence of one pilot is necessary in connection with his regular pilot duties. At least one pilot shall keep his seat belt fastened at all times.

§ 40.156 *Manipulation of controls.* No person other than a qualified pilot of the air carrier shall manipulate the flight controls during flight, excepting that any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(a) Authorized pilot safety representatives of the Administrator or the Board who are engaged in checking flight operations, or

(b) Properly qualified pilot personnel of another air carrier.

§ 40.157 *Admission to flight deck.* For purposes of this section the Administrator shall determine what constitutes the flight deck of an aircraft.

(a) In addition to the crew members assigned to a particular aircraft, CAA aviation safety agents and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck of an aircraft.

(b) The persons listed below may, under the conditions specified, be admitted to the flight deck when authorized by the pilot in command.

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations,[3] or

(2) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) GAA aviation safety agents or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations,

(2) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures,

(3) Certificated airmen of the air carrier,

(4) Certificated airmen of another air carrier who have been authorized by the air carrier concerned to make specific trips over the route.

[3] Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

NOTE: Nothing contained in this section shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

§ 40.158 *Use of cockpit check system.* The cockpit check system shall be used by the flight crew for each procedure as set forth in § 40.77.

§ 40.159 *Flashlights.* The pilot in command shall assure that at least one flashlight for each crew member is aboard the aircraft.

§ 40.160 *Restriction or suspension of operation.* When conditions exist which constitute or might constitute a hazard to the conduct of safe air carrier operations, including airport and runway conditions, the air carrier shall restrict or suspend operations until such hazardous conditions are corrected.

§ 40.161 *Emergency decisions; pilot in command and aircraft dispatcher.* (a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and Civil Air Regulations.

(b) If an emergency situation arises during the course of a flight which requires immediate decision and action on the part of the aircraft dispatcher, and which is known to him, he shall advise the pilot in command of such situation. The aircraft dispatcher shall ascertain the decision of the pilot in command and shall cause the same to be made a matter of record. If unable to communicate with the pilot, the dispatcher shall declare an emergency and follow any course of action which he considers necessary under the circumstances.

(c) When emergency authority is exercised by the pilot in command or by the dispatcher, the appropriate control station shall be kept fully informed regarding the progress of the flight, and within 7 days after the completion of the particular flight a written report of any deviation shall be submitted to the Administrator through the air carrier operations manager.

§ 40.162 *Reporting unusual weather conditions.* When any meteorological condition or irregularity of ground or navigational facilities are encountered in flight which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate ground radio station as soon as practicable. Such information shall thereupon be relayed by that station to the appropriate Governmental agency.

§ 40.163 *Reporting mechanical irregularities.* The pilot in command shall enter in the maintenance log of the aircraft all mechanical irregularities encountered during flight. He shall, prior to each flight, inspect the log to ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 40.164 *Off-route operations.* An air carrier may authorize the pilot in command of an aircraft which has made a landing in the interest of safety at an airport not included in the operations specifications to proceed to an approved airport, if the flight is conducted in accordance with § 40.185.

§ 40.165 *Powerplant failure or precautionary stoppage.* (a) Except as provided in paragraph (b) of this section when one engine of an aircraft fails or where the rotation of an engine of an aircraft is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an aircraft having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection, if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued,

(2) The availability of the feathered engine for use,

(3) The altitude, aircraft weight, and usable fuel at the time of engine stoppage,

(4) The weather conditions en route and at possible landing points,

(5) The air traffic congestion,

(6) The type of terrain, and

(7) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command shall immediately notify the proper control station and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report in duplicate to his operations manager setting forth his reasons for determining that the selection of an airport other than the nearest was as safe a course of action as landing at the nearest suitable airport. The operations manager shall, within 7 days after completion of the trip, furnish a copy of this report with his own comments thereon to the Administrator.

§ 40.166 *Letdown procedures.* The letdown methods, procedures, and weather minimums authorized in the operations specifications shall be strictly adhered to.

§ 40.167 *Weight and center of gravity limitations.* The center of gravity of an aircraft shall not exceed the limits prescribed for the aircraft, and the gross weight shall not exceed that allowed by the appropriate aircraft operating limitations.

§ 40.168 *Requirements for air carrier equipment interchange.* (a) Prior to conducting any operations pursuant to an interchange agreement authorized by the Civil Aeronautics Board, the Administrator shall determine that:

(1) The procedures proposed for the conduct of such operations by the carriers involved conform with the provisions of the Civil Air Regulations and with safe operating practices;

(2) All operations personnel involved are familiar with the aircraft, its equipment, and the communications and dispatching procedures of the air carrier with whom interchange is to be effected;

(3) All maintenance personnel involved are familiar with the aircraft, its equipment, and maintenance procedures of the air carrier with whom interchange is to be effected;

(4) The flight crew and the dispatchers involved meet the appropriate route and airport qualifications of the air carrier with whom interchange is to be effected; and

(5) All aircraft operated are essentially similar to those aircraft of the carrier with whom interchange is to be effected with respect to flight instruments and their arrangement, and the arrangement and motion of controls critical to safety, unless the Administrator determines that adequate training programs have been established to insure that any dissimilarities which might be a potential hazard will be safely overcome by flight crew familiarization.

(b) The pertinent provisions and procedures affecting the carriers involved shall be included in their manuals.

DISPATCHING RULES

§ 40.170 *General.* Aircraft carrying passengers in scheduled air transportation shall be dispatched only by a qualified aircraft dispatcher in accordance with the provisions of this part.

§ 40.171 *Necessity for dispatching authority.* No flight shall be started without specific authority from an aircraft dispatcher, except when an aircraft has landed at an intermediate airport specified in the original dispatch release and has remained there for one hour or less.

§ 40.172 *Responsibility of aircraft dispatcher and pilot in command.* The aircraft dispatcher and the pilot in command shall be jointly responsible for the preflight planning and the release of the flight in compliance with the applicable Civil Air Regulations and the operating specifications.

§ 40.173 *Responsibility of aircraft dispatcher.* The aircraft dispatcher shall be responsible:

(a) For monitoring the progress of each flight and the issuance of instructions and information necessary for the continued safety of the flight;

(b) For the cancellation, delay, or redispatch of a flight, if, in his opinion or in the pilot in command's opinion, the flight cannot operate or continue to operate safely.

§ 40.174 *Weather analysis.* No aircraft dispatcher shall release a flight unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 40.175 *Facilities and services.* The dispatcher shall make available to the

pilot in command the current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the safety of the flight. He shall also inform the pilot, during flight, of any additional irregularities which may affect the safety of the flight.

§ 40.176 *Aircraft equipment required for dispatch.* All aircraft dispatched shall be in serviceable condition and shall be equipped in accordance with the provisions of § 40.70.

§ 40.177 *Communications and navigational facilities required for dispatch.* No aircraft shall be dispatched over any route or route segment unless the communications and navigational facilities required by §§ 40.24 and 40.26 are in satisfactory operating condition.

§ 40.178 *Dispatching under VFR.* Under VFR aircraft shall be dispatched only if appropriate weather reports, forecasts, or a combination thereof show a trend indicating that the ceiling and visibility along the route to be flown are, and will remain, at or above the minimums required for flight under VFR until the flight arrives at the airport or airports of intended landing specified in the flight release.

§ 40.179 *Dispatching under IFR or over-the-top.* Under IFR or over-the-top aircraft shall be dispatched only if the appropriate weather reports, forecasts, or a combination thereof pertaining to the airport or airports to which dispatched show a trend indicating that the ceiling and visibility will be at or above the minimums approved by the Administrator at the estimated time of arrival thereat.

§ 40.180 *Alternate airport for departure; IFR.*

(a) If the weather conditions at the airport of take-off are below the approved landing minimums for that airport, no aircraft shall be dispatched from that airport unless an alternate airport located as follows is specified: *Provided,* That such alternate need not be selected if the ceiling at the take-off airport is at least 300 feet and the visibility at least one mile.

(1) *Aircraft having 2 or 3 engines.* Alternate airport located within one hour of flight time from the airport of take-off computed on the basis of one engine inoperative and no wind.

(2) *Aircraft having 4 or more engines.* Alternate airport located within 2 hours of flight time from the airport of take-off computed on the basis of one engine inoperative and no wind.

(b) The alternate airport weather requirements shall be those specified in § 40.194.

(c) All alternate airports shall be listed in the dispatch release.

§ 40.181 *Alternate airport for destination; IFR.* (a) For all IFR or over-the-top operations there shall be at least one alternate airport designated for each airport of destination and, when the weather conditions forecast for the destination and first alternate are marginal, at least one additional alternate airport: *Provided,* That no alternate need be designated when the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the initial approach altitude applicable to the route to such airport and the visibility at such airport is forecast to be at least 3 miles for the period 2 hours before to 2 hours after the estimated time of arrival.

(b) All alternate airports shall be listed in the dispatch release.

§ 40.182 *Continuance of flight; flight hazards.* (a) No aircraft shall be continued in flight toward any airport to which it has been dispatched when, in the opinion of the pilot in command and/or the aircraft dispatcher, the flight cannot be completed with safety.

(b) If any item of equipment required for the particular operation being conducted becomes unserviceable en route, the pilot in command shall comply with the procedures specified in the manual for such occurrence.

§ 40.183 *Operation in icing conditions.* (a) An aircraft shall not be dispatched, en route operations continued, or landing made when, in the opinion of the pilot in command or aircraft dispatcher, icing conditions are forecast or encountered which might adversely affect the safety of the flight.

(b) No aircraft shall take-off when frost, snow, or ice is adhering to the wings or control surfaces of the aircraft.

§ 40.184 *Redispatch and continuance of flight.* (a) Any regular, provisional, or refueling airport, the use of which is authorized for the aircraft to be operated, may be specified as a destination for the purpose of original dispatch.

(b) An airport specified as a destination for the purpose of original dispatch may be changed en route to another regular, provisional, or refueling airport, providing that the appropriate requirements of §§ 40.170 through 40.194 and § 40.60 or § 40.65 are met at the time of redispatch.

(c) No flight shall be continued to any airport to which it has been dispatched unless the weather conditions at an alternate airport specified in the flight release remain at or above the minimums specified for such airport when used as an alternate: *Provided,* That the flight release may be amended en route to include any approved alternate airport lying within the fuel range of the aircraft as specified in §§ 40.187 and 40.188.

(d) When the flight release is amended while the aircraft is en route, such amendment shall be made a matter of record.

§ 40.185 *Dispatch to and from provisional airport.* (a) No aircraft dispatcher shall dispatch an aircraft to a provisional airport unless such airport complies with all of the requirements of this part pertinent to regular airports.

(b) Dispatch from a provisional airport shall be accomplished in accordance with the same regulations governing dispatch from a regular airport.

§ 40.186 *Take-offs from alternate airports or from airports not listed in the operations specifications.* No aircraft shall take off from an alternate airport or from an airport which is not listed in the air carrier operating specifications unless:

(a) Such airport and related facilities are adequate for the operation of the aircraft,

(b) In taking off it is possible to comply with the applicable aircraft operating limitations,

(c) The weather conditions at that airport are equal to or better than those prescribed for such airport, and

(d) The aircraft is dispatched in accordance with all dispatch rules applicable to operation from an approved airport.

§ 40.187 *Fuel supply for all operations.* No aircraft shall be dispatched unless it carries sufficient fuel:

(a) To fly to the airport to which dispatched, and thereafter,

(b) To fly to and land at the most distant alternate for the airport to which dispatched where such alternate is required, and thereafter,

(c) To fly for a period of at least 45 minutes at normal cruising consumption.

§ 40.188 *Factors involved in computing fuel required.* In computing the fuel required, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, and any other conditions which might delay the landing of the aircraft. The required fuel shall be deemed to be the usable fuel as specified in Part 4b of this chapter.

§ 40.191 *Take-off and landing weather minimums; VFR.* Irrespective of any clearance which may be obtained from air traffic control, no aircraft shall take off or land under VFR when either the ceiling or ground visibility as reported by an accredited observer is less than specified below: *Provided,* That where a local restriction to visibility exists, such as smoke, dust, or blowing snow or sand, the visibility for both day and night operations may be reduced to one-half mile, if all turns after take-off and prior to landing can be accomplished outside the area so restricted.

(a) For day operations: 1,000 feet and one mile;

(b) For night operations: 1,000 feet and two miles.

