THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES — 1934

VOLUME 17 NUMBER 25

Washington, Tuesday, February 5, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 332—PROCESSING INSURED LOANS

MAKING INSURED LOANS FROM STATE RURAL REHABILITATION CORPORATION FUNDS

Paragraphs (b) and (c) of § 332.2, and paragraph (h) of § 332.10 are amended, and §§ 332.2 (e) and 332.23 are added, to provide processing procedures for making insured mortgage loans from State Rural Rehabilitation Corporation funds which have been transferred to the Administrator of the Farmers Home Administration for administration under section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act (64 Stat. 98, 40 U. S. C. 440).

1. In § 332.2 (13 F. R. 9413), paragraphs (b) and (c) are amended and paragraph (e) is added to read as follows:

§ 332.2 *Additional forms.* * * *

(b) *Form FHA–359, "Borrower-Insurer-Lender Triple Agreement."* Section I of Form FHA–359 contains certain agreements of the applicant with respect to the insured loan and will be signed by the applicant and his wife when it is evident that the applicant will qualify for the loan. Section II of the form contains a commitment on the part of the Farmers Home Administration to endorse the original note or bond for insurance at the time of loan closing; this commitment will be signed by the State Field Representative. Section III of the form contains a commitment on the part of the lender to advance the loan funds when the note or bond, endorsed for insurance, and security instrument are executed and delivered by the applicant; this commitment will be signed by the lender after section I is signed by the applicant and prior to acceptance of the option. When an insured loan is made from State Rural Rehabilitation Corporation funds under an agreement pursuant to section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act, the State Director will complete section III of the form, by designating the "Mortgagee" as follows: "United States of America, Trustee of the Assets of the (insert name of Corporation,)" and will sign in his capacity as State Director. Section IV of the form contains general provisions and conditions applicable to the loan.

(c) *Form FHA–360, "Promissory Note (Insured Loan)."* Form FHA–360 will be signed by the applicant and his wife at the time of loan closing to evidence the loan debt and the manner of repayment. The amortization rate for regular installments payable on the note is 4.326 percent. Form FHA–360 also contains a form of "Insurance Endorsement" for execution by the State Director. The date on which the mortgage insurance becomes effective will be inserted in the "Insurance Endorsement" by the County Supervisor at the time of loan closing. When the loan is made from State Rural Rehabilitation Corporation funds under an agreement executed pursuant to section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act, the name of the payee in the promissory note will be "The United States of America, Trustee of the Assets of the (insert name of Corporation)." (In the States of Delaware, New Jersey, New York and Pennsylvania, Form FHA–360A, "Bond (Insured Loan)" is used in place of Form FHA–360.)

* * * * *

(e) *Form FHA–5, "Loan Voucher."* The applicant for a loan to be made from State Rural Rehabilitation Corporation assets made available under an agreement executed pursuant to section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act, will sign Form FHA–5 as prescribed in § 331.2 (a) of this chapter.

2. Paragraph (h) of § 332.10 (13 F. R. 9415), is amended to read as follows:

§ 332.10 *Closing of loan.* * * *

(h) The due date of the first installment on the loan will be the first March 31st following the date of the loan closing. The amount of the first installment, not to exceed 4.326 percent of the loan, will be agreed upon mutually by the County Supervisor and the borrower, taking into consideration the borrower's financial circumstances, and the extent to which he will receive income from the farm during the calendar year preceding the date of the first installment. Whenever possible, the first installment should be not less than the interest that

(Continued on p. 1081)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

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.

will accrue on the loan from the date of closing to the first March 31st thereafter. In special cases, however, where the borrower will not have income from his farm during the calendar year preceding the first due date, a nominal payment of less than the interest may be accepted. The County Supervisor should advise the borrower, in the event of disagreement, that it is the duty of the County Supervisor to determine the amount of the first installment based on the foregoing conditions. The promissory note will be dated as of the date of loan closing, except when the loan is made from State Rural Rehabilitation Corporation funds under an agreement executed pursuant to section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act. In such case the note will be dated with the same date appearing on the United States Treasury check for the loan, and the date of the first repayment installment will be the following March 31. The date of the United States Treasury check for the loan will be inserted in the insurance endorsement on the promissory note as the effective date of the insurance of the mortgage.

3. Section 332.23 is added to Part 332 (13 F. R. 9413, 14 F. R. 2161), to read as follows:

§ 332.23 *Loans from State Rural Rehabilitation Corporation funds.* When insured loans are made pursuant to agreements under section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act, State Directors are authorized: (a) to execute commitments to loan and to make insured Farm Ownership loans out of funds made available in the respective States pursuant to agreements under said section 2 (f), (b) to sell, assign, and transfer to the purchasers thereof, notes and mortgages evidencing and securing insured Farm Ownership loans for the benefit of the revolving funds created by such agreements (c) to consent on behalf of the United States to such sales or assignments, and (d) to execute and deliver, or accept on behalf of the United States, or on behalf of the revolving funds established pursuant to agreements under section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act, deeds, bills of sale, assignments, releases, satisfactions, subordinations, subrogations, and other instruments and agreements incident to the conveyance of title to, or interests in, real and personal property which represent assets of State Rural Rehabilitation Corporations.

(Sec. 4 (c), 64 Stat. 100; 40 U. S. C. 442 (c). Interprets or applies sec. 2 (f), 64 Stat. 99; 40 U. S. C. 440 (f))

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

JANUARY 11, 1952.

Approved January 30, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-1374; Filed, Feb. 4, 1952; 8:47 a. m.]

Subchapter D—Water Facilities Loans

PART 354—PROCESSING LOANS TO INDIVIDUALS

LOANS TO CONTRACT PURCHASERS

Part 354 (14 F. R. 6393, 15 F. R. 2377) is amended to add § 354.5 as follows:

§ 354.5 *Loans to contract purchasers*—(a) *General.* This section supplements §§ 351.1, 352.1 to 352.14 of this chapter and §§ 354.1 to 354.3 by authorizing the making of loans under the Water Facilities Act, as amended, and Public Law 361, 81st Congress, to farmers who are the holders of contracts to purchase farm units from the Bureau of Reclamation in the Columbia Basin Project in the State of Washington.

(b) *Policies.* The policies stated in §§ 352.1 to 352.14 of this chapter and the policies stated herein will be followed in making water facilities loans to such contract purchasers:

(1) No loan will be made to a contract purchaser who is in default under his purchase contract or whose credit needs for farm development purposes, in order to place his farm unit in an operable and livable condition, cannot be met adequately under the water facilities and the production and subsistence loan programs.

(2) Payments of principal and interest on a water facilities loan to a contract purchaser may be deferred for a period of not to exceed 24 months from the date of the first advance under the loan. Such deferments, however, will not result in extending the term of the water facilities loan beyond the repayment period prescribed in § 352.6 of this chapter. Deferred payments will be permitted only when farm and home plans covering the period of the deferment clearly demonstrate a lack of sufficient income to meet regular annual installments on the loan after the payment of (i) annual farm operating and family living expenses, (ii) the annual installments on the purchase contract and on any improvement debt created pursuant thereto, (iii) annual payments on chattel debts roughly equivalent to annual depreciation, and (iv) the cost of making minimum farm improvements or purchasing essential farm and home equipment and livestock agreed upon in the farm and home plan.

(3) When it is proposed to approve a loan to a contract purchaser who is acquiring a portion of his farm from the Bureau of Reclamation and a portion of it from some other party the loan docket will be referred to the National Office for review and advice as to the action which may be taken.

(c) *Loan making procedures.* Water facilities loan dockets for contract purchasers will be prepared and processed in accordance with the provisions of §§ 354.1 to 354.3 as modified in this section.

(1) *Borrower's authorization.* If requested to do so the applicant will give written authorization to the Farmers Home Administration to enable it to obtain from the Bureau of Reclamation information submitted by the applicant to that agency for use by it in determin-

ing his eligibility and qualifications for the purchase contract.

(2) *Docket preparation.* The County Supervisor will obtain from the applicant a copy of the purchase contract, and from the District Manager of the Bureau of Reclamation the following information for use in the preparation of a loan docket for the applicant:

(i) A statement of account showing the unpaid balance on the purchase contract, accrued unpaid interest, other charges owing to the Bureau of Reclamation, and the amount of any delinquency.

(ii) A report on any development and residence requirements which have not been met under the purchase contract and on any other default under the purchase contract.

(iii) A copy of the final opinion of the Bureau of Reclamation or the Department of Justice and a copy of the title insurance policy, if any, on the land, if it is acquired land.

(3) *Closing the loan.* Each water facilities loan to a contract purchaser will be closed in accordance with §§ 354.1 to 354.3 and the following:

(i) Before the loan is closed and the loan check is delivered:

(*a*) The County Supervisor will notify the District Manager of the Bureau of Reclamation in writing of the time and place of loan closing.

(*b*) The applicant will obtain the written consent of the Bureau of Reclamation to the making of the proposed loan.

(*c*) The applicant will have filed for record in the County Recorder's office a purchase contract entered into by him with the Bureau of Reclamation in form satisfactory to the Farmers Home Administration.

(*d*) *Form FHA–185.45, "Real Estate Mortgage by Contract Purchaser"* will be used in securing water facilities loans to contract purchasers on the Columbia Basin Reclamation Project.

(ii) The property insurance policy will cover the interests of the United States as they may appear under both the water facilities mortgage and the purchase contract.

(R. S. 161, sec. 6, 50 Stat. 870; 5 U. S. C. 22, 16 U. S. C. 590w. Interprets or applies sec. 1, 63 Stat. 883, sec. 2, 50 Stat. 869; 7 U. S. C. 1006a, 16 U. S. C. 590s)

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

JANUARY 18, 1952.

Approved: January 30, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52–1373; Filed, Feb. 4, 1952; 8:47 a. m.]

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

PART 664—TOBACCO

SUBPART—1951 TOBACCO LOAN PROGRAM

Set forth below is the schedule of advance rates, by grades, for the 1951 crop of sorted type 51 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published June 8, 1951 (16 F. R. 5419).

§ 664.331 *1951 Crop; Connecticut Valley Broadleaf, Type 51; advance schedule.*[1]

SORTED

[Dollars per 100 pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F 38	115	B2P 38	90
B1F 37	115	B2P 37	86
B2F 38	107	B3P 38	75
B2F 37	107	B3P 37	71
B2F 36	99	B3P 36	62
B2F 35	81	B3P 35	35
B3F 38	102	B4P 38	65
B3F 37	102	B4P 37	63
B3F 36	96	B4P 36	55
B3F 35	76	B4P 35	33
B3F 34	61	B5P 38	58
B4F 38	97	B4P 37	56
B4F 37	97	B5P 36	50
B4F 36	91	B5P 35	30
B4F 35	71	B6P 37	38
B4F 34	56	B6P 36	32
B5F 37	83	B6P 35	24
B5F 36	73	B6P 34	21
B5F 35	61	B7P 37	32
B5F 34	49	B7P 36	26
B6F 37	77	B7P 35	20
B6F 36	66	B7P 34	19
B6F 35	56	B5Z	45
B6F 34	43	B6Z	35
B7F 37	68	B7Z	25
B7F 36	56	R3F	42
B7F 35	46	R3P	28
B7F 34	36	Y1	19
B1P 38	100	Y2	17
B1P 37	96		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 2, 59 Stat. 506, secs. 4, 5, 62 Stat. 1070, as amended, 1072, secs. 101, 401, 63 Stat. 1051, 1054; 7 U. S. C., 1312 note, 15 U. S. C. Sup. 714b, 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 31st day of January 1952.

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

Approved:

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

[F. R. Doc. 52–1450; Filed, Feb. 4, 1952; 8:53 a. m.]

[1] The Cooperative Association through which the loans are made is authorized to deduct from the amount paid to growers not to exceed $1.50 per hundred pounds to apply against receiving and overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer. No advance is authorized for tobacco graded W (unsafe keeping order), U (unsound), or N (nondescript).

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATED PORTS OF ENTRY EXCEPT BY AIRCRAFT

JANUARY 15, 1952.

The following amendments to § 110.1, *Designated ports of entry except by aircraft,* of Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. In the list of Class C ports of entry under District No. 2—Boston, Massachusetts, "New London, Conn. (includes the port facilities at Groton, Conn.)." is substituted for "New London, Conn."