§ 40.192 *Take-off and landing weather minimums; IFR.* (a) No aircraft shall take off or land under IFR when either the ceiling or visibility is less than that approved by the Administrator.

(b) No instrument approach procedure shall be executed at any airport not served by ILS and GCA when the latest weather report furnished by a source authorized in accordance with the provisions of § 40.25 indicates the ceiling or visibility to be less than the approved minimums for landing at that airport.

(c) An instrument approach procedure may be executed when such weather report indicates that the ceiling or visibility are less than the approved minimums for landing at that airport only if both ILS and GCA are operative and are used by the pilot.

§ 40.193 *En route minimums; IFR.* Aircraft shall comply with the minimum safe altitudes established by the Administrator in accordance with the provisions of § 60.17 (d) of this chapter: *Provided,* That in the case of flights conducted at or above the altitudes specified in § 40.21, the minimum altitude shall be not less than 2,000 feet above the elevation of the highest ground within 25 miles of the intended track.

§ 40.194 *Alternate airport weather minimums.* An airport shall not be selected as an alternate airport unless the weather conditions existing there at the time of dispatch are equal to or above the ceiling and visibility minimums approved for such airport when using it as an alternate, and the hourly weather reports and current forecasts indicate that such weather conditions will continue or improve at such alternate airport until the flight shall arrive thereat. The weather minimums at such alternate airport shall not be less than one of the following and in no event less than the corresponding minimums specified for the airport when used as a regular airport: *Provided,* That the Administrator may approve higher or lower minimums at particular airports where the safe conduct of the flight requires or permits, considering the character of the terrain being traversed, the meteorological service and navigational facilities available, and other conditions affecting flight.

(a) An airport served by an approved radio navigational facility and either an instrument landing system or a ground control approach system which the carrier has been authorized to use: Ceiling 800 feet and visibility of 1 mile; or ceiling 700 feet and visibility of 1½ miles; or ceiling 600 feet and visibility of 2 miles;

(b) An airport served by an approved radio navigational facility: Ceiling 1,000 feet and visibility of 1 mile; or ceiling 900 feet and visibility of 1½ miles; or ceiling 800 feet and visibility of 2 miles;

(c) An airport not served by an approved radio navigational facility: If overcast, not less than 500 feet above the minimum en route instrument altitude applicable to the route to such alternate airport and visibility of 2 miles; if broken clouds, not less than 1,000 feet above the elevation of the airport and visibility of 2 miles.

§ 40.195 *Preparation of dispatch release.* A dispatch release shall be prepared for each flight between specified points from information furnished by the authorized aircraft dispatcher. This release shall be signed by the pilot in command and by the authorized aircraft dispatcher only when both believe the flight can be made with safety. The aircraft dispatcher may delegate authority to sign such release for a particular flight, but he shall not delegate the authority to dispatch.

§ 40.196 *Preparation of load manifest form.* The air carrier shall be responsible for the preparation of a load manifest form prior to each take-off. This form shall be prepared by personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of load manifest forms or by other qualified persons authorized by the air carrier.

REQUIRED RECORDS AND REPORTS

§ 40.200 *Records; general.* Each scheduled air carrier shall maintain records and submit reports in accordance with the requirements of §§ 40.201 through 40.212. All records shall be retained for the period specified in Part 249 of the Economic Regulations of the Board, unless otherwise specified in this part.

§ 40.201 *Airman records.* Each air carrier shall maintain at its major division offices current records of every airman utilized as a member of a flight crew or as an aircraft dispatcher under the jurisdiction of such offices. These records shall contain such information concerning the qualifications of each such airman as is necessary to show compliance with the appropriate requirements of the Civil Air Regulations, e. g., proficiency and route checks, aircraft qualifications, training, physical examinations, and flight time records. The disposition of any flight crew member or aircraft dispatcher released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least three months.

§ 40.203 *Dispatch release form.* (a) The dispatch release may be in any form and shall contain at least the following information with respect to each flight:

(1) Identification number of the aircraft to be used, and the trip number,

(2) Airport of departure, intermediate stops, destination, and alternates therefor,

(3) Distribution of fuel aboard,

(4) Type of operation, e. g., IFR, VFR.

(b) The dispatch release shall contain, or have attached thereto, weather reports, weather forecasts, or a combination thereof, for the destination, intermediate stops, and alternates specified therein which shall be the latest available at the time the dispatch release is signed by the pilot in command and dispatcher. It shall include such additional weather reports and forecasts considered necessary or desirable by the pilot in command and aircraft dispatcher.

§ 40.204 *Load manifest.* (a) The load manifest shall contain at least the following information with respect to the loading of an aircraft at the time of take-off:

(1) The weight of—

(i) Fuel and oil carried,

(ii) Cargo, including mail and baggage, and

(iii) Passengers;

(2) The maximum allowable gross weight applicable for the particular flight;

(3) The total weight computed in accordance with approved procedures;

(4) Evidence that the airplane is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits.

(b) The load manifest shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of load manifest forms, or by other qualified personnel authorized by the air carrier.

§ 40.205 *Disposition of load manifest, dispatch release form, and flight plans.* Copies of the completed load manifest, or information therefrom except with respect to cargo and passenger distribution, the dispatch release form, and the flight plan required by Part 60 of this chapter shall be delivered to the pilot in command and shall be carried in the aircraft to its destination. Copies also shall be kept in the station files for at least 60 days.

§ 40.206 *Maintenance records.* Each air carrier shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, and the time since last inspection of all aircraft components, engines, propellers, and, where practicable, appliances.

§ 40.207 *Maintenance log.* A legible record shall be made in the aircraft's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, power plants, propellers, and appliances critical to the safety of the flight. Copies of such records covering at least the previous 10 flights or flights since last overhaul shall remain in the log in the aircraft in a place readily available to the flight crew.

§ 40.208 *Daily mechanical reports.* (a) Whenever a failure, malfunctioning, or other defect is detected in flight or on the ground in an aircraft or aircraft component which may reasonably be expected by the air carrier to cause a serious hazard in the operation of any aircraft, a report shall be made of such failure, malfunctioning, or other defect to the Administrator. This report shall cover a 24-hour period beginning and ending at midnight, shall be submitted by 12 o'clock midnight of the following working day, or sooner if the seriousness of the malfunction or difficulty so warrants, and shall include as much of the following information as is available on the first daily report following such incidents.

(1) Type and CAA identification number of the aircraft, name of air carrier, and date;

(2) Emergency procedure effected: Unscheduled landing, dumping fuel, etc.;

(3) Nature of condition: Fire, structural failure, etc.;

(4) Identification of part and system involved, including the type designation of the major components;

(5) Apparent cause of trouble: Wear cracks, design deficiency, personnel error, etc.;

(6) Disposition: Repaired, replaced, aircraft grounded, etc.;

(7) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, corrective action, etc.

(b) These reports shall not be withheld pending accumulation of all of the information specified in paragraphs (a) (1) through (7). When additional information is obtained relative to the incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of submission of the first report.

§ 40.209 *Mechanical interruption summary report.* Each air carrier shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a scheduled flight, unscheduled changes of aircraft en route, and unscheduled stops and diversions from route, which result from known or suspected mechanical difficulties or malfunctions.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the aircraft type in which the engine is installed.

(c) The number of propeller featherings in flight, listed by type of propeller and type of engine and the aircraft on which the propeller is installed.

§40.210 *Records for rebuilt aircraft engines, propellers, and appliances.* (a) Total time-in-service records may be returned to zero service time for those aircraft engines, propellers, and appliances for which complete records are not available: *Provided,* That such aircraft engines, propellers, or appliances have been rebuilt by the manufacturer, an agency approved by the manufacturer, or a certificated repair station with the proper rating. Parts which are limited by the manufacturer or the Administrator to a specific service time shall be retired and replaced by new parts.

(b) The new record of a rebuilt aircraft engine, propeller, or appliance shall contain at least the following data:

(1) Identification of the unit as to type, model, and where applicable, the serial number;

(2) Information indicating that the engine has been rebuilt and the agency responsible for rebuilding;

(3) Date of rebuilding;

(4) A listing of all changes performed which are required by airworthiness directives;

(5) A listing of any changes made as a result of manufacturers' service bulletins where such recording is requested specifically in the bulletin;

(6) Signature of the manufacturer or agency attesting to compliance with this section.

(c) The records of rebuilt aircraft engines, propellers, or appliances shall be retained in the possession of the owner of the unit for the life of the unit.

§ 40.211 *Alteration and repair reports.* Reports of major alterations or repairs of airframes, powerplants, propellers, and appliances shall be made available to the Administrator promptly upon completion of such alterations or repairs.

§ 40.212 *Maintenance release.* When an airplane is released by the maintenance organization to flight operations, a maintenance release certifying that the aircraft is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization prior to release of such aircraft. A copy shall be kept in the station file for at least 60 days, and a copy shall be given to the pilot in command or appropriate entry made in the aircraft log.

[F. R. Doc. 51-10480; Filed, Aug. 30, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 51-39]

WITHDRAWAL OF APPROVAL OF CERTAIN CARBON DIOXIDE TYPE, HAND PORTABLE FIRE EXTINGUISHERS

HEARING

1. The Approval No. 162.005/25/0 for a Model R-10, 10-lb. carbon dioxide type, hand portable fire extinguisher and the Approval No. 162.005/26/0 for a Model R-15, 15-lb. carbon dioxide type, hand portable fire extinguisher, manufactured by the Randolph Laboratories, Inc., 8 East Kinzie Street, Chicago 11, Ill., were suspended on August 3, 1951, for noncompliance with requirements of Coast Guard regulations. The Randolph Laboratories, Inc. was requested to state what action they intend to take toward recalling and withdrawing from marine service all of the fire extinguishers of Models R-10 and R-15, covered by Approval Nos. 162.005/25/0 and 162.005/26/0, respectively, which incorporate changes that are different from the design, construction, or materials approved by the Commandant, U. S. Coast Guard. The manufacturer stated that he had no marine supply dealers for fire extinguishers Models R-10 and R-15, and that those presently in the hands of dealers are intended for ordinary industrial trade and not marine use. The manufacturer also stated that orders for Models R-10 and R-15 fire extinguishers for marine use were to be sent direct to Randolph Laboratories, Inc., Chicago, Ill., and these fire extinguishers were then made according to the design, construction, and materials approved by the Coast Guard. From time to time, under the Coast Guard's program for spot checking equipment approved for marine service that is not subject to factory inspections, articles approved for use on inspected vessels, motorboats and other vessels are purchased from marine supply dealers. Under this program a Model R-15, 15-pound carbon dioxide type, hand portable fire extinguisher was purchased from a marine supply dealer and this extinguisher was checked by the National Bureau of Standards for compliance with Coast Guard requirements. This examination showed that changes from the approved construction had been incorporated in the Model R-15 fire extinguisher, particularly with reference to the design and construction of the valve, the horn construction, and the method of attachment of the main body of the horn to the "lower horn handle part." Since both Models R-10 and R-15 fire extinguishers were presented by the manufacturer as having identical valve mechanisms, as well as having similar parts in many other respects, it is necessary to include Model R-10 in this action. The certificates of Approvals Nos. 162005/25/0 and 162.005/26/0 provide that before modifications in the approved design, construction, or materials may be incorporated in the article, proper permission must be received from the Coast Guard. Since the manufacturer is using the same Model Nos. R-10 and R-15 for fire extinguishers that may be used in the ordinary industrial trade as well as for marine service, and since marine supply dealers, as well as the public or the Government, cannot distinguish between these fire extinguishers for ordinary industrial trade from those for marine service, it is necessary for safety of life at sea that Approval No. 162.005/25/0 and Approval No. 162.005/26/0 be withdrawn and that any Models R-10 and R-15 fire extinguishers on board inspected vessels, motorboats, or other vessels shall be removed and replaced with other fire extinguishers of an approved type.

2. *It is therefore ordered,* That Approval No. 162.005/25/0 for a Model R-10, 10-pound carbon dioxide type, hand portable fire extinguisher, and Approval No. 162.005/26/0 for a Model R-15, 15-pound carbon dioxide type, hand portable fire extinguisher, shall be withdrawn effective August 3, 1951, and it is further ordered that all carbon dioxide fire extinguishers bearing the Model No. R-10 or R-15 and manufactured by the Randolph Laboratories, Inc., Chicago, Ill., shall be removed from inspected vessels, motorboats, or other vessels required by law or regulation to carry Coast Guard approved fire extinguishers and all fire extinguishers removed shall be replaced by Coast Guard approved fire extinguishers: *Provided, however,* That owners, operators, masters, or others responsible, shall have until the next inspection or reinspection of their Coast Guard inspected vessels to replace such fire extinguishers; and the owners, operators, masters, or others responsible, for motorboats and vessels not inspected by the Coast Guard

shall have until March 1, 1952, to replace such fire extinguishers; before being subject to any of the penalties of law.

3. Any person aggrieved by the withdrawal of Approval No. 162.005/25/0 for a Model R–10, 10-pound carbon dioxide type, hand portable fire extinguisher, and withdrawal of Approval No. 162.-005/26/0 for a Model R–15, 15-pound carbon dioxide type, hand portable fire extinguisher may submit a written brief setting forth all pertinent facts for receipt by the Commandant (CMC), U. S. Coast Guard, Washington 25, D. C., prior to September 17, 1951, and such written brief may be supported by oral arguments at a public hearing of the Merchant Marine Council at 9:30 a. m., d. s. t., September 19, 1951, in Room 4120, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C.

Dated: AUGUST 28, 1951.

[SEAL] A. C. RICHMOND,
Rear Admiral,
U. S. Coast Guard.
Acting Commandant.

[F. R. Doc. 51–10586; Filed, Aug. 31, 1951; 8:53 a. m.]

Bureau of Customs

[T. D. 52809]

PEGOR STEAMSHIP CORP.

REGISTRATION OF FUNNEL MARK

AUGUST 29, 1951.

The Acting Commissioner of Customs, by virtue of the authority vested in him by law and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the funnel mark of the Pegor Steamship Corporation, described below:

Funnel mark. The funnel mark is to appear on a funnel 11 feet in diameter and 18 feet in overall height. Around the top of the funnel is a black band 30 inches in width. Below and parallel to the black band, running completely around the funnel, are three bands, consecutively from the uppermost, red, white, and blue, each 6 inches in width; a white band 36 inches in width; and three consecutive blue, white, and red bands, each also 6 inches in width. The remainder of the stack is black. Centered in a fore-and-aft direction on either side of the stack and centered vertically within the 36-inch white band is the red block letter "P," 24 inches in height, the top of the letter "P" being 54 inches from the top of the stack.

Colored scale replica drawings of the funnel mark described above are on file with the Federal Register Division.[1]

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

[F. R. Doc. 51–10587; Filed, Aug. 31, 1951; 8:53 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

NORTH PLATTE PROJECT, NEBRASKA

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 19, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, NEBRASKA

T. 23 N., R. 58 W.,
Sec. 3, Lots 12 and 13;
Sec. 4, Lot 5;
Sec. 10, Lot 6.

The above areas aggregate 107.46 acres.

WESLEY R. NELSON,
Assistant Commissioner,

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, Jr.,
Associate Director,
Bureau of Land Management.

AUGUST 23, 1951.

Notice for Filing Objections to Order Withdrawing Public Lands for the North Platte Project, Nebraska

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Nebraska, for use in connection with the North Platte Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any obligation be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner.

[F. R. Doc. 51–10508; Filed, Aug. 31, 1951; 8:45 a. m.]

BOISE PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 21, 1950.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following described land from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 3 S., R. 7 E.,
Sec. 9, NW¼SE¼.

The above area aggregates 40.00 acres.

E. D. EATON,
Acting Assistant Commissioner.

I concur. The records of the Bureau of Land Management and the Idaho Land and Survey Office will be noted accordingly.

WILLIAM ZIMMERMAN, Jr.
Associate Director,
Bureau of Land Management.

AUGUST 20, 1951.

Notice for Filing Objections to Order Withdrawing Public Lands for the Boise Project, Idaho

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the Boise Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. D. EATON,
Acting Assistant Commissioner.

[F. R. Doc. 51–10509; Filed, Aug. 31, 1951; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4850, et al.]

AMERICAN AIRLINES, INC., ET AL.

NOTICE OF HEARING

In the matter of the complaint of Bohrer Air Freight Co., and Airport Package Service, Inc., with respect to the proposed change in Rule No. 6.3 on 3rd Revised Page 18–B of Agent Emery F. Johnson's Official Airfreight Rules Tariff No. 1, C. A. B. No. 1, and in the matter of the approval of an agreement between American Airlines, Inc., and certain other carriers, providing for the proposed change in rules which would effect the elimination of advance charges to certain local cartage operators.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as

amended, particularly sections 205 (a) and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on September 17, 1951, at 10:00 a. m., e. d. s. t., in Room 5859, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before Examiner J. Earl Cox.

Without limiting the scope of the issues presented by the Board's Order of Investigation, Order E–5357, and the complaint and other pleadings in Docket No. 4850, particular attention will be directed to the following matters and questions:

1. Is the agreement between American Airlines, Inc., and certain other carriers, Agreement CAB No. 3735, as enlarged by amended Agreement CAB No. 3735–A adverse to the public interest, or in violation of the Civil Aeronautics Act of 1938, as amended?

2. Is the rule effecting the proposed tariff changes unjust or unreasonable, or unduly prejudicial and if so should a lawful rule be prescribed?

Incidental to these main issues are the following:

(a) What, if any, effect will the agreement and the proposed rule change have upon independent cartage operators, upon air freight shippers, upon air carriers, upon competition?

(b) Will the proposed rule change under the agreement result in a monopoly of a segment of the trucking business?

For more details as to issues, reference is made to the Board's orders of investigation, to the protest filed, to the reply to that protest, to the Examiner's Prehearing Conference Report, and to all other matters of record in this proceeding.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board on or before September 17, 1951, a statement setting forth the pertinent issues of fact or law which he desires to controvert or support, and such person then may appear and participate at the hearing under the Board's rules of practice.

Dated at Washington, D. C., August 28, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51–10581; Filed, Aug. 31, 1951; 8:53 a. m.]

RESORT AIRLINES, INC.

PROPOSED EXTENSION OF SPECIAL AUTHORIZATION

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation, extending the present authority of Resort Airlines, Inc., until June 1954, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by September 14, 1951, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after September 18, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Since November 1949 Resort Airlines, Inc., has conducted its flight operations pursuant to the provisions of Part 42 of the Civil Air Regulations, except for certain operations exceeding the frequency specified in SR–338. At the time such initial authorization was granted, it appeared to the Board that the operations of Resort Airlines, Inc., resembled the operations of the irregular carriers more closely than the operations of the scheduled carriers. It therefore seemed unreasonable to the Board to require Resort to conduct its operations under Part 41 under such circumstances. It is the opinion of the Board's staff that the desirability of the initial authorization has been borne out in practice and that this special authority should be extended until the carrier's economic authorization under its certificate of public convenience and necessity expires in June of 1954.

It is, therefore, proposed to issue a Special Civil Air Regulation effective October 1, 1951, providing substantially as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, Resort Airlines, Inc., is hereby authorized to conduct its operations under the provisions of Part 42 of the Civil Air Regulations: *Provided*, That where the operation of aircraft carrying passengers between any two points[1] exceeds the regularity or frequency set forth in paragraph 2 hereof, the carrier shall additionally comply with the provisions of Part 41 relating to communications, pilot route competency, and dispatching, as heretofore or hereafter amended.

2. Two flights, or one round trip, a week on the same day or days of the week for eight or more weeks in any 90 consecutive days; or a total of 36 or more flights, or 18 or more round trips, in any 90 consecutive days.

3. This regulation shall terminate June 9, 1954, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed Special Civil Air Regulation may be changed in view of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 554; 62 Stat. 1216; 49 U. S. C. 551)

[1] Point, as used herein, shall mean any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place.

Dated: August 28, 1951, at Washington, D. C.

By the Bureau of Safety Regulations.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 51–10527; Filed, Aug. 31, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43 Special Order 15, Amdt. 1]

MIDDISHADE CLOTHES

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 15 under section 43 of Ceiling Price Regulation 7 established ceiling prices for sales at retail of men's clothing and tuxedo trousers manufactured by Middishade Clothes having the brand name "Middishade."

Thereafter, Middishade Clothes filed an application to amend the special order by substituting new selling prices for its own selling prices and new ceiling prices at retail corresponding to these new selling prices. It appears that under Ceiling Price Regulation 45 the applicant may legally sell the items covered by the special order at the selling prices for which it has applied and that the new ceiling prices at retail requested are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 15 under Ceiling Price Regulation 7, Section 43, is amended in the following respects:

1. In paragraph 1 delete all after the sentence, "The manufacturer's prices listed below are sold on terms of Net 30," and substitute therefor the following:

MEN'S CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
[1] $12.90	$20.75
[2] 42.65	69.50

TUXEDO TROUSERS

[3] $13.40	$20.75

Effective date. This amendment shall become effective August 27, 1951.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

AUGUST 27, 1951.

[F. R. Doc. 51–10449; Filed, Aug. 27, 1951; 4:57 p. m.]

[1] The manufacturer's selling price shall be $12.40 per unit on purchases of two or more of the same items by a retailer. The ceiling price at retail shall remain $20.75.

[2] The manufacturer's selling price shall be $41.65 per unit on purchase of two or more of the same items by a retailer. The ceiling price at retail shall remain $69.50.

[3] The manufacturer's selling price shall be $12.90 per unit on purchases of two or more tuxedo trousers by a retailer. The ceiling price at retail shall remain $20.75.

[Ceiling Price Regulation 7, Section 43, Special Order 45, Amendment 1]

J. WISS AND SONS CO.,

CEILING PRICE AT RETAIL

Statement of considerations. Special Order 45, under section 43 of Ceiling Price Regulation 7, issued on May 29, 1951, established ceiling prices for sales at retail of shears, scissors, snips, pinking shears, pruning shears and clippers, manufactured by J. Wiss and Sons Co., having the brand name "Wiss."

The special order required the manufacturer to mark each article listed in the special order with the retail ceiling price fixed under the special order or to attach to each article a label, tag or ticket stating the retail ceiling price. Applicant was required to comply with this preticketing provision on and after July 2, 1951. J. Wiss and Sons Co., has filed an application for an extension of time in which to meet this preticketing requirement. The applicant points out that it requires more time to secure proper tags and to put them on a large number of items, in stock, covered by the special order. A great number of these items are already packaged, and the workload required to meet the provisions of the special order requires the applicant to employ extra help. In addition, applicant seeks to have snips, pruning shears, and clippers deleted from the special order, which items were inadvertently included in the special order.

Under these special circumstances, the Director has determined that the special order be amended.

Amendatory provisions. 1. Paragraph 1 is amended in the following respects:

The words "snips," "pruning shears," and "clippers" are deleted.

2. The first sentence of paragraph 3 is amended so that the date July 2, 1951 is changed to November 1, 1951; and the third and fourth sentences of paragraph 3 are amended so that dates are changed from July 31, 1951 to December 3, 1951.

Effective date. This amendment shall become effective August 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10450; Filed, Aug. 27, 1951; 4:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 578]

HERMAN C. KUPPER, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Herman C. Kupper, Inc., 39-41 West Twenty-third Street, New York 10, New York (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of china dinnerware sold at wholesale by Herman C. Kupper, Inc., 39-41 West Twenty-third Street, New York 10, New York, having the brand name(s) "Charles Ahrenfeldt China, Limoges, France" shall be the proposed retail ceiling prices listed by Herman C. Kupper, Inc., in its application dated May 18, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than October 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after October 27, 1951, Herman C. Kupper, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after November 26, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 26, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this subparagraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the wholesaler had delivered any article covered in Paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. dozen. etc.	Terms {net. percent EOM. etc. $--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of

each successive 6-month period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

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

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective August 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10451; Filed, Aug. 27, 1951; 4:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 579]

HERMAN C. KUPPER, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Herman C. Kupper, Inc., 39-41 West Twenty-third Street, New York 10, New York (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of china dinnerware sold at wholesale by Herman C. Kupper, Inc., 39-41 West Twenty-third Street, New York 10, New York, having the brand name(s) "Franconia China by Krautheim" shall be the proposed retail ceiling prices listed by Herman C. Kupper, Inc., in its application dated April 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated May 18, 1951).