2. In the list of Class A ports of entry under District No. 7—Buffalo, New York, "Oswego, N. Y." is substituted for "Oswego, N. Y. (June 15–Sept. 15).", and "Rochester, N. Y." is substituted for "Rochester, N. Y., BSI."

3. In the list of Class A ports of entry under District No. 9—Chicago, Illinois, "Winton, Minn." is inserted between "Warroad, Minn., BSI." and "Ambrose, N. Dak."

4. In the list of Class A ports of entry under District No. 12—Seattle, Washington, "Havre, Mont., BSI." is substituted for "Havre, Mont."

5. In the list of Class C ports of entry under District No. 12—Seattle, Washington, "Pelican, Alaska." is inserted before "Bangor, Wash."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

ARGYLE R. MACKEY,
Commissioner of
Immigration and Naturalization.

Approved: January 29, 1952.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 52–1418; Filed, Feb. 4, 1952; 8:50 a. m.]

Chapter II—Office of Alien Property, Department of Justice

PART 504—VESTING ORDERS

TIME OF EFFECTIVENESS; PROPERTY OR INTEREST LOCATED IN PHILIPPINES

1. Section 504.1 *Time of effectiveness of vesting orders* is amended to read as follows:

§ 504.1 *Time of effectiveness of vesting orders.* (a) Any property or interest shall be deemed to have vested at the time of the filing with the Federal Register Division, National Archives and Records Service, General Services Administration, Washington, D. C., of an order vesting such property or interest: *Provided,* That any property or interest, the conveyance, transfer, or assignment of which may be filed, registered or recorded in the United States Patent Office or Copyright Office, shall be deemed to have vested at the time of the filing, registering, or recording in such Office of the order vesting such property or interest, or at the time of the filing of such order with said Federal Register Division, whichever is earlier: *Provided further,* That, as to subsequent purchasers or lienors without actual notice, an order vesting real property or an interest in such property shall be deemed effective from the time of the recordation of such order in the public office designated by law for the recordation of a conveyance, transfer, or assignment of such property or interest.

(b) Actual notice, by service or otherwise, of the execution of an order vesting any property or interest shall be deemed (1) notice that the Alien Property Custodian or the Attorney General of the United States has undertaken supervision of such property or interest, and (2) notice of the vesting of such property or interest as of the time specified in pargraph (a) of this section.

(c) This section shall be deemed applicable to all vesting orders heretofore or hereafter executed by or for the Alien Property Custodian or the Attorney General of the United States.

2. Part 504 is amended by the addition of § 504.2 reading as follows:

§ 504.2 *Orders vesting property or interest located in the Philippines.* Any order vesting property or interest located in the Philippines shall in addition be published in the Official Gazette, Manila, Philippine Islands, promptly after filing as provided in § 501.1 (a) and publication in the FEDERAL REGISTER.

(55 Stat. 839, 50 U. S. C. App. 5; 60 Stat. 418, 64 Stat. 1116, 22 U. S. C. App. and Sup. 1382; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, January 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, January 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829)

Executed at Washington, D. C., on January 30, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1445; Filed, Feb. 4, 1952; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 1-1]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

CERTIFICATION OF AIRCRAFT AND RELATED PRODUCTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January 1952.

Since the adoption by the Board of a revised Part 1, effective January 15, 1951, it has been found necessary to include in this part provisions with respect to changes in type design (including service experience changes) which heretofore were contained in other airworthiness parts of the Civil Air Regulations. This clarification insures that such provisions are applicable to all aircraft and components irrespective of the rules under which they were certificated.

In addition to the provisions regarding changes in type design, there are minor editorial changes and changes in section numbering for the purpose of consistency with other airworthiness parts of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 1 of the Civil Air Regulations (14 CFR Part 1) effective March 5, 1952.

1. By amending § 1.2 to read as follows:

§ 1.2 *Type design.* The type design shall consist of such drawings and specifications as are necessary to disclose the configuration of the product and all the design features covered in the requirements of that part of the Civil Air Regulations under which the product is certificated, such information on dimensions, materials, and processes as is necessary to define the structural strength of the product, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent products of the same type.

2. By amending § 1.12 (a) to read as follows:

§ 1.12 *Requirements for issuance.*
* * *

(a) The applicant has submitted the type design (see § 1.2), test reports, and computations as may be required by that part of the Civil Air Regulations under which the product is to be certificated.

3. By rescinding § 1.14.

4. By redesignating §§ 1.15, 1.16, 1.17, 1.18, 1.19, and 1.20 as §§ 1.14, 1.15, 1.16, 1.17, 1.18, and 1.19, respectively.

5. By adding a new heading and §§ 1.20 through 1.24 thereunder to read as follows:

CHANGES IN TYPE DESIGN

§ 1.20 *General.* When the type design is changed, the applicant shall demonstrate that the product complies with the requirements of that part of the Civil Air Regulations under which it was certificated.

§ 1.21 *Classification of changes.* Changes shall be classified as minor and major. A minor change shall be one which has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product. A major change shall be one not classified as a minor change.

§ 1.22 *Approval of minor changes.* Minor changes in a type design may be approved by an authorized representative of the Administrator prior to the submittal to the Administrator of any substantiating or descriptive data.

§ 1.23 *Approval of major changes.* Major changes in a type design shall be approved only after receipt by the Adminstrator of substantiating data and necessary descriptive data for inclusion in the type design.

§ 1.24 *Service experience changes.* (a) Where the Administrator finds as a result of service experience that an unsafe condition exists with respect to a design feature, part or characteristic of any product, and that such a condition is likely to exist or develop in other products of the same type design, he shall provide notice[1] thereof for all operators of products of that type, and the product shall not thereafter be operated until the unsafe condition has been corrected, unless otherwise authorized by the Administrator under specified conditions and limitations, including inspections. In addition, the provisions of subparagraphs (1) and (2) of this paragraph shall apply.

(1) When the Administrator finds that design changes are necessary to correct the unsafe condition of the product, the holder of the type certificate, upon request of the Administrator, shall submit appropriate design changes for the approval of the Administrator.

(2) Upon approval, the descriptive data covering the changes shall be made available by the holder of the type certificate to all operators of products previously certificated under such type certificate.

(b) Where no current unsafe condition exists but the Administrator or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes for the approval of the Administrator. Upon approval of such changes the manufacturer shall make available to all operators of the same type of product information on the design changes.

6. By amending § 1.64 (a) (1) by deleting the word "airworthiness."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-1419; Filed, Feb. 4, 1952; 8:51 a. m.]

[Civil Air Regs., Amdt. 3-7]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January 1952.

These amendments to Part 3 include a complete revision of the administrative provisions contained in Subpart A and several substantive changes to other sections. The revisions to Subpart A make those sections consistent with other airworthiness parts of the Civil Air Regulations.

A substantive change has been made with respect to the spin requirements for the acrobatic category to permit normal use of the controls for recovery in lieu of the free-control provision. The Board considers the new spin requirement to be based on more practical considerations which will result in equally

[1] Notification of any unsafe condition, of the required corrective action, and of compliance dates is usually provided through the medium of Airworthiness Directives issued by the Administrator.

safe spin characteristics for an airplane. Provisions for simplified structural design criteria and demonstration of structural integrity by means of flight tests have also been included.

New water load criteria have been established based upon more recent experience. Similar water load criteria are being established in Part 4b of the Civil Air Regulations for transport category airplanes. Since such provisions are used relatively infrequently in the design of airplanes, the requirement in Part 3 (§ 3.265) does not repeat the material contained in Part 4b but simply refers to it. This should not be interpreted to mean that the Board expects water load criteria to remain the same for airplanes certificated under Part 3 as for airplanes certificated under Part 4b. Any changes to Part 3 in this respect which may be found necessary in the future will, of course, be made.

Several minor changes have also been made, the most notable ones pertaining to the approval of equipment under the Technical Standard Order system and to the power supply for gyroscopic indicators.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) effective March 5, 1952.

1. By amending Subpart A to read as follows:

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

AUTHORITY: §§ 3.0 to 3.20 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553.

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 3.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of type certificates for normal, utility, and acrobatic category airplanes. This part, until superseded or rescinded, shall apply to all normal, utility, and acrobatic category airplanes for which applications for type certification are made after the effective date of this part.

§ 3.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an airplane or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *General design*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,

(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg,

(iv) The temperature gradient from sea level to the altitude at which the temperature equals −67° F. is −0.003566° F./ft. and zero thereabove,

(v) The density ρ_0 at sea level under the above conditions is 0.002378 lb. sec.^{2}/ft.^{4}

(2) *Maximum anticipated air temperature.* The maximum anticipated air temperature is a temperature specified for the purpose of compliance with the powerplant cooling standards. (See § 3.583.)

(3) *Airplane configuration.* Airplane configuration is a term referring to the position of the various elements affecting the aerodynamic characteristics of the airplane (e. g. wing flaps, landing gear).

(4) *Aerodynamic coefficients.* Aerodynamic coefficients are nondimensional coefficients for forces and moments. They correspond with those adopted by the U. S. National Advisory Committee for Aeronautics.

(5) *Critical engine(s).* The critical engine(s) is that engine(s) the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

(c) *Weights*—(1) *Maximum weight.* The maximum weight of the airplane is that maximum at which compliance with the requirements of this part of the Civil Air Regulations is demonstrated. (See § 3.74.)

(2) *Minimum weight.* The minimum weight of the airplane is that minimum at which compliance with the requirements of this part of the Civil Air Regulations is demonstrated. (See § 3.75.)

(3) *Empty weight.* The empty weight of the airplane is a readily reproducible weight which is used in the determination of the operating weights. (See § 3.73.)

(4) *Design maximum weight.* The design maximum weight is the maximum weight of the airplane at which compliance is shown with the structural loading conditions. (See § 3.181.)

(5) *Design minimum weight.* The design minimum weight is the minimum weight of the airplane at which compliance is shown with the structural loading conditions. (See § 3.181.)

(6) *Design landing weight.* The design landing weight is the maximum airplane weight used in structural design for landing conditions at the maximum velocity of descent. (See § 3.242.)

(7) *Design unit weight.* The design unit weight is a representative weight used to show compliance with the structural design requirements:

(i) Gasoline 6 pounds per U. S. gallon.

(ii) Lubricating oil 7.5 pounds per U. S. gallon.

(iii) Crew and passengers 170 pounds per person.

(d) *Speeds*—(1) *IAS.* Indicated air speed is equal to the pitot static airspeed indicator reading as installed in the airplane without correction for airspeed indicator system errors but including the sea level standard adiabatic compressible flow correction. (This latter correction is included in the calibration of the air-speed instrument dials.)

(2) *CAS.* Calibrated air speed is equal to the air-speed indicator reading corrected for position and instrument error. (As a result of the sea level adiabatic compressible flow correction to the air-speed instrument dial, CAS is equal to the true air speed TAS in standard atmosphere at sea level.)

(3) *EAS.* Equivalent air speed is equal to the air-speed indicator reading corrected for position error, instrument error, and for adiabatic compressible flow for the particular altitude. (EAS is equal to CAS at sea level in standard atmosphere.)

(4) *TAS.* True air speed of the airplane relative to undisturbed air. ($TAS = EAS(\rho_0/\rho)^{1/2}$).

(5) V_c. The design cruising speed. (See § 3.184.)

(6) V_d. The design diving speed. (See § 3.184.)

(7) V_f. The design flap speed for flight loading conditions with wing flaps in the landing position. (See § 3.190.)

(8) V_{fe}. The flap extended speed is a maximum speed with wing flaps in a prescribed extended position. (See § 3.742.)

(9) V_h. The maximum speed obtainable in level flight with rated rpm and power.

(10) V_{mc}. The minimum control speed with the critical engine inoperative. (See § 3.111.)

(11) V_{ne}. The never-exceed speed. (See § 3.739.)

(12) V_{no}. The maximum structural cruising speed. (See § 3.740.)

(13) V_p. The design maneuvering speed. (See § 3.184.)

(14) V_{sf}. The stalling speed computed at the design landing weight with the flaps fully extended. (See § 3.190.)