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than October 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after October 27, 1951, Herman C. Kupper, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after November 26, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 26, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.	Terms {net. percent EOM. etc. $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

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

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective August 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10452; Filed, Aug. 27, 1951; 4:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 580]

ALFRED DUNHILL OF LONDON, INC., AND MARY DUNHILL, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Alfred Dunhill of London, Inc., and Mary Dunhill, Inc., 660 Fifth Avenue, New York 19, New York (hereafter called wholesaler) has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of compacts sold at wholesale by Alfred Dunhill of London, Inc., and Mary Dunhill, Inc., 660 Fifth Avenue, New York N. Y., having the brand names(s) "Alfred Dunhill of London, Inc." and "Mary Dunhill, Inc." shall be the proposed retail ceiling prices listed by Alfred Dunhill of London, Inc., and Mary Dunhill, Inc., in its application dated March 20, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than October 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after October 27, 1951, Alfred Dunhill of London, Inc., and Mary Dunhill, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price, $--------

On and after November 26, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 26, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in Paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. / dozen. / etc.	Terms {net. / percent EOM. / etc. $--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

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

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective August 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10453; Filed, Aug. 27, 1951; 4:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 581]

ALFRED SHAPIRO, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for

certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Alfred Shapiro, Inc., 10 East Fortieth Street, New York 16, New York.

Brand names: "Alfred of New York".

Articles: Men's leisure shirts.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$------ per------{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}

$--------

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $ --------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of August 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10454; Filed, Aug. 27, 1951; 4:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 582]

PACIFIC MILLS

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Pacific Mills, 1407 Broadway, New York 18, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of fitted bed sheets sold through wholesalers and retailers and having the brand name(s) "Contour" shall be the proposed retail ceiling prices listed by the Pacific Mills, 1407 Broadway, New York 18, New York, thereinafter referred to as the "applicant" in its application dated July 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than October 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after October 27, 1951, Pacific Mills must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after November 26, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 26, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1) Item (style or lot number or other description)	(Column 2) Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective August 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10455; Filed, Aug. 27, 1951; 4:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 583]

WEST BEND ALUMINUM CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, West Bend Aluminum Company, West Bend, Wisconsin, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number

of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of percolators sold through wholesalers and retailers and having the brand name(s) "West Bend Flavo-matic Percolator" shall be the proposed retail ceiling prices listed by West Bend Aluminum Company, West Bend, Wisconsin, hereinafter referred to as the "applicant" in its application dated July 20, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than October 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after October 27, 1951, West Bend Aluminum Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after November, 1951 no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 26, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the pretickeeting requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers.*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective August 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10456; Filed, Aug. 27, 1951; 5:00 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 584]

LAKELAND MANUFACTURING CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Lakeland Manufacturing Company, Sheboygan, Wisconsin.

Brand names: "Lakeland".

Articles: Men's and boys' jackets, coats and snowsuits and boys' slacks.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}
$_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of August 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10457; Filed, Aug. 27, 1951; 5:00 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 585]

ARNOLD, SCHWINN & CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Arnold, Schwinn & Company, 1718 North Kildare Avenue, Chicago 39, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of bicycles and accessories sold through wholesalers and retailers and having the brand name(s) "Schwinn" shall be the proposed retail ceiling prices listed by Arnold, Schwinn & Company, 1718 North Kildare Avenue, Chicago 39, Illinois, hereinafter referred to as the "applicant" in its application dated August 10, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization

with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than October 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after October 27, 1951, Arnold, Schwinn & Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after November 26, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 26, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective August 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10458; Filed, Aug. 27, 1951; 5:01 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 586]

CHICOPEE MANUFACTURING CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Chicopee Manufacturing Corporation, New Brunswick, New Jersey, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of gauze diapers sold through wholesalers and retailers and having the brand name(s) "Chix" shall be the proposed retail ceiling prices listed by Chicopee Manufacturing Corporation, New Brunswick, New Jersey, hereinafter referred to as the "applicant" in its application dated April 6, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated July 2, 1951).

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to

this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than October 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after October 27, 1951, Chicopee Manufacturing Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after November 26, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 26, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers.*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective August 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10459; Filed, Aug. 27, 1951; 5:01 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 587]

SAMUEL KIRK & SON, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Samuel Kirk & Son, Inc., 729 East Twenty-fifth Street, Baltimore 18, Maryland.

Brand names: "Kirk Sterling".

Articles: Sterling flatware, sterling heavyweight flatware, and sterling holloware.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is is-

sued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. / dozen. / etc.}	Terms {net. / percent EOM. / etc.} $_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $ _____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of August 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 27, 1951.

[F. R. Doc. 51-10460; Filed, Aug. 27, 1951; 5:01 p. m.]

[Delegation of Authority 11, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON CERTAIN APPLICATIONS UNDER DISTRIBUTION REGULATION 1

Delegation of Authority 11 is amended to add thereto, immediately following subsection 1 (c), the following subsections:

(d) To request further information from an applicant or to grant or deny applications for registration of Class 2 slaughtering establishments made pursuant to section 4 of Distribution Regulation 1.

(e) To request further information from an applicant or to grant or deny applications by Class 2 A slaughterers to have their livestock slaughtered by another Class 2 slaughterer, made pursuant to section 8 (d) of Distribution Regulation 1.

Effective date. This amendment shall be effective September 1, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 31, 1951.

[F. R. Doc. 51-10710; Filed, Aug. 31, 1951; 12:07 p. m.]

REGIONAL AND DISTRICT OFFICES

ORGANIZATIONAL STATEMENT

The field organization of the Office of Price Stabilization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950, as amended, and Executive Order 10161 (15 F. R. 6105) as published in the Federal Register dated February 2, 1951 (16 F. R. 987), and as amended March 3, 1951 (16 F. R. 2028), April 20, 1951 (16 F. R. 3444), May 12, 1951 (16 F. R. 4476), June 21, 1951 (16 F. R. 5959), June 28, 1951 (16 F. R. 6322), July 25, 1951 (16 F. R. 7338) and August 15, 1951 (16 F. R. 8158) consists of regional and district offices which are organized as outlined below:

REGIONAL OFFICES

Organization. Each Regional Office is headed by a Regional Director and is organized in accordance with the following basic plan:

Price Division—Regional Price Executive.
Legal Division—Regional Counsel.
Accounting Division—Regional Accounting Executive.
Enforcement Division—Regional Enforcement Director.
Public Information Division—Regional Information Officer.
Management Division—Regional Executive Officer.

Functions and responsibilities of Regional Offices. The functions of the regional offices are to supervise and coordinate the program activities and operations of district offices in accordance with standards and instructions issued by the Washington office of OPS, and to perform only such operational functions as may not be performed feasibly by the district offices.

DISTRICT OFFICES

Organization. Each District Office is headed by a District Director and is organized in accordance with the following basic plan:

Price Branch—District Price Executive.
Legal Branch—District Counsel.
Accounting Branch—District Accounting Executive.

Enforcement Branch—District Enforcement Director.

Public Information Branch—District Information Officer.

Management Branch—District Executive Officer.

District Offices located in the territories and possessions of the United States are also known as Territorial Offices and the District Directors of such offices are also known as Territorial Directors.

Functions of District Offices. District Offices primarily are operating offices performing the detailed work of the OPS under the supervision of the regional office. In general the functions of District Offices shall be to execute and effectuate OPS programs by administering the specific operational functions assigned or delegated to them, in accordance with the standards and instructions issued by the Washington office and the regional director.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 31, 1951.

[F. R. Doc. 51-10711; Filed, Aug. 31, 1951; 12:07 p. m.]

Wage Stabilization Board

[General Wage Regulation 11, Board Resolution 37]

ESTABLISHMENT OF TRIPARTITE COMMITTEES FOR ADMINISTRATION OF STABILIZATION FUNCTION WITH RESPECT TO AGRICULTURAL LABOR

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105) Executive Order 10233 (16 F. R. 3503), General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), and in furtherance of the policies promulgated in General Wage Regulation No. 11 (16 F. R. 4938) the Wage Stabilization Board has adopted the following resolution:

In order to provide an efficient administration of the stabilization function with respect to agricultural labor, it is resolved that General Wage Regulation No. 11 shall be implemented as follows:

(1) There shall be a standing tripartite committee of the National Wage Stabilization Board operating on behalf of the Board which shall concern itself with the policies appropriate to the regulation of agricultural wages.

(2) In each of the designated regions (see attached map),[1] and such other regions as the Board may later determine, there shall be a standing tripartite committee of the Regional Board operating on behalf of the Regional Board to apply the policies of the National Wage Stabilization Board with reference to agricultural wages. Among the functions of the Regional Board will be the establishment of area ceilings for agricultural wages. Where such area ceilings are to be established, hearings will be conducted by the tripartite committee of the Regional Board. The area wage determinations of the Regional Board will be subject to such policies and procedures as the National Board may establish for the review of the Regional Board decisions.

(3) A staff officer of the National Board shall be designated to perform those functions necessary to the administration of the policies adopted by the National Board.

(4) A staff officer of the Regional Board shall be designated to perform those functions necessary to the administration of the program adopted by the Regional Board.

(5) Staff Officers at the area level shall be appointed as needed to provide for the adjustment of individual farm rates consistent with policies and procedures adopted by the National and Regional Boards.

Adopted by the Board: June 29, 1951.

VIRGINIA F. MOORE,
Secretary.

[F. R. Doc. 51-10634; Filed, Aug. 30, 1951; 3:08 p. m.]

[General Wage Regulation 11, Board Resolution 41]

DELEGATION OF AUTHORITY TO REGIONAL DIRECTORS TO PERFORM FUNCTIONS OF STANDING TRIPARTITE COMMITTEES WITH RESPECT TO AGRICULTURAL LABOR

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105) Executive Order 10233 (16 F. R. 3503), General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), and in furtherance of the policies promulgated in General Wage Regulation No. 11 (16 F. R. 4938) the Wage Stabilization Board has adopted the following resolution:

Resolution No. 41, *Delegation to Regional Directors of Authority to Act pursuant to General Wage Regulation No. 11 and the Resolution No. 37 of June 29, 1951, Implementing GWR 11.* The Board hereby resolves that pending the establishment of Regional Boards, the Regional Directors are authorized to perform the functions of the standing tripartite committees of their respective Regional Boards relating to agricultural wages, as provided for in paragraph (2) of Resolution No. 37.

Adopted by the Board: July 13, 1951.

VIRGINIA F. MOORE,
Secretary.

[F. R. Doc. 51-10635; Filed, Aug. 30, 1951; 3:08 p. m.]

[1] The map designates the following regions as those in which tripartite agricultural committees of Regional Boards are presently being established: Regions I, II, and III combined (Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania); Region VII (Indiana, Illinois, Wisconsin); Region VIII (Minnesota, North Dakota, South Dakota, Montana); Region XI (Colorado, Wyoming, Utah, New Mexico); Region XII (Arizona, California, Nevada); and Region XIII (Washington, Oregon, Idaho).

FEDERAL POWER COMMISSION

[Docket No. G-1763]

ALLIED GAS CO.

NOTICE OF APPLICATION

AUGUST 28, 1951.

Take notice that Allied Gas Company (Applicant), an Illinois corporation, of 134 North Market Street, Paxton, Illinois, filed on August 10, 1951, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipeline facilities hereinafter described.

The facilities proposed to be constructed and operated by Applicant, subject to the jurisdiction of the Commission, include a 6⅝-inch diameter natural gas transmission pipe line extending from a point of connection with the interstate natural gas pipeline system of Texas Illinois Natural Gas Pipeline Company, in McLean County, Illinois, generally eastwardly and slightly northerly approximately 8 miles to a point approximately ½ mile south of Gibson City, Illinois, thence southeasterly approximately 15½ miles to a point of connection with Applicant's existing 6-inch diameter pipeline in section 13, Ludlow Township, Champaign County, Illinois, and thence southerly approximately 4 miles to Applicant's existing gas facilities near Rantoul, Illinois, together with certain regulating and other appurtenant equipment.

Applicant estimates the total over-all capital cost of constructing the proposed natural gas pipe line and related facilities will be approximately $546,160. Applicant proposes to finance the proposed construction by the issuance of $550,000 of its First Mortgage Bonds, 4¼ percent Series due 1976, and an installment promissory note of $150,000, with interest at 3¾ percent.

By means of the projected facilities Applicant proposes to furnish retail natural gas service to Paxton, Gibson City, Ludlow and Rantoul, in the rural areas contiguous to said communities, including the Wherry Defense Housing Project at Chanute Air Force Base near Rantoul and in the area traversed by its present and proposed pipe lines, all in Illinois. Applicant states that it does not propose to serve any main line industrial customers or to sell any natural gas for resale.