(15) V_{s_0}. The stalling speed or the minimum steady flight speed with wing flaps in the landing position. (See § 3.82.)

(16) V_{s_1}. The stalling speed or the minimum steady flight speed obtained in a specified configuration. (See § 3.82.)

(17) V_x. The speed for best angle of climb.

(18) V_y. The speed for best rate of climb.

(e) *Structural*—(1) *Limit load.* A limit load is the maximum load anticipated in normal conditions of operation. (See § 3.171.)

(2) *Ultimate load.* An ultimate load is a limit load multiplied by the appropriate factor of safety. (See § 3.173.)

(3) *Factor of safety.* The factor of safety is a design factor used to provide

for the possibility of loads greater than those anticipated in normal conditions of operation and for uncertainties in design. (See § 3.172.)

(4) *Load factor.* The load factor is the ratio of a specified load to the total weight of the airplane; the specified load may be expressed in terms of any of the following: aerodynamic forces, inertia forces, or ground or water reactions.

(5) *Limit load factor.* The limit load factor is the load factor corresponding with limit loads.

(6) *Ultimate load factor.* The ultimate load factor is the load factor corresponding with ultimate loads.

(7) *Design wing area.* The design wing area is the area enclosed by the wing outline (including wing flaps in the retracted position and ailerons, but excluding fillets or fairings) on a surface containing the wing chords. The outline is assumed to be extended through the nacelles and fuselage to the plane of symmetry in any reasonable manner.

(8) *Balancing tail load.* A balancing tail load is that load necessary to place the airplane in equilibrium with zero pitch acceleration.

(9) *Fitting.* A fitting is a part or terminal used to join one structural member to another. (See § 3.306.)

(f) *Power installation*[1]—(1) *Brake horsepower.* Brake horsepower is the power delivered at the propeller shaft of the engine.

(2) *Take-off power.* Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specifications.

(3) *Maximum continuous power.* Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(4) *Manifold pressure.* Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(5) *Critical altitude.* The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude.

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

(6) *Pitch setting.* Pitch setting is the propeller blade setting determined by the blade angle measured in a manner, and at a radius, specified in the instruction manual for the propeller.

(7) *Feathered pitch.* Feathered pitch is the pitch setting, which in flight, with the engines stopped, gives approximately the minimum drag and corresponds with a windmilling torque of approximately zero.

(8) *Reverse pitch.* Reserve pitch is the propeller pitch setting for any blade angle used beyond zero pitch (e. g., the negative angle used for reverse thrust).

(g) *Fire protection* — (1) *Fireproof.* Fireproof material means material which will withstand heat at least as well as steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

(2) *Fire-resistant.* When applied to sheet or structural members, fire-resistant material means a material which will withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, other flammable fluid system components, wiring, air ducts, fittings, and powerplant controls, this term refers to a line and fitting assembly, component, wiring, or duct, or controls which will perform the intended functions under the heat and other conditions likely to occur at the particular location.

(3) *Flame-resistant.* Flame-resistant material means material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

(4) *Flash-resistant.* Flash-resistant material means material which will not burn violently when ignited.

(5) *Flammable.* Flammable pertains to those fluids or gases which will ignite readily or explode.

CERTIFICATION

§ 3.10 *Eligibility for type certificate.* An airplane shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the airplane which renders it unsafe for the category in which it is certificated.

§ 3.11 *Designation of applicable regulations.* (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of this chapter by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 3.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to airplanes for which applications for type certificates are filed after the effective date of the amendment.

§ 3.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the airplane by complying with the requirements of this part in addition to the applicable requirements in Part 1 of the Civil Air Regulations.

(b) The type certificate shall be deemed to include the type design (see § 3.14 (b)), the operating limitations for the airplane (see § 3.737), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 3.11 (a).)

§ 3.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the airplane complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the airplane and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the airplane, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent airplanes of the same type.

§ 3.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the airplane complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design.

(b) All parts of the airplane are constructed in accordance with the drawings in the type design.

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 3.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of

[1] For engine airworthiness requirements see Part 13 of the Civil Air Regulations. For propeller airworthiness requirements see Part 14 of the Civil Air Regulations.

the conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests, on airplanes having a maximum certificated take-off weight of more than 6,000 pounds, as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane type, its components, and equipment. If practicable, these flight tests shall be conducted on the same airplane used in the flight tests specified in paragraph (a) of this section.

§ 3.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of this chapter.)

§ 3.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for an airplane, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 3.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of this chapter.)

AIRPLANE CATEGORIES

§ 3.20 *Airplane categories.* (a) For the purpose of certification under this part, airplanes are divided upon the basis of their intended operation into the following categories:

(1) *Normal suffix N.* Airplanes in this category are intended for nonacrobatic, nonscheduled passenger, and nonscheduled cargo operation.

(2) *Utility suffix U.* Airplanes in this category are intended for normal operations and limited acrobatic maneuvers. These airplanes are not suited for use in snap or inverted maneuvers.

NOTE: The following interpretation of paragraph (a) (2) was issued May 15, 1947, 12 F. R. 3434: The phrase "limited acrobatic maneuvers" as used in § 3.6 (now § 3.20) is interpreted to include steep turns, spins, stalls (except whip stalls), lazy eights, and chandelles.

(3) *Acrobatic suffix A.* Airplanes in this category will have no specific restrictions as to type of maneuver permitted unless the necessity therefor is disclosed by the required flight tests.

(b) An airplane may be certificated under the requirements of a particular category, or in more than one category, provided that all of the requirements of each such category are met. Sections of this part which apply to only one or more, but not all, categories are identified in this part by the appropriate suffixes added to the section number, as indicated in paragraph (a) of this section. All sections not identified by a suffix are applicable to all categories except as otherwise specified.

2. By amending § 3.109 (a) (2) to read as follows:

§ 3.109 *Longitudinal control.* • • •

(a) • • •

(2) Power off, airplanes of more than 6,000 pounds maximum weight trimmed at 1.4 V_{s_1}, and airplanes of 6,000 pounds or less maximum weight trimmed at 1.5 V_{s_1}.

3. By amending § 3.109 (b) (1), (2), (4), and (6) by deleting the words "trimmed at 1.4 V_{s_1}" and inserting in lieu thereof the words "trimmed as prescribed in paragraph (a) (2) of this section."

4. By amending § 3.115 (a) (5) to read as follows:

§ 3.115 *Specific conditions.* • • •

(a) *Landing.* • • •

(5) Airplanes of more than 6,000 pounds maximum weight trimmed at 1.4 V_{s_1}, and airplanes of 6,000 pounds or less maximum weight trimmed at 1.5 V_{s_1}.

5. By amending § 3.120 (a) (2) to read as follows:

§ 3.120 *Stalling demonstration.* (a) • • •

(2) With a power setting of not less than that required to show compliance with the provisions of § 3.85 (a) for airplanes of more than 6,000 pounds maximum weight, or with 90 percent of maximum continuous power for airplanes of 6,000 pounds or less maximum weight.

6. By amending § 3.120 (g) (1) to read as follows:

§ 3.120 *Stalling demonstration.* • • •

(g) • • •

(1) With trim controls adjusted for straight flight at a speed of approximately 1.4 V_{s_1} for airplanes of more than 6,000 pounds maximum weight, or approximately 1.5 V_{s_1} for airplanes of 6,000 pounds or less maximum weight, the speed shall be reduced by means of the elevator control until the speed is slightly above the stalling speed; then

7. By amending § 3.124 (c) to read as follows:

§ 3.124 *Spinning.* • • •

(c) *Category A.* All airplanes in this category shall be capable of spinning and shall comply with the following:

(1) At any permissible combination of weight and center of gravity position obtainable with all or part of the design useful load, the airplane shall recover from a six-turn spin, or from any point in a six-turn spin, in not more than 1½ additional turns after the application of the controls in the manner normally used for recovery.

(2) It shall be possible to recover from the maneuver prescribed in subparagraph (1) of this paragraph without exceeding either the limiting air speed or the limit positive maneuvering load factor of the airplane.

(3) It shall not be possible to obtain uncontrollable spins by means of any possible use of the controls.

(4) A placard shall be placed in the cockpit of the airplane setting forth the use of the controls required for recovery from spinning maneuvers.

8. By amending § 3.171 by adding a new paragraph (c) to read as follows:

§ 3.171 *Loads.* • • •

(c) Simplified structural design criteria shall be acceptable if the Administrator finds that they result in design loads not less than those prescribed in §§ 3.181 through 3.265.

9. By amending § 3.174 by adding a new sentence following the third sentence of this section to read as follows: "Dynamic tests including structural flight tests shall be acceptable, provided that it is demonstrated that the design load conditions have been simulated."

10. By rescinding §§ 3.265 through 3.282 and figure 3–13 and by adding in lieu thereof a new § 3.265 to read as follows:

§ 3.265 *Water load conditions.* The structure of boat and float type seaplanes shall be designed for water loads developed during take-off and landing with the seaplane in any attitude likely to occur in normal operation at appropriate forward and sinking velocities under the most severe sea conditions likely to be encountered. Unless a more rational analysis of the water loads is performed, the requirements of §§ 4b.251 through 4b.258 of this chapter shall apply.

11. By amending § 3.361 to read as follows:

§ 3.361 *Wheels.* Main wheels and nose wheels shall be of an approved type. The maximum static load rating of each main wheel and nose wheel shall not be less than the corresponding static ground reaction under the design maximum weight of the airplane and the critical center of gravity position. The maximum limit load rating of each main wheel and nose wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part. (See §§ 3.241 through 3.256.)

12. By amending § 3.362 (a) to read as follows:

§ 3.362 *Tires.* * * *

(a) Load on each main wheel tire equal to the corresponding static ground reaction under the design maximum weight of the airplane and the critical center of gravity position.

13. By amending § 3.362 (b) by inserting the words "most critical" in the first sentence preceding the words "center of gravity".

14. By amending § 3.362 by deleting the note at the end of the section.

15. By amending § 3.364 to read as follows:

§ 3.364 *Skis.* Skis shall be of an approved type. The maximum limit load rating of each ski shall not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part. (See §§ 3.241 through 3.257.)

16. By rescinding §§ 3.365 and 3.366.

17. By amending § 3.371 to read as follows:

§ 3.371 *Seaplane main floats.* Seaplane main floats shall be of an approved type and shall comply with the provisions of § 3.265. In addition, the following shall apply.

(a) *Buoyancy.* Each seaplane main float shall have a buoyancy of 80 percent in excess of that required to support the maximum weight of the seaplane in fresh water.

(b) *Compartmentation.* Each seaplane main float for use on airplanes of 2,500 pounds or more maximum weight shall contain not less than 5 watertight compartments, and those for use on airplanes of less than 2,500 pounds maximum weight shall contain not less than 4 such compartments. The compartments shall have approximately equal volumes.

18. By amending § 3.390 (a) by inserting a new sentence at the beginning of the paragraph to read as follows: "Seats and berths shall be of an approved type."

19. By amending the last sentence of § 3.624 (a) to read as follows:

§ 3.624 *Fire wall construction.* (a) * * * On single-engine airplanes using unsupercharged engines, sealing parts of fire-resistant material shall be acceptable, provided that the engine installation contains no flammable fluid-carrying components other than essential fuel lines and oil pressure gauge lines or components which are an integral part of the engine, and further provided that the opening which might result in case of fire would not involve a serious hazard from the standpoint of flame propagation to the sheltered side of the fire wall.

20. By amending § 3.627 by changing the reference in the first sentence from "§ 3.759" to "§ 3.762."

21. By amending § 3.668 to read as follows:

§ 3.668 *Gyroscopic indicators.* All gyroscopic instruments installed in airplanes intended for operation under instrument flight rules shall derive their energy from a power source of sufficient capacity to maintain their required accuracy at all airplane speeds above the best rate-of-climb speed. They shall be installed to preclude malfunctioning due to rain, oil, and other detrimental elements. Means shall be provided for indicating the adequacy of the power being supplied to each of the instruments. In addition, the following provisions shall be applicable to multiengine airplanes:

(a) There shall be provided at least two independent sources of power, a manual or an automatic means for selecting the power source, and a means for indicating the adequacy of the power being supplied by each source.