Applicant estimates that the 1951-52 winter peak load of the Wherry Defense Housing Project will be about 1,500 Mcf and, of all the other customers in its Paxton Division, about 469 Mcf. Thus,

an aggregate peak requirement of 1,969 Mcf is estimated for the coming winter heating season. It estimates its 1955–56 winter peak load will approximate 3,168 Mcf, and that its annual requirements will increase from a total of 272,900 Mcf in 1952 to approximately 403,600 Mcf in 1956.

Applicant requests that this application be considered by the Commission under its shortened procedure provided by § 1.32 (b) of its rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 6th day of September 1951. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 51–10521; Filed, Aug. 31, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26362]

LUMBER FROM NORTH PACIFIC COAST TO OKLAHOMA

APPLICATION FOR RELIEF

AUGUST 29, 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 tariff I. C. C. No. 1474.

Commodities involved: Lumber and other forest products, carloads.

From: North Pacific coast territory.

To: Points in Oklahoma.

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

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. 1474, Supp. 182.

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. 51–10529; Filed, Aug. 31, 1951; 8:47 a. m.]

[4th Sec. Application 26363]

PULPBOARD FROM MICHIGAN AND NEW JERSEY TO MEDICINE LODGE, KANS.

APPLICATION FOR RELIEF

AUGUST 29, 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. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4238 and Agent C. W. Boin's tariff I. C. C. No. A–850.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Kalamazoo, Mich., and Garwood, N. J.

To: Medicine Lodge, Kans.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4238, Supp. 41; C. W. Boin's tariff I. C. C. No. A–850, Supp. 96.

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. 51–10530; Filed, Aug. 31, 1951; 8:47 a. m.]

[4th Sec. Application 26364]

PULPWOOD FROM CAIRO, ILL., TO CHILLICOTHE, OHIO

APPLICATION FOR RELIEF

AUGUST 29, 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. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4194 and the Missouri Pacific Railroad Company.

Commodities involved: Pulpwood, also wood, refuse or waste, viz: blocks, chips, cores, scrap, and slabs, carloads.

From: Cairo, Ill.

To: Chillicothe, Ohio.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4194, Supp. 12.

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

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–10531; Filed, Aug. 31, 1951; 8:47 a. m.]

[4th Sec. Application 26365]

FORMALDEHYDE FROM BISHOP, TEX., AND TALLANT, OKLA., TO OHIO AND CONNECTICUT

APPLICATION FOR RELIEF

AUGUST 29, 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 carriers parties to his tariffs I. C. C. Nos. 3919 and 3967.

Commodities involved: Liquid formaldehyde, in tank-car loads.

From: Bishop, Tex., and Tallant, Okla.

To: Avon Lake, Ohio, and Glenbrook, Conn.

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

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 54, D. Q. Marsh's tariff I. C. C. No. 3967, Supp. 28.

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. 51–10532; Filed, Aug. 31, 1951; 8:47 a. m.]

[4th Sec. Application 26366]

PIG IRON FROM DAINGERFIELD AND LONE STAR, TEX., TO GREENVILLE, S. C.

APPLICATION FOR RELIEF

AUGUST 29, 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 carriers parties to his tariff I. C. C. No. 3960.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.

To: Greenville, S. C.

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

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3960, Supp. 4.

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. 51-10533; Filed, Aug. 31, 1951; 8:47 a. m.]

[4th Sec. Application 26367]

COTTON BAGGING FROM POINTS IN SOUTHERN TERRITORY TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 29, 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 carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 899, pursuant to fourth-section order No. 16101.

Commodities involved: Cotton bagging, carloads.

From: Points in southern territory.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes and competition with rail carriers.

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

By the Commission, Division 2.

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

[F. R. Doc. 51-10534; Filed, Aug. 31, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 68-152]

PENNSYLVANIA ELECTRIC CO.

NOTICE OF PROPOSED SOLICITATION OF PREFERRED STOCKHOLDERS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of August A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to Rules U-62 and U-65 of the general rules and regulations promulgated by the Commission under the Public Utility Holding Company Act of 1935 by Pennsylvania Electric Company ("the Company"), an operating utility company and a subsidiary of General Public Utilities Corporation, a registered holding company.

All interested parties are referred to said declaration on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

The Company proposes to solicit the holders of its 240,000 shares of Preferred Stock presently outstanding to obtain the consent of a majority thereof to a proposed increase in the authorized number of shares of its Preferred Stock from 240,000 shares to 300,000 shares, of the par value of $100 per share; such solicitation to be made in connection with a special meeting of its stockholders to be held on September 27, 1951.

The declaration is ancillary to a joint application-declaration concurrently filed by the Company and others (File No. 70-2690), wherein the Company proposes to issue additional securities, including preferred stock, in furtherance of its construction program.

The Company estimates that its expenditures in connection with such solicitation, other than ordinary expenditures incurred in preparing, assembling and mailing proxies, proxy statements, and accompanying data, will not exceed $1,000. However, the compensation of declarant's counsel and independent accountants for services in connection with the proposed security issues will include compensation for their services rendered in connection with the proposed solicitation.

Declarant requests that the order of the Commission herein be made effective immediately upon issuance.

Notice is further given that any interested person may, not later than September 7, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of law or fact proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be allowed to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

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

[F. R. Doc. 51-10511; Filed, Aug. 31, 1951; 8:46 a. m.]

[File No. 1-3511]

REPUBLIC PETROLEUM CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of August A. D. 1951.

The San Francisco Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the Capital Stock, $1 Par Value, of Republic Petroleum Company.

The application alleges that the reasons for striking this security from registration and listing on this exchange are as follows:

(1) Republic Petroleum Company in a letter to stockholders, dated February 10, 1950, advised them as follows:

Pursuant to due proceedings and as authorized by the stockholders, directors and officers so to do, this company has dissolved and is now in liquidation. At the time of dissolution H. H. Myers owned in excess of 90 percent of the outstanding shares. In a sale of part of its assets the company has reserved a production payment of $6,000,000.00 On this production payment it borrowed from the Equitable Life Assurance Society of the United States $6,000,000.00. After reserving certain funds for the payment of its debts and to provide for the possible payment of contested liabilities, (including a suit against it for $325,000.00 for an alleged commission), the liquidating trustees have authorized a distribution in liquidation of $5.45 a share to all stock-

holders, other than Mr. Myers, authorizing a distribution to him of $5.40 per share plus the equity in the $6,000,000.00 production payment, the equity arising from the difference in the rate of interest which the payment bears and the rate of interest paid to the Equitable Life Assurance Society of the United States.

(2) California Trust Company, transfer agent for the above issue, advised the applicant exchange in a letter dated September 26, 1950, as follows:

Please be advised that our appointment as transfer agent for the Capital stock of Republic Petroleum Company terminated September 15, 1950.

All matters pertaining to this issue should be referred to the Liquidating Trustees for Republic Petroleum Company in care of Mr. Jno. E. Kilgore, Suite 1900 M & W Tower, Dallas, Texas.

(3) Bank of America, N. T. & S. A. Los Angeles, California, registrar for the above issue, advised the applicant exchange in a letter dated December 13, 1950, as follows:

Please be informed that this bank resigned as Registrar for stock of the [Republic Petroleum] Company effective December 12, 1950.

(4) Mr. John E. Kilgore, in a letter dated December 30, 1950, advised the exchange as follows:

The Trustees in Liquidation shortly expect to declare and pay a final liquidating dividend at which time all stock will be called in for cancellation. The Trustees had to withhold certain funds because of pending litigation. However, the last of these cases has been ultimately determined and the remaining funds in the hands of the Trustees will be paid out in the form of a final liquidating dividend within the next thirty days.

(5) The Capital Stock, $1 Par Value, of Republic Petroleum Company was suspended from dealings on the San Francisco Stock Exchange at the opening of business September 25, 1950.

Upon receipt of a request, prior to September 27, 1951, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-10512; Filed, Aug. 31, 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 18360]

PASS & CO.

In re: Rights of Mrs. Gertrud Pass and others in Pass & Co.

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 Mrs. Gertrud Pass, Miss Gertrud Pass and Miss Hildegarde Pass, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Gertrud Pass, Miss Gertrud Pass and Miss Hildegarde Pass in and to Pass & Co., and/or the assets of Pass & Co., a co-partnership organized under the laws of and doing business in the State of New York, not heretofore vested by Vesting Order 1332,

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 nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10556; Filed, Aug. 31, 1951; 8:50 a. m.]

[Vesting Order 18361]

H. BUHRE ET AL.

In re: Securities owned by H. Buhre and others.

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 individuals whose names are set forth as owners in Exhibit A attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Philippi, deceased and of Charlotte Wasmuth, deceased, who are referred to as owners in Exhibit A set forth below and by reference made a part hereof and who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the persons referred to in subparagraph 8 (b), (c), (d) and (e) hereof who, if individuals, there is reasonable cause to believe are residents of Germany and which, if partnerships, corporations, associations or other organizations, there is reasonable cause to believe are organized under the laws of Germany or have or on or since the effective date of Executive Order 8389, as amended, have had their principal place of business in Germany, are nationals of a designated enemy country (Germany);

4. That Viola Juliane Oldach, whose last known address is Wohltorf, Bez. Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Lisbeth Kunze, whose last known address is Hamburg 13, Jungfrauenthal 2, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That Johann Hallerstede, whose last known address is Quickborn, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That Rudolf Herms, whose last known address is Hamburg 36, Neuerwall 26/28, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

8. That the property described as follows:

a. Those certain shares of stock described in Exhibit A owned by the persons identified therein as owners, together with all declared and unpaid dividends thereon,

b. Three (3) shares of $100.00 par value preferred capital stock of Acme Ice Cream Company, evidenced by certificates numbered P 24 and P 98, for two shares and one share respectively, owned by persons referred to in subparagraph 3 hereof, together with all declared and unpaid dividends thereon,

c. One hundred forty-four (144) shares of $1.00 par value capital stock of

Alaska Douglas Gold Mining Company, evidenced by a certificate numbered 343, owned by the person referred to in subparagraph 3 hereof, together with all declared and unpaid dividends thereon,

d. Ten (10) shares of $25.00 par value capital stock of Alaska Treadwell Gold Mining Company, evidenced by a certificate numbered 3173, owned by persons referred to in subparagraph 3 hereof, together with all declared and unpaid dividends thereon,

e. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) Brazil Railway Company 5 percent 50-year Gold Debentures of $100.00 face value each, numbered A 2155 and A 3500, owned by persons referred to in subparagraph 3 hereof, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bonds,

f. All rights and interests in and under one (1) Certificate for Associated Gas and Electric Company 6 percent convertible obligation, Series A, said certificate numbered DX 2289 of $1,300.00 face value and owned by Viola Juliane Oldach,

g. All rights and interests in and under two (2) convertible certificates of Bartica Company, said certificates numbered 25241 and 25244, owned by Lisbeth Kunze.

h. All rights and interests in and under one (1) Boston-Montana Mining Corporation 7 percent convertible Gold Note, numbered A 1847, Series A, of $10.00 face value and owned by Johann Hallerstede, and

i. All rights and interests in and under two (2) Certificates issued by Wells Fargo Bank and Union Trust Company for 7 percent Gold Notes of California Jewelry Company of $500.00 face value each, said certificates numbered 11 and 16, and owned by Rudolf Herms,

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 nationals of a designated enemy country (Germany);

and it is hereby determined:

9. That to the extent that the persons referred to in subparagraphs 1 and 3 hereof and the persons named in subparagraphs 4, 5, 6 and 7 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Philippi, deceased, and of Charlotte Wasmuth, 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 August 27, 1951.

For the Attorney General.

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

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate No.	Number of shares	Owner
Agfa Ansco Corp.	Common	$1.00	TCF 288	6	H. Buhre.
Alaska Douglas Gold Mining Co.	Capital	1.00	411	50	Elisabeth V. Fuchs.
Alaska Treadwell Gold Mining Co.	do	25.00	3317	10	L. M. Philippi.
Do	do	25.00	3174/76, 8930	80	C. M. Philippi.
Do	do	25.00	2835, 2836, 2838, 2839, 2847, 3879, 3880.	70	Personal representatives, heirs, next of kin, legatees and distributees of Dr. Friedrich Philippi, deceased.
Do	do	25.00	3881, 3882	20	Margot Finkelnburg.
Alaska United Gold Mining Co.	do	5.00	8630, 8631	100	Alma Rittscher.
The Armand Drug & Candy Co.	Common	10.00	98, 560	7	Ida Marie Hugenburg.
Do	Preferred	100.00	70	3	Do.
The Baltimore & Ohio R. R. Co.	Common	100.00	A 380157	2	Personal representatives, heirs, next of kin, legatees and distributees of Mrs. Charlotte Wasmuth, deceased.
Bankers Loan & Investment Co.	Reorganized Class A.	100.00	1354	17	Laura Cordua
Do	Reorganized Class B.	100.00	811	1	Do.
Bartica Co	Capital	10.00	1765	4	Lisbeth Kunze.
Boston-Montana Mining Corp.	do	1.00	B 3961, B 1457	150	Johann Hallerstede.
Brown & Root Co	do	50.00	131, 142	50	Do.
Butte & Anaconda Consolidated Mining Co.	do	1.00	225	7,190	Joh. Diestel.
Butte-Cat Creek Oil Co.	do	.10	134, 534	2,000	Do.
Butte Copper King Mining Co.	do	1.50	32	2,500	Do.
Central American Plantations Corp.	do	100.00	O 4409, O 4413, O 4414, O 4428.	20	Dr. H. Otte.

[F. R. Doc. 51-10557; Filed, Aug. 31, 1951; 8:50 a. m.]

[Vesting Order 18362]

HENRY DEMIEN

In re: Stock owned by Henry Demien. F-28-31601.

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 Henry Demien, who there is reasonable cause to believe is a resident of Germany is a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of $50.00 par value capital stock of Knight Land & Oil Development Company, New Orleans, Louisiana, evidenced by certificates numbered 81 and 82 for five (5) shares each, registered in the name of Henry Demien and presently in the custody of the Attorney General of the United States 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).

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 August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10558; Filed, Aug. 31, 1951; 8:50 a. m.]

[Vesting Order 18363]

EAST PRUSSIAN POWER CO. AND/OR CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Claim owned by East Prussian Power Company, also known as Ostpreussenwerk Aktiengesellschaft, and/or Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-10716-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 East Prussian Power Company, also known as Ostpreussenwerk Aktiengesellschaft, the last known address of which is General-Litzmann-Strasse 15, Koenigsberg (Pr.), Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Koenigsberg (Pr.), Germany, and is a national of a designated enemy country (Germany);

2. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden, the last known address of which is Berlin, Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain claim against the State of New York and the Comptroller of the State of New York arising by reason of the collection of and receipt by the said Comptroller of the State of New York, pursuant to the provisions of section 303 Article III of the Abandoned Property Law of the State of New York, of the following:

That certain sum of money in the amount of $1,262.64, representing the amount on deposit, as of November 10, 1950, in blocked accounts maintained with Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, entitled Ostpreussenwerk Aktiengesellschaft, which amount of money was paid or delivered to the said Comptroller of the State of New York, on or about November 10, 1950, by the said Bank of the Manhattan Company, said sum being presently in the custody or control of the Comptroller of the State of New York, Department of Audit and Control, Albany, New York,

and any and all rights to file with said Comptroller of the State of New York, the aforesaid claim and 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, East Prussian Power Company, also known as as Ostpreussenwerk Aktiengesellschaft, and/or Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10559; Filed, Aug. 31, 1951; 8:50 a. m.]

[Vesting Order 18364]

ALFRED FLESCHE

In re: Stock and bank account owned by Alfred Flesche. F-28-31642.

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 Alfred Flesche, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 57 Broadway, New York 15, New York, arising out of a blocked current account entitled Bank van Vloten en de Gijselaar N. V., Amsterdam Blocked Account pursuant to License No. NY 870774-B, and any and all rights to demand, enforce and collect the same,

b. Twenty-five (25) shares of common capital stock of Kansas Power & Light Company and ten (10) shares of common capital stock of West Kentucky Coal Company, presently in the custody of J. Henry Schroder Banking Corporation, 57 Broadway, New York 15, New York, in an account in the name of Bank van Vloten en de Gijselaar N. V., Amsterdam, together with any and 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).

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 August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10560; Filed, Aug. 31, 1951; 8:50 a. m.]

[Vesting Order 18365]

CERTAIN GERMAN NATIONALS

In re: Cash owned by German nationals whose names are unknown. F-49-855.

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 although the names of the owners of the property described in subparagraph 2 hereof are not available, such persons, who, if individuals, there is reasonable cause to believe are residents of Germany and, if partnerships, corporations, associations, or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country);

2. That the property described as follows: Cash in the amount of $29,246.15 presently in the custody of the Attorney General of the United States, held in Collection Fund Symbol 896-027 in the United States Treasury, item No. NY-17482, Schedule No. NY-1759, and any and all rights in and to the aforesaid cash,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10561; Filed, Aug. 31, 1951; 8:50 a. m.]

[Vesting Order 18366]

CERTAIN GERMAN NATIONAL

In re: Securities owned by unknown German national.

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 person referred to in subparagraph 2 hereof who, if an individual, there is reasonable cause to believe is a resident of Germany and which, if a partnership, corporation, association or other organization, there is reasonable cause to believe is organized under the laws of or has or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany is a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred twenty (120) shares of $100.00 par value stock of Argentine Railway Company, evidenced by certificates numbered B 55501/75 and B 74456/500, 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 person referred to in subparagraph 1 hereof, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person referred to in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10562; Filed, Aug. 31, 1951; 8:50 a. m.]

[Vesting Order 18367]

GERMANY

In re: Account owned by Germany. D-28-10620-G-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 Free State of Bavaria, also known as Freistaat Bayern, is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, in the amount of $463.07, as of March 28, 1946, arising out of cash held as a sinking fund for the retirement of bonds of Free State of Bavaria, by the aforesaid The Chase National Bank of the City of New York, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said The Chase National Bank of the City of New York, against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

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 designated enemy country (Germany);

All determinations and all action required by law, including approprite 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 term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10563; Filed, Aug. 31, 1951; 8:50 a. m.]

[Vesting Order 18368]

GERMANY

In re: Accounts owned by Germany. D-28-10620-G-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 Free State of Bavaria, also known as Freistaat Bayern, is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows: a. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, in the amount of $390.00, as of March 28, 1946, arising out of cash held by the aforesaid, The Chase National Bank of the City of New York, as Trustee, for payment of coupons, maturing between February 1, 1931, and February 1, 1933, both dates inclusive, detached from and/or appurtenant to the Free State of Bavaria 6½ Percent Serial Gold Bonds, External Loan of 1925, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said The Chase National Bank of the City of New York, against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, in the amount of $195.00, as of March 28, 1946, arising out of cash held by the aforesaid, The Chase National Bank of the City of New York, as Trustee, for payment of coupons, maturing between August 1, 1929, and February 1, 1933, both dates inclusive, detached from and/or appurtenant to the Free State of Bavaria 6½ Percent Sinking Fund Gold Bonds due August 1, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said The Chase National Bank of the City of New York,

against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended, and

c. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, in the amount of $37.50, as of March 28, 1946, arising out of cash held by the aforesaid, The Chase National Bank of the City of New York, as Trustee, in an exchange account, entitled Free State of Bavaria, maintained at the aforesaid Bank, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said The Chase National Bank of the City of New York, against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

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 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 term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 27, 1951.

For the Deputy Director.

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

[F. R. Doc. 51-10564; Filed, Aug. 31, 1951; 8:50 a. m.]

[Vesting Order 18370]

TSUMAYO OKADA

In re: Debt owing to Tsumayo Okada. F-39-4486-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsumayo Okada, whose last known address is Yamaguchi-ken, Oshima-gun, Akenoshomachi, Sho, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tsumayo Okada by the Bishop National Bank of Hawaii, Honolulu, Hawaii, arising out of a savings account, Account No. 45532, entitled Tsumayo Okada, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10566; Filed, Aug. 31, 1951; 8:51 a. m.]

[Vesting Order 18371]

SOPHIE REINAU ET AL.

In re: Securities owned by Sophie Reinau and others. F-28-31625.

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 individuals whose names are set forth as owners in Exhibit A set forth below and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Anne Jeanne Konig, whose last known address is Edenkoben, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Matthias Reich, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That Gustav Raichle, whose last known address is Aulendorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Dr. Heinrich Feifel, whose last known address is Speichingen, Hindenburgstr. 88, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, together with all declared and unpaid dividends thereon,

b. Eight (8) shares of $25 par value common capital stock of the American Rolling Mill Company evidenced by a certificate numbered C012182 owned by Anne Jeanne Konig, together with all declared and unpaid dividends thereon,

c. All rights and interests in and under one (1) Non-Dividend Bearing Scrip Certificate for 8/20ths of a share of $25 par value common capital stock of American Rolling Mill Company, said certificate numbered 5155 and owned by Anne Jeanne Konig,

d. All rights and interests in and under temporary certificates for fifty (50) shares of no par value Class A common stock of Arkansas Natural Gas Corporation, said certificates numbered TNYO 81901 and TNYO 40548 owned by the personal representatives, heirs, next of kin, legatees and distributees of Matthias Reich, deceased,

e. All rights and interests in and under one (1) certificate of deposit for thirty-five (35) shares of no par value prior preferred Series A stock of Chicago Rapid Transit Company, said certificate issued by Central Trust Company of Illinois, numbered A04473 and owned by Gustav Raichle,

f. All rights and interests in and under four (4) certificates of interest representing 14,000 shares of beneficial interest in the 50-50 Oil Company, said certificates numbered 632, 1074, 424 and 1512, and owned by Dr. Heinrich Feifel,

g. Six-tenths (6/10) of one share of $10.00 par value common stock of Cities Service Company, 60 Wall Street, New York 5, New York, evidenced by a certificate numbered XL132078 for six shares of no par value common stock of the aforesaid company, said certificates owned by Karl Spindler, together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for $10.00 par value stock of the aforesaid company,

h. One and one-tenth (1 1/10) of a share of $10.00 par value common stock of Cities Service Company, 60 Wall Street, New York 5, New York, evidenced by certificates numbered BL80032 and XL92107, for eleven shares of no par value common stock of the aforesaid company, said certificates owned by Anna Gartner, Karl Gartner and Max Gartner, together with all declared and unpaid dividends thereon, and any and all rights to receive new certificates for $10.00 par value stock of the aforesaid company, and

i. Seven and three-tenths (7 3/10) of a share of $10.00 par value common stock of Cities Service Company, 60 Wall Street, New York 5, New York, evidenced by certificates numbered BL15513, XL365018, VL437680, VL910374 and VL226616, for seventy-three shares of no

par value common stock of the aforesaid company, said certificates owned by the personal representatives, heirs, next of kin, legatees and distributees of Matthias Reich, deceased, together with all declared and unpaid dividends thereon, and any and all rights to receive new certificates for $10.00 par value stock of the aforesaid company,

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

and it is hereby determined:

7. That to the extent that the persons referred to in subparagraph 1 hereof and the persons named in subparagraphs 2, 4 and 5 hereof and that the personal representatives, heirs, next of kin, legatees and distributees of Matthias Reich, deceased, referred to in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate No.	Number of shares	Owner
American Electric Securities Corp.	Participating preferred.	$1.00	NP 1103	100	Sophie Reinau.
American Zinc Lead & Smelting Co.	Common	25.00	HO 28798	10	Carl Spindler.
The Big Bear Oil Co	Capital	.10	10533, 10653, 11574	1,500	Dr. Heinrich Feifel.
Botany Worsted Mills	do	100.00	3121/22, 3649/68, 5417/26	160	Ella Keil.
Butte & Anaconda Consolidated Mining Co.	do	1.00	421	125	Anna Valentin.
Do	do	1.00	419, 420	250	Johann Bauer.
Central Copper Co. of Arizona.	do	.50	47044	170	Heinrich Kammerer.
Chicago North Shore & Milwaukee R.R. Co.	Capital 7 percent prior lien.	100.00	PLO 29700	20	Gustav Raichle.
Corporation Securities Co. of Chicago.	Common	None	CO 38353, CO 99547, CO 60336, CO 71772, CO 82255, CO 94368, CO 104279.	60	Do.
Do	Three Dollar Optional Preferred.		P. O. 1550	5	Do.
The F. O. Diver Milling Co.	Preferred	100.00	16	20	Lina Eyer.