(b) The installation and power supply systems shall be such that failure of one instrument or of the energy supply from one source will not interfere with the proper supply of energy to the remaining instruments or from the other source.

22. By rescinding present § 3.669 and by adding a new § 3.669 to read as follows:

§ 3.669 *Flight director instrument.* If a flight director instrument is installed, its installation shall not affect the performance and accuracy of the required instruments. A means for disconnecting the flight director instrument from the required instruments or their installations shall be provided.

23. By amending § 3.764 (d) by inserting the word "usable" before the word "capacity".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1420; Filed, Feb. 4, 1952; 8:51 a. m.]

[Civil Air Regs., Amdt. 4b-6]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January 1952.

This amendment revises Subpart A of Part 4b and contains numerous substantive changes to the other subparts. The revisions to Subpart A are in rewording and rearranging so that these sections are consistent with other airworthiness parts of the Civil Air Regulations.

Of the substantive amendments, a number of changes deal with performance flight characteristics and controllability. The most prominent performance item is with respect to minimum one-engine-out en route climb. As amended, performance is based upon the number of engines installed as opposed to the old regulation which was based on the maximum weight. The old regulations which defined minimum control speed have been clarified by defining more completely the required configuration. In this connection, the condition of the propeller on the inoperative engine is specified as windmilling, except in those instances where the specific design of propeller control would make it more logical to assume a different configuration. This amendment further contains various structural changes dealing primarily with control surface and system design, flutter and vibration, transient stresses, fatigue, and water load requirements.

An amendment of considerable significance is contained herein regarding crash load factors. Specifically, the crash load factor in the forward direction is increased from 6g to 9g (§ 4b.260 (a)). In addition, the crash load factors for the design of seat and berth structural attachments and of safety belt or shoulder harness attachments to the seat, berth, or structure have been increased 33 percent in all directions.

This amendment contains several changes to Subpar D. Some of these pertain to equipment which will be approved under the Technical Standard Order system. Other minor proposed changes are for the purpose of clarification, including those pertaining to ventilation of crew and passenger compartments, protection of flammable fluids, etc.

A substantive change is made to specify a flight engineer station where the workload requires a flight engineer. The intent of this amendment is not to eliminate a jump seat location in those instances where the flight engineer could perform his duties satisfactorily without causing interference between the other members of the crew.

A new provision for the design of windshields and windows in pressurized airplanes is contained in this amendment which takes into account factors peculiar to high altitude operation.

The amendment contains provisions for fire protection of the airplane in addition to those applicable to powerplants. Specifically, the required number of hand fire extinguishers in passenger and crew compartments is prescribed and, in addition, a Class D category compartment is established. Several minor changes have been made for the protection of combustion heaters.

A number of changes have been incorporated with respect to the power-plant installation. The most significant of these is a revision of the applicability clause of Subpart E to make the provisions of that subpart appropriately applicable to turbine engine installations. Numerous amendments to the detail provisions of the powerplant installation requirements are included. These deal to a large extent with clarification, although certain of the provisions are substantive in nature, particularly with respect to engine fire protection. A revision is also made with regard to the propeller reversing controls (§ 4b.474 (c)) for the purpose of defining more clearly the intent of the regulation.

A few changes are contained in this amendment pertaining to the installation of navigational and powerplant instruments. Provisions include the requirement of a maximum allowable airspeed indicator on airplanes having

air-speed limitations resulting from compressibility hazards, fuel pressure and oil pressure indicators for each engine, and a master warning device with selective switches for each engine, as well as a means (BMEP gauge or equivalent) for indicating a change in power output on engines equipped with automatic feathering.

An amendment clarifying the requirements for equipment, systems, and installations with regard to functioning and reliability is made in Subpart F. In addition, it specifies dual power supply for those installations the functioning of which is necessary to show compliance with the Civil Air Regulations.

This amendment contains a complete rewrite of the electrical provisions (§§4b.620 through 4b.628) so that they can be made applicable to new airplane designs. The intent is to provide objective requirements sufficiently flexible so as not to hamper the design of future systems.

New requirements prescribing accessibility and identification of all safety equipment carried in the airplane, oxygen equipment and supply, and provisions for protective breathing equipment are inserted in the regulations by this amendment. In addition, the requirements for hydraulic systems are clarified.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all revelant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective March 5, 1952:

1. By amending the introductory statement of § 4b.1 to read as follows:

§ 4b.1 *Definitions.* As used in this part terms are defined as follows:

2. By amending § 4b.1 (b) (4) to read as follows:

§ 4b.1 *Definitions.** * *

(b) *General design.* * * *

(4) *Aerodynamic coefficients.* Aerodynamic coefficients are nondimensional coefficients for forces and moments. They correspond with those adopted by the U. S. National Advisory Committee for Aeronautics.

3. By substituting the word "structural" for the word "structure" in § 4b.1 (e) (10).

4. By deleting the words "chosen by the applicant" from § 4b.1 (f) (7).

5. By rescinding §§ 4b.10 through 4b.24 and substituting in lieu thereof new §§ 4b.10 through 4b.19 to read as follows:

CERTIFICATION

§ 4b.10 *Eligibility for type certificates.* An airplane shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided*, That the Administrator finds no feature or characteristic of the airplane which renders it unsafe for the transport category.

§ 4b.11 *Designation of applicable regulations.* (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of this chapter by the Administrator, any charge to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 4b.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to airplanes for which applications for type certificates are filed after the effective date of the amendment.

§ 4b.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the airplane by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this chapter.

(b) The type certificate shall be deemed to include the type design (see § 4b.14 (b)), the operating limitations for the airplane (see § 4b.700), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 4b.11 (a).)

§ 4b.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the airplane complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the airplane and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the airplane, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent airplanes of the same type.

§ 4b.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the airplane complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design.

(b) All parts of the airplane are constructed in accordance with the drawings in the type design,

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 4b.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane type, its components, and equipment. If practicable, these flight tests shall be conducted on the same airplane used in the flight tests specified in paragraph (a) of this section.

§ 4b.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of this chapter.)

§ 4b.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for an airplane, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 4b.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of this chapter.)

6. By amending the first sentence of § 4b.102 to read as follows: "Center of

gravity limits shall be established as the most forward position permissible and the most aft position permissible for each practicably separable operating condition in accordance with § 4b.101 (b)."

7. By amending § 4b.110 by designating the present text of this section as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 4b.110 *General.* * * *

(b) Each set of performance data required for a particular flight condition shall be determined with the powerplant accessories absorbing the normal amount of power appropriate to that flight condition. (See also § 4b.117.)

8. By amending the introductory statement of § 4b.120 (c) to read as follows:

§ 4b.120 *One-engine-inoperative climb.* * * *

(c) *Flaps in en route position.* The steady rate of climb in feet per minute at any altitude at which the airplane is expected to operate, at any weight within the range of weights to be specified in the airworthiness certificate, shall be determined and shall, at a standard altitude of 5,000 feet and at the maximum take-off weight, be at least

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2,$$

where N is the number of engines installed, with:

9. By amending § 4b.131 (b) (3) by deleting the words "maximum continuous" therefrom and inserting in lieu thereof the words "take-off".

10. By amending § 4b.131 (c) to read as follows:

§ 4b.131 *Longitudinal control.* * * *

(c) It shall be possible without the use of exceptional piloting skill to prevent loss of altitude when wing flap retraction from any position is initiated during steady straight level flight at a speed equal to 1.1 V_{s_1} with simultaneous application of not more than maximum continuous power, with the landing gear extended, and with the airplane weight equal to the maximum sea level landing weight. (See also § 4b.323.)

11. By adding subpargraphs (5) through (9) to § 4b.133 (a) to read as follows:

§ 4b.133 *Minimum control speed,* V_{MC}. * * *

(a) * * *

(5) Cowl flaps in the position normally used during take-off.

(6) Maximum sea level take-off weight, or such lesser weight as may be necessary to demonstrate V_{MC},

(7) The airplane trimmed for take-off,

(8) The propeller of the inoperative engine windmilling, except that a different position of the propeller shall be acceptable if the specific design of the propeller control makes it more logical to assume the different position.

(9) The airplane airborne and the ground effect negligible.

12. By amending § 4b.143 to read as follows:

§ 4b.143 *Longitudinal, directional, and lateral trim.* (a) The airplane shall maintain longitudinal, directional, and lateral trim at a speed equal to 1.4 V_{s_1} during climbing flight with the critical engine inoperative, with

(1) The remaining engine(s) operating at maximum continuous power,

(2) Landing gear retracted.

(3) Wing flaps retracted.

(b) In demonstrating compliance with the lateral trim requirement of paragraph (a) of this section, the angle of bank of the airplane shall not be in excess of 5 degrees.

13. By amending the first sentence of § 4b.157 (b) to read as follows: "The static lateral stability, as shown by the tendency to raise the low wing in a sideslip with the aileron controls free and with all landing gear and flap positions and symmetrical power conditions, shall:"

14. By amending §§ 4b.180, 4b.181, and 4b.182 to read as follows:

§ 4b.180 *Water conditions.* The most adverse water conditions in which the seaplane has been demonstrated to be safe for take-off, taxying, and alighting shall be established.

§ 4b.181 *Wind conditions.* The following wind velocities shall be established:

(a) A lateral component of wind velocity not less than 0.2 V_{s_0} at and below which it has been demonstrated that the seaplane is safe for taking off and alighting under all water conditions in which the seaplane is likely to be operated;

(b) A wind velocity at and below which it has been demonstrated that the seaplane is safe in taxying in all directions, under all water conditions in which the seaplane is likely to be operated.

§ 4b.182 *Control and stability on the water.* (a) In taking off, taxying, and alighting, the seaplane shall not exhibit the following:

(1) Any dangerously uncontrollable porpoising, bouncing, or swinging tendency;

(2) Any submerging of auxiliary floats or sponsons, any immersion of wing tips, propeller blades, or other parts of the seaplane which are not designed to withstand the resulting water loads;

(3) Any spray forming which would impair the pilot's view, cause damage to the seaplane, or result in ingress of an undue quantity of water.

(b) Compliance with paragraph (a) of this section shall be shown under the following conditions:

(1) All water conditions from smooth to the most adverse condition established in accordance with § 4b.180;

(2) All wind and cross-wind velocities, water currents, and associated waves and swells which the seaplane is likely to encounter in operation on water;

(3) All speeds at which the seaplane is likely to be operated on the water;

(4) Sudden failure of the critical engine, occurring at any time while the airplane is operated on water;

(5) All seaplane weights and center of gravity positions within the range of loading conditions for which certification is sought, relevant to each condition of operation.

(c) In the water conditions of paragraph (b) of this section and the corresponding wind conditions the seaplane shall be able to drift for 5 minutes with engines inoperative, aided if necessary by a sea anchor.

15. By amending § 4b.201 by adding paragraph (d) to read as follows:

§ 4b.201 *Strength and deformation.* * * *

(d) Where structural flexibility is such that any rate of load application likely to occur in the operating conditions might produce transient stresses appreciably higher than those corresponding with static loads, the effects of such rate of application shall be considered.

16. By adding a sentence following the first sentence of § 4b.211 (a) to read as follows: "Pitching velocities appropriate to the corresponding pull-up and steady turn maneuvers shall be taken into account."

17. By amending § 4b.212 (c) to read as follows:

§ 4b.212 *Effect of high lift devices.* * * *

(c) In designing flaps and supporting structure on tractor type airplanes, slipstream effects shall be taken into account as specified in § 4b.221. For other than tractor type airplanes a head-on gust of 25 feet per second with no alleviations acting along the flight path shall be considered.

18. By amending the first sentence of § 4b.214 (a) by deleting the words "at least" and inserting in lieu thereof the words "zero and of".

19. By amending § 4b.215 by deleting the word "yawing" from the first sentence thereof.

20. By amending § 4b.215 (a) by deleting therefrom the words "the vertical tail loads resulting from".

21. By amending § 4b.220 by adding a clause in the first sentence thereof following the reference "4b.215" to read "and the ground gust conditions prescribed in § 4b.226,".

22. By amending § 4b.220 (b) and (c) to read as follows:

§ 4b.220 *Control surface loads; general.* * * *

(b) *Effect of trim tabs.* The effect of trim tabs on the main control surface design conditions need be taken into account only in cases where the surface loads are limited by pilot effort in accordance with the provisions of paragraph (a) of this section. In such cases the trim tabs shall be considered to be deflected in the direction which would assist the pilot, and the deflection shall be as follows:

(1) For elevator trim tabs the deflections shall be those required to trim the airplane at any point within the positive portion of the V-n diagram (fig. 4b-2), except as limited by the stops.

(2) For aileron and rudder trim tabs the deflections shall be those required to trim the airplane in the critical unsymmetrical power and loading condi-

tions, with appropriate allowance for rigging tolerances.

(c) *Unsymmetrical loads.* Horizontal tail surfaces and the supporting structure shall be designed for unsymmetrical loads arising from yawing and slipstream effects in combination with the prescribed flight conditions.

NOTE: In the absence of more rational data, the following assumptions may be made for airplanes which are conventional in regard to location of propellers, wings, tail surfaces, and fuselage shape: 100 percent of the maximum loading from the symmetrical flight conditions acting on the surface on one side of the plane of symmetry and 80 percent of this loading on the other side. Where the design is not conventional (e. g. where the horizontal tail surfaces have appreciable dihedral or are supported by the vertical tail surfaces), the surfaces and supporting structures may be designed for combined vertical and horizontal surface loads resulting from the prescribed maneuvers.

23. By adding a new paragraph (e) to § 4b.220 to read as follows:

§ 4b.220 *Control surface loads, general.* * * *

(e) *Loads parallel to hinge line.* Control surfaces and supporting hinge brackets shall be designed for inertia loads acting parallel to the hinge line.

NOTE: In lieu of a more rational analysis the inertia loads may be assumed to be equal to KW, where:
$K=24$ for vertical surfaces.
$K=12$ for horizontal surfaces,
$W=$weight of the movable surfaces.

24. By amending § 4b.222 to read as follows:

§ 4b.222 *Tabs.* The following shall apply to tabs and their installations.

(a) *Trimming tabs.* Trimming tabs shall be designed to withstand loads arising from all likely combinations of tab setting, primary control position, and airplane speed, obtainable without exceeding the flight load conditions prescribed for the airplane as a whole, when the effect of the tab is being opposed by pilot effort loads up to those specified in § 4b.220 (a).

(b) *Balancing tabs.* Balancing tabs shall be designed for deflections consistent with the primary control surface loading conditions.

(c) *Servo tabs.* Servo tabs shall be designed for all deflections consistent with the primary control surface loading conditions achievable within the pilot maneuvering effort (see § 4b.220 (a)) with due regard to possible opposition from the trim tabs.

25. By rescinding figure 4b–15 and inserting in lieu thereof new figures 4b–15a, 4b–15b, and 4b–15c and by amending §§ 4b.250 through 4b.257 to read as follows:

WATER LOADS

§ 4b.250 *General.* The structure of hull and float type seaplanes shall be designed for water loads developed during take-off and landing with the seaplane in any attitude likely to occur in normal operation at appropriate forward and sinking velocities under the most severe sea conditions likely to be encountered. Unless a more rational analysis of the water loads is performed, the requirements of §§ 4b.251 through 4b.258 shall apply.

§ 4b.251 *Design weights and center of gravity positions*—(a) *Design weights.* The water load requirements shall be complied with at all operating weights up to the design landing weight except that for the take-off condition prescribed in § 4b.255 the design take-off weight shall be used.

(b) *Center of gravity positions.* The critical center of gravity positions within the limits for which certification is sought shall be considered to obtain maximum design loads for each part of the seaplane structure.

§ 4b.252 *Application of loads.* (a) The seaplane as a whole shall be assumed to be subjected to the loads corresponding with the load factors specified in § 4b.253, except as otherwise prescribed. In applying the loads resulting from the load factors prescribed in § 4b.253, it shall be permissible to distribute the loads over the hull bottom in order to avoid excessive local shear loads and bending moments at the location of water load application, using pressures not less than those prescribed in § 4b.256 (b).

(b) For twin float seaplanes, each float shall be treated as an equivalent hull on a fictitious seaplane having a weight equal to one-half the weight of the twin float seaplane.

(c) Except in the take-off condition of § 4b.255, the aerodynamic lift on the seaplane during the impact shall be assumed to be ⅔ of the weight of the seaplane.

§ 4b.253 *Hull and main float load factors.* Water reaction load factors shall be computed as follows:

For the step landing case:

$$n_W=\frac{C_1 V_{z_0}{}^2}{\tan^{2/3}\beta_W{}^{1/3}};$$

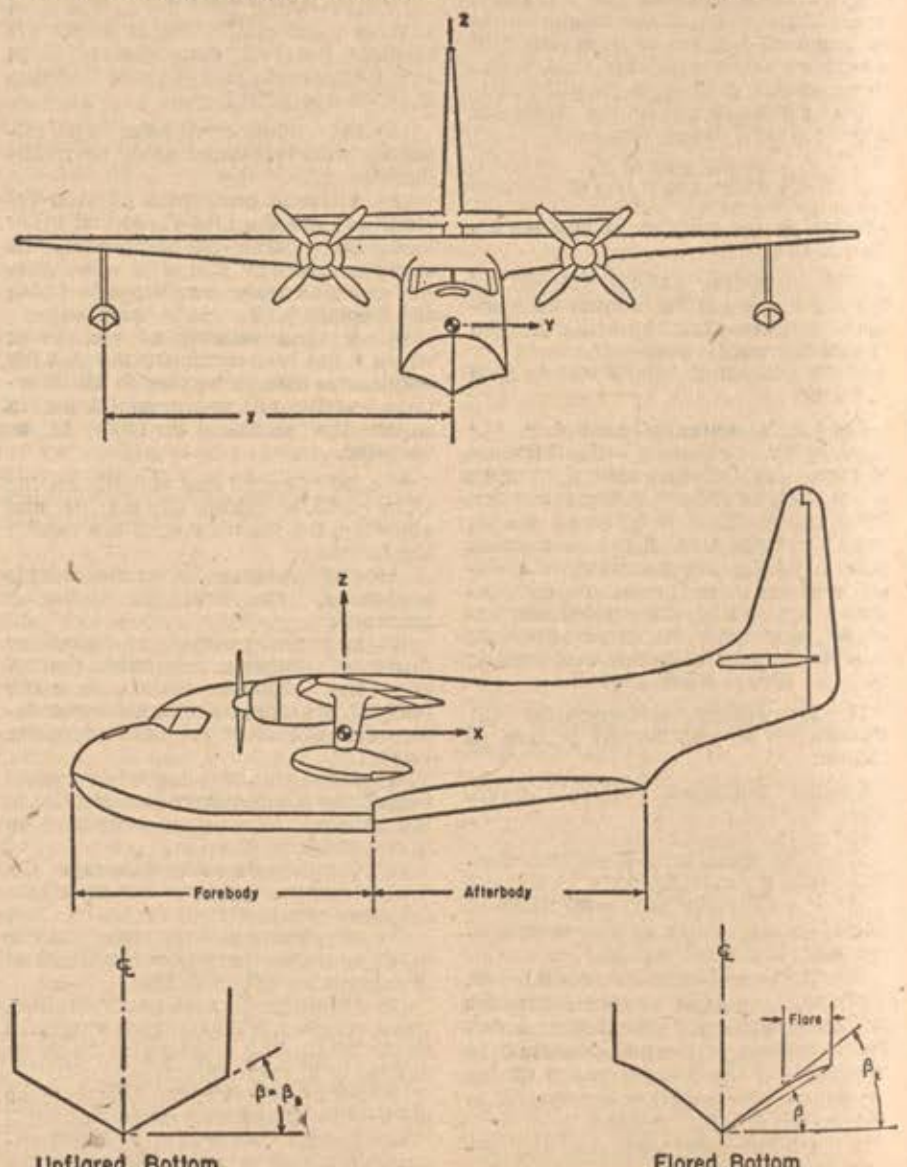

FIGURE 4b–15a—Pictorial definition of angles, dimensions, and directions on a seaplane.

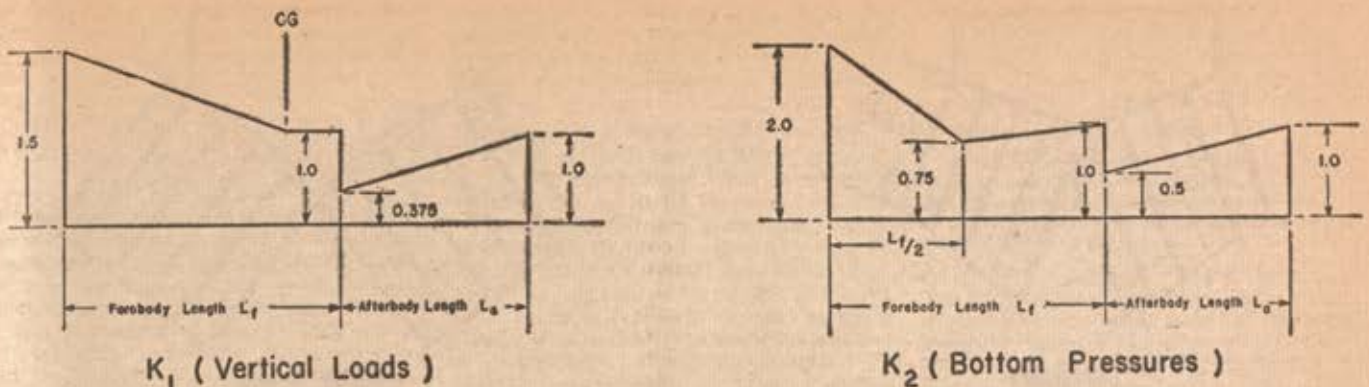

FIGURE 4b-15b—Hull station weighing factor.

For the bow and stern landing cases:

$$n_W = \frac{C_1 V_{s_0}^2}{\tan^{2/3}\beta W^{1/3}} \times \frac{K_1}{(1+r_z^2)^{2/3}};$$

where:

n_W = water reaction load factor (water reaction divided by the seaplane weight);

C_1 = empirical seaplane operations factor equal to 0.009, except that this factor shall not be less that that necessary to obtain the minimum value of step load factor of 2.33;

V_{s_0} = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect;

β = angle of dead rise at the longitudinal station at which the load factor is being determined (see fig. 4b-15a);

W = seaplane design landing weight in pounds;

K_1 = empirical hull station weighing factor. (See fig. 4b-15b.) For a twin float seaplane, in recognition of the effect of flexibility of the attachment of the floats to the seaplane, it shall be acceptable to reduce the factor K_1 at the bow and stern to 0.8 of the value shown in figure 4b-15b. This reduction shall not apply to the float design but only to the design of the carry-through and seaplane structure.

r_z = ratio of distance, measured parallel to hull reference axis, from the center of gravity of the seaplane to the hull longitudinal station at which the load factor is being computed to the radius of gyration in pitch of the seaplane, the hull reference axis being a straight line, in the plane of symmetry, tangential to the keel at the main step.

§ 4b.254 *Hull and main float landing conditions*—(a) *Symmetrical step landing.* The limit water reaction load factor shall be in accordance with § 4b.253. The resultant water load shall be applied at the keel through the center of gravity perpendicularly to the keel line.

(b) *Symmetrical bow landing.* The limit water reaction load factor shall be in accordance with § 4b.253. The resultant water load shall be applied at the keel ⅓ of the longitudinal distance from the bow to the step, and shall be directed perpendicularly to the keel line.

(c) *Symmetrical stern landing.* The limit water reaction load factor shall be in accordance with § 4b.253. The resultant water load shall be applied at the keel at a point 85 percent of the longitudinal distance from the step to the stern post, and shall be directed perpendicularly to the keel line.

(d) *Unsymmetrical landing; hull type and single float seaplanes.* Unsymmetrical step, bow, and stern landing conditions shall be investigated. The loading for each condition shall consist of an upward component and a side component equal, respectively, to 0.75 and 0.25 tan β times the resultant load in the corresponding symmetrical landing condition. (See paragraphs (a) (b), and (c) of this section.) The point of application and direction of the upward component of the load shall be the same as that in the symmetrical condition, and the point of application of the side component shall be at the same longitudinal station as the upward component but directed inward perpendicularly to the plane of symmetry at a point midway between the keel and chine lines.