[F. R. Doc. 51-10567; Filed, Aug. 31, 1951; 8:51 a. m.]

[Vesting Order 18372]

WILHELM SCHEU ET AL.

In Re: Securities owned by Wilhelm Scheu and others.

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 Wilhelm Scheu, whose last known address is 7 Wormserstrasse, Kaiserslautern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Clara Finger, whose last known address is Monsheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Katherina Schreiner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That Losverein der Zwolf, the last known address of which is Freiburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

5. That the property described as follows:

a. That certain debt or other obligation matured or unmatured evidenced by one (1) Divisional and Terminal 6 percent gold bond of the Rochester Hornellsville and Lackawanna Railroad Company, numbered 146, due July 1, 1928, of $1,000,000 face value owned by Wilhelm Scheu, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond,

b. Two (2) German Fractional Certificates numbered Lit. A. 0951 and Lit. A. 0952 issued at Frankfurt a/Main, July 27, 1895, for participation to the extent of $250.00 for each certificate in $1,000.00 Income Bonds of Western New York & Pennsylvania Railway Co., owned by Clara Finger, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation matured or unmatured evidenced by one (1) Northern Pacific Railway Company prior lien railway and land grant 4 percent gold bond, due January 1, 1997 of $500.00 face value, numbered D 15200, owned by the personal representatives, heirs, next of kin, legatees and distributees of Katharina Schreiner, deceased, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond,

d. Any and all rights and interests in and under Four (4) Scrip Certificates of indebtedness of Western New York and Pennsylvania Railroad Company, issued December 1, 1887, each of $15.00 face value, due December 1, 1907, and numbered 4498/99 and 4503/04, owned by Losverein der Zwolf,

e. Any and all rights and interest in and under Three (3) Second Mortgage Income Scrip Certificates of Western New York and Pennsylvania Railroad Company, issued April 1, 1888, each of $16.67 face value, numbered 2724, 5021 and 5022 for interest due on Second Mortgage Bonds of the Railroad Company, numbered 12436, 14733 and 14734, owned by Losverein der Zwolf, and

f. Any and all rights and interest in and under Twenty Seven (27) Second Mortgage Scrip Certificates of Western New York and Pennsylvania Railroad Company, each of $25.00 face value, for interest on Second Mortgage Bonds of the Railroad Company owned by Losverein der Zwolf, said certificates numbered and issued on the dates as set forth below, for the bonds listed opposite each such certificate:

No. 1229, issued October 1, 1888, for bond numbered 12446.
No. 3519, issued October 1, 1888, for bond numbered 14736.
No. 3520, issued October 1, 1888, for bond numbered 14737.
No. 5954, issued October 1, 1888, for bond numbered 17171.
No. 3803, issued April 1, 1889, for bond numbered 15020.
No. 3804, issued April 1, 1889, for bond numbered 15021.
No. 2718, issued October 1, 1889, for bond numbered 13935.
No. 3048, issued October 1, 1889, for bond numbered 14265.
No. 3049, issued October 1, 1889, for bond numbered 14266.
No. 1940, issued April 1, 1890, for bond numbered 13157.
No. 4243, issued April 1, 1890, for bond numbered 15460.
No. 4244, issued April 1, 1890, for bond numbered 15461.
No. 2393, issued October 1, 1890, for bond numbered 13610.
No. 4178, issued October 1, 1890, for bond numbered 15395.
No. 4179, issued October 1, 1890, for bond numbered 15396.
No. 2106, issued April 1, 1891, for bond numbered 13323.

No. 3274, issued April 1, 1891, for bond numbered 14491.
No. 3275, issued April 1, 1891, for bond numbered 14492.
No. 2255, issued October 1, 1891, for bond "as per record on stub."
No. 2867, issued October 1, 1891, for bond "as per record on stub."
No. 2868, issued October 1, 1891, for bond "as per record on stub."
No. 2899, issued October 1, 1891, for bond "as per record on stub."
No. 2455, issued April 1, 1892, for bond "as per record on stub."
No. 2456, issued April 1, 1892, for bond "as per record on stub."
No. 4288, issued April 1, 1892, for bond "as per record on stub."
No. 4047, issued October 1, 1892, for bond "as per record on stub."
No. 4048, issued October 1, 1892, for bond "as per record on stub."

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 nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraphs 1, 2 and 4 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Katharina Schreiner, deceased, referred to in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10568; Filed, Aug. 31, 1951; 8:51 a. m.]

[Vesting Order 18373]

KARL SPINDLER ET AL.

In re: Securities owned by Karl Spindler and others. F-28-31631.

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 individuals whose names are set forth as owners in Exhibits A and B set forth below and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprise whose name is set forth as owner in Exhibit B set forth below and by reference made a part hereof, is a corporation, partnership, association or other business organization organized under the laws of Germany and which has or on or since the effective date of effective Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

3. That Rudolf Händel, whose last known address is Zeutern/Bruchsal, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That F. W. Rill, whose last known address is Lindau/B., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Karl Flörchinger, whose last known address is Ludwigshafen, Ruprechtstr. 82, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That Heinrich Kammerer, whose last known address is Freiburg i/B., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That Losverein der 12, whose last known address is Freiburg, Germany, is a corporation, partnership, association, or other business organization organized under the laws of Germany, and which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

8. That the person referred to in subparagraph 9 (j) hereof, who, if an individual, there is reasonable cause to believe is a resident of Germany and which, if a partnership, corporation, association or other organization, there is reasonable cause to believe is organized under the laws of or has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, is a national of a designated enemy country (Germany);

9. That the property described as follows:

a. Those certain shares of stock described in Exhibit A owned by the persons identified therein as owners, together with all declared and unpaid dividends thereon.

b. Those certain debts or other obligations, matured or unmatured, evidenced by the bonds described in Exhibit B, owned by the persons identified therein as owners, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bonds,

c. All rights and interests in and under one (1) Trustee's Certificate issued by Liberty Title and Trust Company for 1/5th of one share of $20.00 par value stock of Metals Coating Company of America, said certificate numbered 02852 and owned by Rudolf Händel,

d. All rights and interests in and under one (1) Receipt for an interest in 2/6ths of one share of no par value common stock of Radio Corporation of America, said certificate issued by General Electric Company, numbered 232266 and owned by F. W. Rill,

e. All rights and interests in and under one (1) Trust Certificate of the Seaboard Trust Company, Hoboken, New Jersey, said certificate numbered TC 2305, representing an interest in the amount of $93.89 in certain assets of Steneck Trust Company, and owned by Karl Flörchinger,

f. All rights and interests in and under a Voting Trust Certificate for forty-three (43) shares of no par value common capital stock of Sunset Oil Company, said certificate numbered 9489, and owned by Heinrich Kammerer,

g. All rights and interests in and under a Voting Trust Scrip Certificate for 3/10th of one (1) share of no par value common capital stock of Sunset Oil Company, said certificate numbered 5223, and owned by Heinrich Kammerer,

h. Three (3) German Scrip Certificates for 5 percent Income Bonds of Brunswick and Western Railroad Company of $250.00 face value each, said German Scrip Certificates numbered 0446/8, owned by Losverein der 12, together with any and all rights in and under said certificates,

i. Three (3) German Scrip Certificates for Brunswick and Western Railroad Company I Mortgage Bonds of $40.00 par value each, said scrip certificates numbered 1538/40, owned by Losverein der 12, together with any and all rights in and under said certificates, and

j. All rights and interests in and under three (3) certificates of the Guayaquil and Quito Railway Company, said certificates numbered 1742/4, each for $100.00, and owned by the person referred to in subparagraph 8 hereof,

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 nationals of a designated enemy country (Germany);

and it is hereby determined:

10. That to the extent that the persons referred to in subparagraphs 1, 2 and 8 hereof and the persons named in subparagraphs 3, 4, 5, 6 and 7 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate No.	Number of shares	Owner
General Gas & Electric Corp.	Class A Common (new).	None	ITG 23605	1	Karl Spindler.
Indiana Service Corp.	Preferred	$100.00	CP/O 1156	5	Gustav Raichle.
Innuit Exploitation Co.	Capital	1.00	232,335	10,200	Heinrick Feifel.
Insull Utility Investments, Inc.	Common	None	CO 16808, CO 100688, CO 115775, CO 63858, CO 146125, CO 186876.	36	Gustav Raichle.
Do.	Preferred Second Series.	None	PS/O 3256, PS/O 17115	19	Do.
Do.	$5.50 prior Preferred	None	PP01309	5	Do.
International Combustion Engineering Corp.	Common	None	045285	3	Helmuth Werner.
Isabella Mines Co.	Capital	1.00	689	500	August Pfeiffer.
Market Street Ry Co.	Common	100.00	S. F. O. 1446	10	Dr. Melsheimer.
Do.	Preferred	100.00	N. Y. O. 2609	5	Do.
Do.	Prior Preference	100.00	S. F. O. 1846	25	Do.
Do.	Second Preferred	100.00	S. F. O. 1565	5	Do.
Midland Utilities Co.	Class A Preferred	100.00	CA/O 3540	10	Gustav Raichle.
Mississippi Valley Utilities Investment Co.	Common	1.00	8275	340	Do.
North European Oil Corp.	do	1.00	7511/15	500	Karl Spindler.
Do.	do	1.00	O 437	20	Karl Wagner.
Do.	Capital	None	22851, 25446, 25711, O 4583	350	Karl Spindler.
Northern Mining Corp.	do	None	0359	1,000	Peter Oster.
Oneita Knitting Mills	Preferred	100.00	P 621	20	I. A. Sohler.
Shore Crest Hotel Corp.	Common	None	C 386	5	Karl Scherberger.
Standard Casing Co.	Capital	100.00	23, 25	250	Julius Rendenbach.
Stokely Bros. & Co., Inc.	Common	1.00	NC/O 2367	1	Franz Weitzel.
S. W. Straus Investing Corp.	do	None	CO 6224	6	Siegfried Straub.
Do.	Series A Preferred	50.00	AO 5054	6	Do.
Utilities Power & Light Corp.	Common	1.00	CO 103752	11	Karl Spindler.
Vadsco Sales Corp.	do	None	CO 28198	22	Albert Fischbach.
Do.	Preferred	100.00	PO10415	1	Do.
20 Wacker Drive Building Corp.	$6.00 Cumulative Preferred.	None	C. O. 10046, C. O. 11151	20	Gustav Raichle.
Thomas Young Nurseries, Inc.	Capital	1.00	1176	3	Franz Weitzel.

EXHIBIT B

Description of issue	Face value	Certificate No.	Owner
The Baltimore & Ohio R. R. Co. first mortgage 50-year 4 percent gold bond, due July 1, 1948.	$500	D 5544	Laura Biersch.
Central Public Utility Corp. 20-year 5½ percent income bond, due Aug. 1, 1952.	1,000	RM 38029	Gustav Werner Stiftg.

[F. R. Doc. 51-10569; Filed, Aug. 31, 1951; 8:52 a. m.]

[Vesting Order 18374]

SANESADA TSUNEMITSU

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Sanesada Tsunemitsu also known as Shuran Tsunemitsu, deceased. F-39-6995.

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 Sanesada Tsunemitsu, also known as Shuran Tsunemitsu, 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: a. That certain debt or other obligation of Yoshiyo Kawabata, 1655 Sutter Street, San Francisco, California, representing the proceeds due from the sale by Sanesada Tsunemitsu (now deceased), to the aforesaid Yoshiyo Kawabata on or about August 8, 1941, of the business enterprise then located at 1798 Post Street, San Francisco, California, and known as the "Netsu Company", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and

b. That certain debt or other obligation of Mrs. George Nagayama, also known as Mrs. Gonruku Mototani and as Miss Kawayo Motoya, 1965 East 81st Street, Cleveland, Ohio, arising out of funds received by the said Mrs. George Nagayama from the Estate of Sanesada Tsunemitsu also known as Shuran Tsunemitsu, deceased, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Sanesada Tsunemitsu, also known as Shuran Tsunemitsu, 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 Sanesada Tsunemitsu, also known as Shuran Tsunemitsu, 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 August 27, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10570; Filed, Aug. 31, 1951; 8:52 a. m.]

[Vesting Order 18375]

MARIJA MUSCHKAT

In re: Accounts maintained in the name of Marija Muschkat, c/o Swiss Bank Corporation, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-7375.

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 and by reference made a part hereof, 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 de-

cared 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 August 27, 1951.