(e) *Unsymmetrical landing; twin float seaplanes.* The unsymmetrical loading shall consist of an upward load at the step of each float of 0.75 and a side load of 0.25 tan β at one float times the step landing load obtained in accordance with § 4b.253. The side load shall be directed inboard perpendicularly to the plane of symmetry midway between the keel and chine lines of the float at the same longitudinal station as the upward load.

§ 4b.255 *Hull and main float take-off condition.* The provisions of this section shall apply to the design of the wing and its attachment to the hull or main float. The aerodynamic wing lift shall be assumed to be zero. A downward inertia load shall be applied and shall correspond with the following load factor:

$$n = \frac{C_{TO}\ V_{s_1}^2}{\tan^{2/3}\beta W^{1/3}};$$

where:

n = inertia load factor;

C_{TO} = empirical seaplane operations factor equal to 0.003;

V_{s_1} = seaplane stalling speed (mph) at the design take-off weight with the flaps extended in the appropriate take-off position;

β = angle of dead rise at the main step (degrees);

W = seaplane design take-off weight in pounds.

§ 4b.256 *Hull and main float bottom pressures.* The provisions of this section shall apply to the design of the hull and main float structure, including frames and bulkheads, stringers, and bottom plating. In the absence of more rational data, the pressures and distributions shall be as follows:

(a) *Local pressures.* The following pressure distributions are applicable for the design of the bottom plating and stringers and their attachments to the supporting structure. The area over which these pressures are applied shall be such as to simulate pressures occurring during high localized impacts on the hull or float, and need not extend over an area which would induce critical stresses in the frames or in the overall structure.

(1) *Unflared bottom.* The pressure at the keel (psi) shall be computed as follows:

$$P_k = C_2 \frac{K_2 V_{s_1}^2}{\tan\beta_k};$$

where:

P_k = pressure at the keel;

C_2 = 0.0016;

K_2 = hull station weighing factor (see fig. 4b-15b);

V_{s_1} = seaplane stalling speed (mph) at the design take-off weight with flaps extended in the appropriate take-off position;

β_k = angle of dead rise at keel (see fig. 4b-15a).

The pressure at the chine shall be 0.75 P_k, and the pressures between the keel and chine shall vary linearly. (See fig. 4b-15c.)

(2) *Flared bottom.* The pressure distribution for a flared bottom shall be that for an unflared bottom prescribed in subparagraph (1) of this paragraph, except that the pressure at the chine shall be computed as follows:

$$P_{ch} = C_3 \frac{K_2 V_{s_1}^2}{\tan\beta};$$

where:

P_{ch} = pressure at the chine;

C_3 = 0.0012;

K_2 = hull station weighing factor (see fig. 4b-15b);

V_{s_1} = seaplane stalling speed (mph) at the design take-off weight with flaps extended in the appropriate take-off position;

β = angle of dead rise at appropriate station.

The pressure at the beginning of the flare shall be the same as for an unflared bottom, and the pressure between the chine and the beginning of the flare shall vary linearly. (See fig. 4b-15c.)

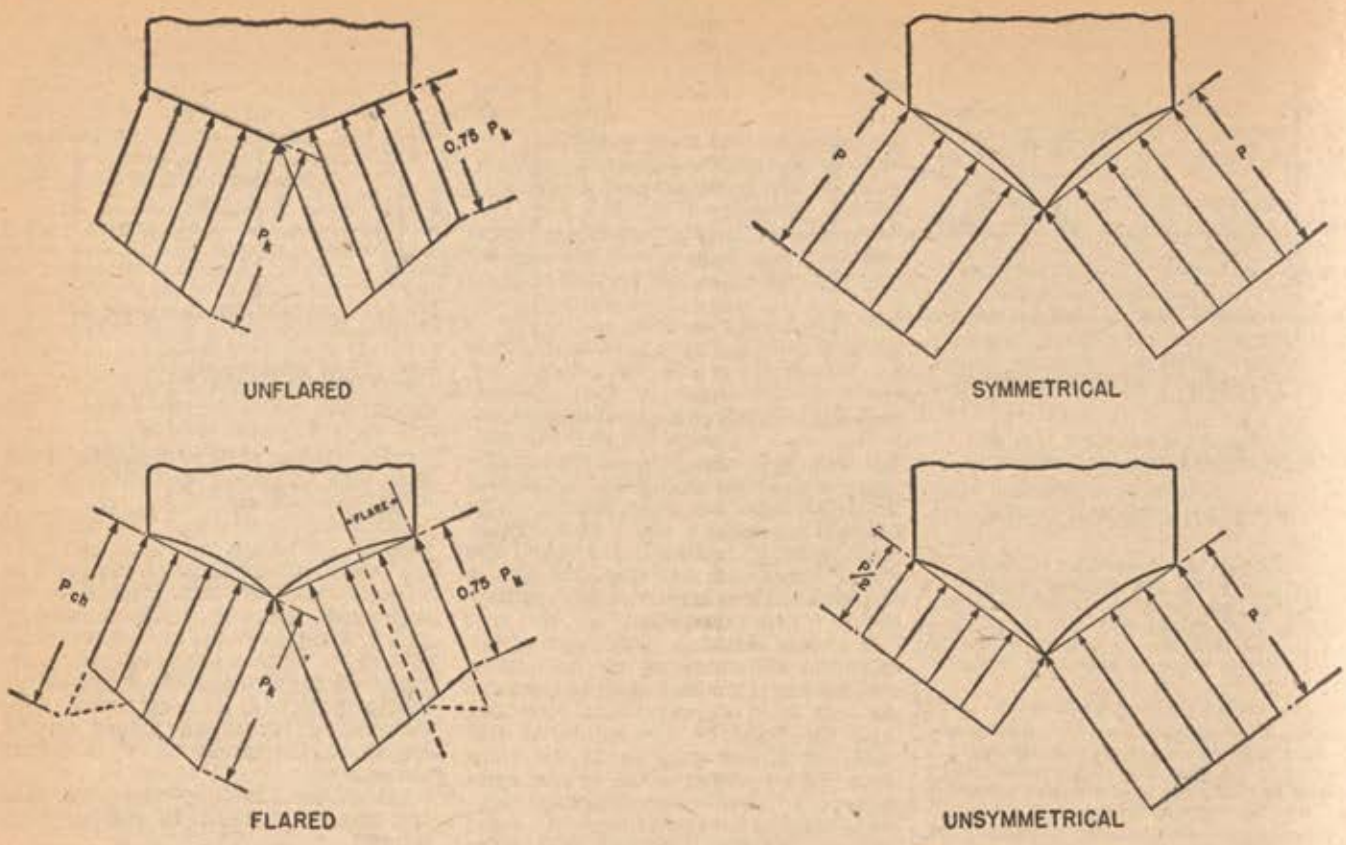

FIGURE 4b-15c—Transverse pressure distributions.

(b) *Distributed pressures.* The following distributed pressures are applicable for the design of the frames, keel, and chine structure. These pressures shall be uniform and shall be applied simultaneously over the entire hull or main float bottom. The loads so obtained shall be carried into the sidewall structure of the hull proper, but need not be transmitted in a fore and aft direction as shear and bending loads.

(1) *Symmetrical.* The symmetrical pressures shall be computed as follows:

$$P=C_4\frac{K_2 V_{s_0}^2}{\tan \beta};$$

where:

P = pressure;
C_4 = 0.078C_1 (for C_1 see § 4b.253);
K_2 = hull station weighing factor (see fig. 4b-15b);
V_{s_0} = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect;
β = angle of dead rise at appropriate station.

(2) *Unsymmetrical.* The unsymmetrical pressure distribution shall consist of the pressures prescribed in subparagraph (1) of this paragraph on one side of the hull or main float center line and one-half of that pressure on the other side of the hull or main float center line. (See fig. 4b-15c.)

§ 4b.257 *Auxiliary float loads.* Auxiliary floats, their attachments, and supporting structure shall be designed for the following conditions. In the cases specified in paragraphs (a), (b), (c), and (d) of this section it shall be acceptable to distribute the prescribed water loads over the float bottom to avoid excessive local loads, using bottom pressures not less than those prescribed in paragraph (f) of this section.

(a) *Step loading.* The resultant water load shall be applied in the plane of symmetry of the float at a point three-fourths of the distance from the bow to the step and shall be perpendicular to the keel. The resultant limit load shall be computed as follows, except that the value of L need not exceed three times the weight of the displaced water when the float is completely submerged:

$$L=\frac{C_5 V_{s_0}^2 W^{2/3}}{\tan^{2/3}\beta_s (1+r_y^2)^{2/3}};$$

where:

L = limit load;
C_5 = 0.004
V_{s_0} = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect;
W = seaplane design landing weight in pounds;
β_s = angle of dead rise at a station ¾ of the distance from the bow to the step, but need not be less than 15 degrees;
r_y = ratio of the lateral distance between the center of gravity and the plane of symmetry of the float to the radius of gyration in roll.

(b) *Bow loading.* The resultant limit load shall be applied in the plane of symmetry of the float at a point one-fourth of the distance from the bow to the step and shall be perpendicular to the tangent to the keel line at that point. The magnitude of the resultant load shall be that specified in paragraph (a) of this section.

(c) *Unsymmetrical step loading.* The resultant water load shall consist of a component equal to 0.75 times the load specified in paragraph (a) of this section and a side component equal to 0.25 tan β times the load specified in paragraph (a) of this section. The side load shall be applied perpendicularly to the plane of symmetry of the float at a point midway between the keel and the chine.

(d) *Unsymmetrical bow loading.* The resultant water load shall consist of a component equal to 0.75 times the load specified in paragraph (b) of this section and a side component equal to 0.25 tan β times the load specified in paragraph (b) of this section. The side load shall be applied perpendicularly to the plane of symmetry at a point midway between the keel and the chine.

(e) *Immersed float condition.* The resultant load shall be applied at the centroid of the cross section of the float at a point one-third of the distance from the bow to the step. The limit load components shall be as follows:

$$\text{vertical}=\rho g V$$

$$\text{aft}=C_x\frac{\rho}{2}V^{2/3}\ (KV_{s_0})^2$$

$$\text{side}=C_y\frac{\rho}{2}V^{2/3}\ (KV_{s_0})^2$$

where:

ρ = mass density of water;
V = volume of float;
C_x = coefficient of drag force, equal to 0.10;
C_y = coefficient of side force, equal to 0.08;

K = 0.8, except that lower values shall be acceptable if it is shown that the floats are incapable of submerging at a speed of 0.8 V_{s_0} in normal operations;

V_{s_0} = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect.

(f) *Float bottom pressures.* The float bottom pressures shall be established in accordance with § 4b.256 (a) and (b). The angle of dead rise to be used in determining the float bottom pressures shall be as defined in paragraph (a) of this section.

26. By amending § 4b.260 (a) (2) to read as follows:

§ 4b.260 *General.* * * *

(a) * * *

(2) Forward 9.0g

27. By amending § 4b.306 (d) to read as follows:

§ 4b.306 *Material strength properties and design values.* * * *

(d) The strength, detail design, and fabrication of the structure shall be such as to minimize the probability of disastrous fatigue failure.

NOTE: Points of stress concentration are one of the main sources of fatigue failure.

28. By rescinding §§ 4b.308 and 4b.309 and adding a new § 4b.308 to read as follows:

§ 4b.308 *Flutter, deformation, and vibration.* Compliance with the following provisions shall be shown by such calculations, resonance tests, or other tests as are found necessary by the Administrator.

(a) *Flutter prevention.* The airplane shall be designed to be free from flutter of wing and tail units, including all control and trim surfaces, and from divergence (i. e. unstable structural distortion due to aerodynamic loading), at all speeds up to 1.2 V_D. A smaller margin above V_D shall be acceptable if the characteristics of the airplane (including the effects of compressibility) render a speed of 1.2 V_D unlikely to be achieved, and if it is shown that a proper margin of damping exists at speed V_D. In the absence of more accurate data, the terminal velocity in a dive of 30 degrees to the horizontal shall be acceptable as the maximum speed likely to be achieved. If concentrated balance weights are used on control surfaces, their effectiveness and strength, including supporting structure, shall be substantiated.