For the Attorney General.

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

EXHIBIT A

[Accounts maintained in the name of Marija Muschkat, care Swiss Bank Corp., Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current account, as described by the National City Bank of New York in its report on Form OAP-700, bearing its Serial No. 32.

[F. R. Doc. 51-10571; Filed, Aug. 31, 1951; 8:52 a. m.]

[Vesting Order 16937 Amdt.]

DEUTSCHE REICHSBANK

In re: Securities owned by Deutsche Reichsbank.

Vesting Order 16937, dated January 4, 1951, is hereby amended as follows and not otherwise:

a. By deleting Exhibit A attached to and by reference made a part of said Vesting Order 16937 and substituting therefor the Exhibit A set forth below and by reference made a part hereof.

b. By deleting from Exhibit C of said Vesting Order 16937 the following description of a Certificate of Deposit for East Ave. Apartment Bldg. 1st Mtge. 6 Percent Gold Bond:

Description of issue	Certificate No.	Form of registration
Certificate of Deposit for East Ave. Apartment Bldg., First Mortgage, 6 Percent Gold Bond numbered M 3488, of $1,000 face value.	1348	John Koopman.

c. By adding to said Vesting Order 16937 immediately following subparagraph 2 (j), the following sub-paragraph:

k. Ten (10) shares of common stock of East Avenue Corporation, evidenced by certificate numbered 1418, registered in the name of John Koopman, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account Number F-86224, entitled Deutsche Reichsbank Wertpapieraebteilung, together with all declared and unpaid dividends thereon,

All other provisions of said Vesting Order 16937 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

EXHIBIT A

BONDS

Description of issue	Face value	Bond No.	Form of registration
Colonade Construction Corp. General Mortgage 2½ percent Bond, due Apr. 1, 1951.	$500.00	D79	John Koopman.
Fenway Hall Apartment Building First Mortgage S/F 5½ percent Gold Bond, due Apr. 1, 1947.	500.00	1126	Bearer.
One Park Avenue Building First Mortgage Serial Coupon 6 percent Bond, due Nov. 6, 1939.	500.00	3164	Do.
Two Park Avenue Building, Second Mortgage Ref., Inc., 3 percent Bond, due Dec. 15, 1946.	500.00	D689	John Koopman.

[F. R. Doc. 51-10572; Filed, Aug. 31, 1951; 8:52 a. m.]

[Vesting Order 18369]

CARMELITA MEYERHOFF ET AL.

In re: Securities owned by Carmelita Meyerhoff and others.

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 individuals whose names are set forth as owners in Exhibits A and B, set forth below, and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B, set forth below and by reference made a part hereof, are corporations, partnerships, associations, or other business organizations, organized under the laws of Germany and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees; of Graf Egon von Furstenberg-Stammheim, deceased, of Hugo Bremer, deceased, of Klara Kuchem), deceased and of Johann Weisshaupl, deceased, who are referred to as owners in Exhibits A and B set forth below and by reference made a part hereof and who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That Hermann Telleur, whose last known address is Huddestorf 30, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Deutsche Bank, the last known address of which is Hameln, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

6. That Wilhelm Kremer, whose last known address is Leverkusen-Schlebusch, Kurt Neubauerstr. 6, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That Henriette Beckedorf and Rudolf Greiser, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

8. That Else Theunissen, whose last known address is Dortmund, Bruckstr. 54, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

9. That Carl Scheibler, whose last known address is Dr. Dorenkamp, Koln-Bayenthal, Bonnerstr. 530, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

10. That Karl Zollner, whose last known address is Koln-Marienberg, Lindenallee 53, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

11. That Kurt Schliebe, whose last known address is Naumburg, Kosenerstr. 25, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

12. That Aenne Kohler, whose last known address is Duesseldorf-Lohausen, Lantzallee 12, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

13. That Aschersiebenerbank von Kessel & Co. K. G., the last known address of which is Aschersleben, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

14. That Wilhelmine Kleine, whose last known address is Bonn, Roonstr. 19, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

15. That Theodor Basedow, whose last known address is Lauenburg/Elbe, Bahnhofstr. 22, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

16. That the property described as follows: a. Those certain shares of stock described in Exhibit A, owned by the persons identified as owners, together with all declared and unpaid dividends thereon,

b. Those certain debts or other obligations matured or unmatured, evidenced by the bonds described in Exhibit B, owned by the persons identified therein as owners, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same and any and all rights in and under said bonds,

c. Two hundred (200) shares of no par value stock of the International Royalty & Leasing Co., evidenced by a certificate numbered 488, owned by Hermann Telleur, together with all declared and unpaid dividends thereon,

d. Any and all rights and interests in and under one (1) Certificate of Beneficial Interest numbered 86 for 5 units in Lancashire Building Trust, said certificate issued May 16, 1939, owned by Deutsche Bank,

e. Any and all rights and interests in and under one (1) Certificate of Beneficial Interest numbered 36, issued by the Chicago City Bank and Trust Company as Trustee under Trust No. 2378, for 10 units of Beneficial Interest in the Linden Apartments Liquidation Trust, said certificate issued April 1, 1938, owned by Wilhelm Kremer,

f. Any and all rights and interests in and under one (1) Scrip Certificate numbered SC 147 of Lutherland, Inc., Pocono Pines, Pennsylvania, of $48.00 face value owned by Henriette Beckedorf,

g. Any and all rights and interests in and under eleven (11) Certificates of Deposit issued by Security Transfer & Registrar Co. Depositary (39 Broadway, New York, New York) for 5,025 shares of $1.00 par value capital stock of Magdalena Syndicate, said certificates numbered and in the amounts as follows: B–167 for 25 shares; C 10 for 100 shares; C 11 for 100 shares; C 88 for 100 shares; C 151 for 100 shares; C 152 for 100 shares; D 13 for 500 shares; M 110 for 1,000 shares; M 111 for 1,000 shares; M 112 for 1,000 shares; and M 113 for 1,000 shares, said certificates owned by Rudolf Greiser,

h. Any and all rights and interests in and under three (3) Certificates of Deposit issued by Security Transfer & Registrar Co. Depositary (39 Broadway, New York, New York) for 300 shares of $1.00 par value capital stock of Magdalena Syndicate, said certificates numbered C–18, C–19, and C–20, for 100 shares each, owned by the personal representatives, heirs, next-of-kin, legatees and distributees of Johann Weisshaupl, deceased,

i. Any and all rights and interests in and under three (3) Trustee's Certificates issued by Liberty Title and Trust Company for one-fifth of one share each of $20.00 par value of the Metals Coating Company of America, said certificates numbered 04, 05, and 06, owned by Else Theunissen,

j. Any and all rights and interests in and under thirty-five (35) Trustee's Certificates issued by Liberty Title and Trust Company for one-fifth of one share each of $20.00 par value stock of the Metals Coating Company of America, said certificates numbered 0207/41 owned by Carl Scheibler,

k. Any and all rights and interests in and under thirty-seven (37) Trustee's Certificates issued by Liberty Title and Trust Company for one-fifth of one share each of $20.00 par value stock of Metals Coating Company of America, said certificates numbered 0518, 02112/147, owned by Karl Zollner,

l. Any and all rights and interests in and under five (5) Trustee's Certificates issued by Liberty Title and Trust Company for one-fifth of one share each of $20.00 par value stock of the Metals Coating Company of America, said certificates numbered 02007/11, owned by Kurt Schliebe,

m. Any and all rights and interests in and under three (3) Trustee's Certificates issued by Liberty Title and Trust Company for one-fifth of one share each of $20.00 par value stock of the Metals Coating Company of America, said certificates numbered 01485/7, owned by Aenne Kohler,

n. Any and all rights and interests in and under one (1) Trustee's Certificate issued by Liberty Title and Trust Company for one-fifth of one share of $20.00 par value stock of Metals Coating Company of America, said certificate numbered 0154, owned by Aschersiebenerbank von Kessel & Co. K. G.,

o. Any and all rights and interests in and under one (1) Trustee's Certificate issued by Liberty Title and Trust Company for one-fifth of one share each of $20.00 par value stock of the Metals Coating Company of America, said certificate numbered 01309, owned by Wilhelmine Kleine, and

p. Any and all rights and interests in and under one (1) Trustee's Certificate issued by Liberty Title and Trust Company for one-fifth of one share of $20.00 par value stock of Metals Coating Company of America, said certificate numbered 02801, owned by Theodor Basedow,

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 nationals of a designated enemy country (Germany);

and it is hereby determined:

17. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof, that the persons named in subparagraphs 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 and that the personal representatives, heirs, next of kin, legatees and distributees of Graf Egon von Furstenberg-Stammheim, deceased, of Hugo Bremer, deceased, of Klara Kuchem, deceased, and of Johann Weisshaupl, deceased, referred to in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 27, 1951.

For the Attorney General.

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

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate No.	Number of shares	Owner
Hawaiian Commercial & Sugar Co., Ltd.	Capital	$25.00	SF 538/40	300	Carmelita Meyerhoff.
Heicke Gelatin Works, Inc.	do	100.00	5	10	Hallesche Salzwerke A. G. Chem. Fabrik Kalbe Abt.
125 East 63d St. Inc	Preferred	100.00	P0612	5	Hans Breitlanch.
Hubbard-Elliott Copper Co.	Capital	1.00	699, 700, 5825, 5826, 5935, 5937, 5938, 5997, 5999, 6000, 6295, 6297, 6298.	1,100	Marianne Hebert.
International Development Corp.		None	7	30	Personal representatives, heirs, next of kin, legatees and distributees of Graf Egon von Furstenberg-Stammheim, deceased.
International Mortgage & Investment Corp.	7 percent Cumulative Preferred.	100.00	P108, P109	200	Deutsche Kredit-und Handels-Ges. A. G.
The International Petroleum & Oil Development Co., Ltd.	Capital	1.00	1003, 1004, 1005, 4467.	8,000	Personal representatives, heirs, next of kin, legatees and distributees of Hugo Bremer, deceased.
John S. Clemens Co., Inc.	Class B	None	153	27.9	August Heilenkotter.
Do	Class A	None	100	3⅓	Do.
La Salle Garden Theater Co.	Capital	5.00	990, 991	300	Kreiskommunalkasse Burgdorf.
Madonna Corp	Common	None	C2	75	Luise Buttner.
Do	Preferred	None	P3	150	Do.
Metals Coating Co. of America.	Common	100.00	60, 83, 133	250	Walter Stichl.
Mexican Central Ry. Company, Ltd.	Capital	100.00	A9364	50	Personal representatives, heirs, next of kin, legatees and distributees of Klara Kuchem, deceased.
Mexico Consolidated Mines Holding Corp.	do	.05	485	56	Paul Werners.
Do	do	.05	1019	33	Jos. Raffenberg.
Do	do	.05	379	446	Freiherr von Funck.

EXHIBIT B

Description of issue	Face value	Bond No.	Owner
Interborough Rapid Transit Co. first and refunding mortgage 5 percent coupon gold bonds, due Jan. 1, 1966.	$1,000.00	70270, 90076	Clara Corel.
International Telephone and Telegraph Corp. ten-year convertible 4½ percent gold debenture bonds, due Jan. 1, 1939.	1,000.00	M29577	Clara Corell.
	100.00	C15372	
Lutherland, Inc. 15-year 5 percent income bonds, due June 1, 1951.	100.00	A-186	Henriette Beckedorf.
	500.00	B-56	
Magdalena Syndicate Serial 6 percent debenture bonds, due Mar. 1, 1936.	1,000.00	145/48	Rudolf Greiser.
	100.00	845/53 and 1108	
Magdalena Syndicate Serial 6 percent debenture bonds, due Mar. 1, 1936.	100.00	866/69	Personal representatives, heirs, next of kin, legatees and distributees of Johann Weisshaupl, deceased.
Magdalena Syndicate Serial 6 percent debenture bonds, due Mar. 1, 1936.	1,000.00	88, 89	Georg H. Lauenstein.

[F. R. Doc. 51-10565; Filed, Aug. 31, 1951; 8:51 a. m.]

PEDRO VICENTO DE COUTO

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, Property, and Location

Pedro Vicento de Couto, Kobe, Japan, Claim No. 57710, $484.88 in the Treasury of the United States.

Executed at Washington, D. C., on August 28, 1951.

For the Attorney General.

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

[F. R. Doc. 51-10573; Filed, Aug. 31, 1951; 8:52 a. m.]