(b) *Loss of control due to structural deformation.* The airplane shall be designed to be free from control reversal and from undue loss of longitudinal, lateral, and directional stability and control as a result of structural deformation, including that of the control surface covering, at all speeds up to the speed prescribed in paragraph (a) of this section for flutter prevention.

(c) *Vibration and buffeting.* The airplane shall be designed to withstand all vibration and buffeting which might occur in any likely operating conditions.

29. By amending § 4b.324 by adding a new sentence to paragraph (b) to read as follows: "For airplanes with flaps which are not subjected to slipstream conditions, the structure shall be designed for the loads imposed when the wing flaps on one side are carrying the most severe load occurring in the prescribed symmetrical conditions and those on the other side are carrying not more than 80 percent of that load."

30. By amending § 4b.326 to read as follows:

§ 4b.326 *Control system locks.* Provision shall be made to prevent damage to the control surfaces (including tabs) and the control system which might result from gusts striking the airplane while it is on the ground or water (see also § 4b.226). If a device provided for this purpose, when engaged, prevents normal operation of the control surfaces by the pilot, it shall comply with the following provisions.

(a) The device shall either automatically disengage when the pilot operates the primary flight controls in a normal manner, or it shall limit the operation of the airplane in such a manner that the pilot receives unmistakable warning at the start of take-off.

(b) Means shall be provided to preclude the possibility of the device becoming inadvertently engaged in flight.

31. By amending § 4b.329 (a) (5) to read as follows:

§ 4b.329 *Control system details; general.* * * *

(a) *Cable systems.* * * *

(5) All pulleys and sprockets shall be provided with closely fitted guards to prevent the cables and chains being displaced or fouled.

32. By amending § 4b.334 by adding a new subparagraph (3) to paragraph (a) thereof to read as follows:

§ 4b.334 *Retracting mechanism*—(a) *General.* * * *

(3) Landing gear doors, their operating mechanism, and their supporting structure shall be designed for the conditions of air speed and load factor prescribed in subparagraphs (1) and (2) of this paragraph, and in addition they shall be designed for the yawing maneuvers prescribed for the airplane.

33. By amending § 4b.335 to read as follows:

§ 4b.335 *Wheels.* Main wheels and nose wheels shall be of an approved type. The following provisions shall apply.

(a) The maximum static load rating of each main wheel and nose wheel shall not be less than the corresponding static ground reaction under the design take-off weight of the airplane and the critical center of gravity position.

(b) The maximum limit load rating of each main wheel and nose wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part (see §§ 4b.230 through 4b.236).

(c) The maximum kinetic energy capacity rating of each main wheel-brake assembly shall not be less than the kinetic energy absorption requirement determined as follows:

$$KE = \frac{0.0334 W V_{s_0}^2}{N};$$

where:

KE = kinetic energy per wheel (ft. lb.);

W = design landing weight (lb.);

V_{s_0} = power-off stalling speed of the airplane (mph) at sea-level at the design landing weight and in the landing configuration;

N = number of main wheels.

NOTE: The expression for kinetic energy assumes an equal distribution of braking between main wheels. In cases of unequal distribution the expression requires appropriate modification.

(d) The minimum stalling speed rating of each main wheel-brake assembly, i. e., the initial speed used in the dynamometer tests, shall not be greater than the V_{s_0} used in the determination of kinetic energy in accordance with paragraph (c) of this section.

NOTE: The provision of this paragraph is based upon the assumption that the testing procedures for wheel-brake assemblies involve a specified rate of deceleration, and, therefore, for the same amount of kinetic energy the rate of energy absorption (the power absorbing ability of the brake) varies inversely with the initial speed.

34. By amending § 4b.336 (a) (2) to read as follows:

§ 4b.336 *Tires.* (a) * * *

(2) Load on each main wheel tire equal to the corresponding static ground reaction at the critical center of gravity position.

35. By amending § 4b.336 (a) (3) by inserting the words "most critical" preceding the words "center of gravity".

36. By amending § 4b.337 (a) (1) to read as follows:

§ 4b.337 *Brakes*—(a) *General.* (1) The airplane shall be equipped with brakes of an approved type. The brake ratings shall be in accordance with § 4b.335 (c) and (d).

37. By amending the second sentence of § 4b.338 to read: "The maximum limit load rating of each ski shall not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part. (See §§ 4b.230 through 4b.236.)"

38. By amending § 4b.341 to read as follows:

§ 4b.341 *Seaplane main floats.* Seaplane main floats shall be of an approved type and shall comply with the provisions of §4b.250. In addition, the following shall apply.

(a) *Buoyancy.* Each seaplane main float shall have a buoyancy of 80 percent in excess of that required to support the maximum weight of the seaplane in fresh water.

(b) *Compartmentation.* Each seaplane main float shall contain not less than 5 water-tight compartments. The compartments shall have approximately equal volumes.

39. By amending the title and paragraph (a) of § 4b.342 to read as follows:

§ 4b.342 *Boat hulls.* (a) The hulls of boat seaplanes and amphibians shall be divided into watertight compartments so that, with any two adjacent compartments flooded, the buoyancy of the hull and auxiliary floats (and wheel tires, if used) will provide a sufficient margin of positive stability to minimize capsizing in rough fresh water.

40. By amending the title of § 4b.352 to read: *Windshield and windows.*

41. By adding a new paragraph (c) to § 4b.352 to read as follows:

§ 4b.352 *Windshield and windows.* * * *

(c) The design of windshields and windows in pressurized airplanes shall be based on factors peculiar to high altitude operation. (See also § 4b.373.)

NOTE: Factors peculiar to high altitude operation as they may affect the design of windshields and windows include the effects of continuous and cyclic pressurization loadings, the inherent characteristics of the material used, the effects of temperatures and temperature differentials, etc.

42. By adding a new paragraph (g) to § 4b.353 to read as follows:

§ 4b.353 *Controls.* * * *

(g) Where the work load on the flight crew is such as to require a flight engineer (see § 4b.720), a flight engineer station shall be provided. The station shall be so located and arranged that the flight crew members can perform their functions efficiently and without interfering with each other.

43. By amending § 4b.358 (a) by adding a second sentence to read as follows: "Seats and berths shall be of an approved type (see also § 4b.643 concerning safety belts)."

44. By amending § 4b.358 (c) to read as follows:

§ 4b.358 *Seats, berths, and safety belts.* * * *

(c) *Strength.* All seats and berths and their supporting structure shall be designed for occupant weight of 170 pounds with due account taken of the maximum load factors, inertia forces, and reactions between occupant, seat, and safety belt or harness corresponding with all relevant flight and ground load conditions, including the emergency landing conditions prescribed in § 4b.260. In addition, the following shall apply.

(1) Pilot seats shall be designed for the reactions resulting from the application of pilot forces to the flight controls as prescribed in § 4b.224.

(2) In determining the strength of the seat or berth attachments to the structure, and the safety belt or shoulder harness attachments to the seat, berth, or structure, the inertia forces specified in § 4b.260 (a) shall be multiplied by a factor of 1.33.

45. By amending § 4b.359 (c) to read as follows:

§ 4b.359 *Cargo and baggage compartments.* * * *

(c) Provisions shall be made to protect the passengers and crew from injury by the contents of any compartment, taking into account the emergency landing conditions of § 4b.260.

46. By amending § 4b.371 by rescinding all of the section excepting paragraph (b) thereof, by redesignating paragraph (b) as paragraph (d), and by adding new paragraphs (a) through (c) to read as follows:

§ 4b.371 *Ventilation.* (a) All crew compartments shall be ventilated by providing a sufficient amount of fresh air to enable the crew members to perform their duties without undue discomfort or fatigue.

NOTE: A fresh air supply of approximately 10 cubic feet per minute is considered a minimum for each crew member.

(b) Ventilating air in crew and passenger compartments shall be free of harmful or hazardous concentrations of gases or vapors.

NOTE: Carbon monoxide concentrations in excess of one part in 20,000 parts of air are considered hazardous. Carbon dioxide in excess of 3 percent by volume (sea level equivalent) is considered hazardous in the case of crew members. Higher concentrations of carbon dioxide may not necessarily be hazardous in crew compartments if appropriate protective breathing equipment is available.

(c) Provision shall be made to insure the conditions prescribed in paragraph (b) of this section in the event of reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems and equipment.

NOTE: Examples of acceptable provisions include secondary isolation, integral protective devices, and crew warning and shutoff for equipment the malfunctioning of which could introduce harmful or hazardous quantities of smoke or gases.

47. By amending § 4b.372 to read as follows:

§ 4b.372 *Heating systems.* Combustion heaters shall be of an approved type and shall comply with the fire protection requirements of § 4b.386. Engine exhaust heaters shall comply with the provisions of § 4b.467 (c) and (d).

48. By amending the reference at the end of § 4b.373 to read as follows: "(See also §§ 4b.216 (c) and 4b.352.)"

49. By amending § 4b.374 to read as follows:

§ 4b.374 *Pressure supply.* (See § 4b.477 (c).)

50. By amending the heading "Fire Prevention" and § 4b.380 to read as follows:

FIRE PROTECTION

§ 4b.380 *General.* Compliance shall be shown with the fire protection requirements of §§ 4b.381 through 4b.386. (See also §§ 4b.480 through 4b.489.) In addition, the following shall apply.

(a) *Hand fire extinguishers.* Hand fire extinguishers shall be of an approved type. The types and quantities of extinguishing agents shall be appropriate for the types of fires likely to occur in the compartments where the extinguishers are intended for use. Extinguishers intended for use in personnel compartments shall be such as to minimize the hazard of toxic gas concentrations.

(b) *Built-in fire extinguishers.* Where a built-in fire extinguishing system is required, its capacity in relation to the compartment volume and ventilation rate shall be sufficient to combat any fire likely to occur in the compartment. All built-in fire extinguishing systems shall be so installed that any extinguisher agent likely to enter personnel compartments will not be hazardous to the occupants and that discharge of the extinguisher cannot result in structural damage. (See aso §4b.371.)

(c) *Protective breathing equipment.* If the airplane contains Class A or B cargo compartments (see § 4b.383), protective breathing equipment shall be installed for the use of appropriate crew members. (See § 4b.651 (h).)

51. By amending § 4b.381 by adding paragraph (e) and (f) to read as follows:

§ 4b.381 *Cabin interiors.* * * *

(e) At least one hand fire extinguisher shall be provided for use by the flight crew.

(f) In addition to the requirements of paragraph (e) of this section at least the following number of hand fire extinguishers conveniently located for use in passenger compartments shall be provided according to the passenger capacity of the airplane:

Passenger capacity:	*Minimum number of fire extinguishers*
6 or less	0
7 through 30	1
31 through 60	2
61 or more	3

52. By amending § 4b.383 (a) by changing the title thereof to read *"Class A."* and by deleting from the first sentence the words "in the 'A' category" and inserting in lieu thereof the words "as A".

53. By amending § 4b.383 (b) by changing the title thereof to read *"Class B."* and by deleting from the first sentence the words "in the 'B' category" and inserting in lieu thereof the words "as B".

54. By amending § 4b.383(b) (4) by deleting the clause "except that additional service lining of flame-resistant material shall be acceptable."

55. By amending § 4b.383 (c) by changing the title thereof to read *"Class C."* and by deleting from the first sentence the words "in the 'C' category" and inserting in lieu thereof the words "as C".

56. By amending § 4b.383 (c) (4) by deleting the clause "except that additional service lining of flame-resistant material shall be acceptable."

57. By adding a new paragraph (d) to § 4b.383 to read as follows:

§ 4b.383 *Cargo compartment classification.* * * *

(d) *Class D.* Cargo and baggage compartments shall be classified as D if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Compliance shall be shown with the following.

(1) Each compartment shall be equipped with an approved type smoke detector or fire detector other than heat detector to give warning at the pilot or flight engineer station.

(2) Means shall be provided to exclude hazardous quantities of smoke, flames, or other noxious gases from entering into any compartment occupied by the crew or passengers.

(3) Ventilation and drafts shall be controlled within each compartment so that any fire likely to occur in the com-

partment will not progress beyond safe limits.

NOTE: For compartments having a volume not in excess of 500 cu. ft. an airflow of not more than 1,500 cu. ft. per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(4) The compartment shall be completely lined with fire-resistant material.

(5) Consideration shall be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

58. By amending § 4b.384 (a) by deleting therefrom the words "category 'C'" and inserting in lieu thereof the words "class C".

59. By adding new §§ 4b.385 and 4b.386 to read as follows:

§ 4b.385 *Flammable fluid fire protection.* In areas of the airplane where flammable fluids or vapors might be liberated by leakage or failure in fluid systems, design precautions shall be made to safeguard against the ignition of such fluids or vapors due to the operation of other equipment, or to control any fire resulting from such ignition.

§ 4b.386 *Combustion heater fire protection*—(a) *Combustion heater fire zones.* The following shall be considered as combustion heater fire zones and shall be protected against fire in accordance with applicable provisions of §§ 4b.480 through 4b.490.

(1) Region surrounding the heater, if such region contains any flammable fluid system components other than the heater fuel system which might be damaged by heater malfunctioning or which, in case of leakage or failure, might permit flammable fluids or vapors to reach the heaters.

(2) Region surrounding the heater, if the heater fuel system incorporates fittings the leakage of which would permit fuel or vapors to enter this region.

(3) That portion of the ventilating air passage which surrounds the combustion chamber.

(b) *Ventilating air ducts.* (1) Ventilating air ducts which pass through fire zones shall be of fireproof construction.

(2) Unless isolation is provided by the use of fireproof valves or other equivalently effective means, the ventilating air duct downstream of the heater shall be of fireproof construction for a sufficient distance to assure that any fire originating from within the heater can be contained within the duct.

(3) Portions of ventilating ducts passing through regions in the airplane where flammable fluid systems are located shall be so constructed or isolated from such systems that failure or malfunctioning of the flammable fluid system components cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* (1) Combustion air ducts shall be of fireproof construction for a distance sufficient to prevent damage from backfiring or reverse flame propagation.

(2) Combustion air ducts shall not communicate with the ventilating airstream unless it is demonstrated that flames from backfires or reverse burning cannot enter the ventilating airstream under any conditions of ground or flight operation including conditions of reverse flow or malfunctioning of the heater or its associated components.

(3) Combustion air ducts shall not restrict prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(d) *Heater controls; general.* Provision shall be made to prevent hazardous accumulations of water or ice on or within any heater control components, control system tubing, or safety controls.

(e) *Heater safety controls.* (1) In addition to the components provided for normal continuous control of air temperature, air flow, and fuel flow, means independent of such components shall be provided with respect to each heater to shut off automatically that heater's ignition and fuel supply at a point remote from the heater when the heat exchanger temperature or ventilating air temperature exceed safe limits or when either the combustion air flow or the ventilating air flow becomes inadequate for safe operation. The means provided for this purpose for any individual heater shall be independent of all components serving other heaters the heat output of which is essential to the safe operation of the airplane.

(2) Warning means shall be provided to indicate to the crew when a heater, the heat output of which is essential to the safe operation of the airplane, has been shut off by the operation of the automatic means prescribed in subparagraph (1) of this paragraph.

(f) *Air intakes.* Combustion and ventilating air intakes shall be so located that no flammable fluids or vapors can enter the heater system under any conditions of ground or flight operation either during normal operation or as a result of malfunctioning, failure, or improper operation of other airplane components.

(g) *Heater exhaust.* Heater exhaust systems shall comply with the provisions of § 4b.467 (a) and (b). In addition, the following shall apply:

(1) Exhaust shrouds shall be sealed so that flammable fluids and hazardous quantities of vapors cannot reach the exhaust systems through joints.

(2) Exhaust systems shall not restrict the prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(h) *Heater fuel systems.* Heater fuel systems shall comply with all portions of the powerplant fuel system requirements which affect safe heater operations. In addition, heater fuel system components within the ventilating airstream shall be protected by shrouds so that leakage from such components cannot enter the ventilating airstream.

(i) *Drains.* Means shall be provided for safe drainage of fuel accumulations which might occur within the combustion chamber or the heat exchanger. Portions of such drains which operate at high temperatures shall be protected in the same manner as heater exhausts (see paragraph (g) of this section). Drains shall be protected against hazardous ice accumulations in flight and during ground operation.

60. By amending the title of Subpart E by deleting the words "(Reciprocating Engines)" therefrom.

61. By amending the heading "General" immediately preceding § 4b.400 to read "Installation".

62. By amending the title of § 4b.400 to read *"General."* and by considering the present text of paragraph (a) as the initial text of this section.

63. By adding a new § 4b.400 (a) to read as follows:

§ 4b.400 *General.* * * *

(a) *Scope.* Reciprocating engine installations shall comply with the provisions of this subpart. Turbine engine installations shall comply with such of the provisions of this subpart as are found applicable to the specific type of installation.

64. By amending § 4b.400 (b) by adding a title to read *"Functioning."*

65. By amending § 4b.400 (c) by adding a title to read *"Accessibility."*

66. By amending § 4b.400 (d) by adding a title to read *"Electrical bonding."*

67. By amending § 4b.401 (b) to read as follows:

§ 4b.401 *Engines.* * * *

(b) *Engine isolation.* The powerplants shall be arranged and isolated each from the other to permit operation in at least one configuration in a manner such that the failure or malfunctioning of any engine, or of any system of the airplane the failure of which can affect an engine, will not prevent the continued safe operation of the remaining engine(s) or require immediate action by crew member for continued safe operation.

68. By inserting a new sentence at the end of § 4b.401 (c) following the word "construction" to read as follows: "If hydraulic propeller feathering systems are used for this purpose, the feathering lines shall be fire-resistant under the operating conditions which may be expected to exist when feathering is being accomplished."

69. By amending § 4b.406 (a) to read as follows:

§ 4b.406 *Propeller de-icing provisions.* (a) Airplanes intended for operation under atmospheric conditions conducive to the formation of ice on propellers or on accessories where ice accumulation would jeopardize engine performance shall be provided with means for the prevention or removal of hazardous ice accumulations.

70. By amending § 4b.411 to read as follows:

§ 4b.411 *Fuel system independence.* The design of the fuel system shall comply with the requirements of § 4b.401 (b). Unless other provisions are made in compliance with this requirement, the fuel system shall be arranged to permit the supply of fuel to each engine through a system independent of any portion of a system supplying fuel to any other engine.

71. By amending § 4b.426 (a) (3) to read as follows:

§ 4b.426 *Fuel tank vents and carburetor vapor vents.* (a) * * *

(3) The vent shall be of sufficient size to prevent the existence of excessive differences of pressure between the interior and exterior of the tank during normal flight operation, during maximum rate of descent, and, if applicable, during refueling and defueling.

72. By adding a new § 4b.428 to read as follows:

§ 4b.428 *Under-wing fueling provisions.* Under-wing fuel tank connections shall be provided with means to prevent the escape of hazardous quantities of fuel from the tank in the event of malfunctioning of the fuel entry valve while the cover plate is removed. In addition to the normal means provided in the airplane for limiting the tank content, a means shall be installed to prevent damage to the tank in case of failure of the normal means.

73. By amending § 4b.430 to read as follows:

§ 4b.430 *Fuel pumps*—(a) *Main pumps.*

(1) If the engine fuel supply is maintained by means of pumps, one fuel pump for each engine shall be engine-driven.

(2) Fuel pumps shall meet the pertinent flow requirements of § 4b.413.

(3) All positive displacement fuel pumps shall incorporate an integral bypass, unless provision is made for a continuous supply of fuel to all engines in case of failure of any one pump. Engine fuel injection pumps which are approved as an integral part of the engine need not incorporate a by-pass.

(4) If the emergency fuel pumps are all dependent upon the same source of motive power, the main fuel pumps shall be capable of providing sufficient fuel flow and pressure to maintain level flight at maximum weight and normal cruising power at an altitude of 6,000 feet with 110° F. fuel without the aid of any emergency fuel pump.

(b) *Emergency pumps.* (1) Emergency fuel pumps shall be provided to permit supplying all engines with fuel in case of failure of any one main fuel pump, except in the case of installations in which the only fuel pump used in the system is an engine fuel injection pump which is approved as an integral part of the engine.

(2) Emergency fuel pumps shall be available for immediate use in case of failure of any other fuel pump. No manipulation of fuel valves shall be necessary on the part of the crew to make an emergency fuel pump available to the engine which it is normally intended to serve when the fuel system is being operated in the configuration complying with the provisions of § 4b.411.

74. By adding a new § 4b.432 (e) to read as follows:

§ 4b.432 *Fuel system lines and fittings.* • • •

(e) Flexible hoses which might be adversely affected by exposure to high temperatures shall not be employed in locations where excessive temperatures will exist during operation or after engine shut-down.

75. By amending § 4b.437 (a) (2) to read as follows:

§ 4b.437 *Fuel jettisoning system.* • • •

(a) • • •

(2) Climb at the one-engine-inoperative best rate-of-climb speed with the critical engine inoperative, the remaining engine(s) at maximum continuous power.

76. By amending § 4b.440 (b) to read as follows:

§ 4b.440 *General.* • • •

(b) The oil tank capacity available for the use of the engine shall not be less than the product of the endurance of the airplane under critical operating times conditions the maximum permissible oil consumption rate of the engine under the same conditions, plus a suitable margin to assure system circulation. In lieu of a rational analysis of airplane range, a fuel-oil ratio of 30:1 by volume shall be acceptable for airplanes not provided with a reserve or transfer system.

77. By amending § 4b.441 (d) to read as follows:

§ 4b.441 *Oil tank construction.* • • •

(d) *Oil tank outlet.* Provision shall be made either to prevent entrance into the tank itself or into the tank outlet of any foreign object which might obstruct the flow of oil through the system. The oil tank outlet shall not be enclosed by any screen or guard which would reduce the flow of oil below a safe value at any operating temperature condition.

78. By amending § 4b.443 to read as follows:

§ 4b.443 *Oil tank installation.* The oil tank installation shall comply with the provisions of § 4b.422, except that the location of an engine oil tank in a designated fire zone shall be acceptable if the tank and its supports are of fireproof construction to the extent that damage by fire to any nonfireproof parts would not result in leakage or spillage of oil.

79. By adding a new sentence at the end of § 4b.455 to read as follows: "Means shall be provided to prevent excessive pressures from being generated in the cooling system."

80. By adding a new § 4b.463 (d) to read as follows:

§ 4b.463 *Induction system ducts.* • • •

(d) Induction system ducts within any fire zone for which a fire-extinguishing system is required shall be of fire-resistant construction.

81. By amending § 4b.467 (a) (4) to read as follows:

§ 4b.467 *Exhaust system and installation components*—(a) *General.* • • •

(4) Exhaust gases shall not discharge in a manner to cause a fire hazard with respect to any flammable fluid vent or drain.

82. By adding a new § 4b.467 (a) (7) to read as follows:

§ 4b.467 *Exhaust system and installation components*—(a) *General* • • •

(7) Exhaust shrouds shall be ventilated or insulated to avoid during normal operation a temperature sufficiently high to ignite any flammable fluids or vapors external to the shrouds.

83. By adding a new § 4b.467 (c) (5) to read as follows:

§ 4b.467 *Exhaust system and installation components.* • • •

(c) *Exhaust heat exchangers.* • • •

(5) Heat exchangers or muffs shall incorporate no stagnant areas or liquid traps which would increase the possibility of ignition of flammable fluids or vapors which might be present in case of failure or malfunctioning of components carrying flammable fluids.

84. By amending § 4b.467 (e) (4) to read as follows:

§ 4b.467 *Exhaust system and installation components.* • • •

(e) *Exhaust driven turbo-superchargers.* • • •

(4) Means shall be provided so that, in the event of malfunctioning of the normal turbo-supercharger control system, the turbine speed will not be greater than its maximum allowable value. The components provided for this purpose shall be independent of the normal turbo-supercharger controls with the exception of the waste gate operating components themselves.

85. By amending § 4b.474 (c) to read as follows:

§ 4b.474 *Propeller controls.* • • •

(c) *Propeller reversing controls.* Propeller reversing controls shall incorporate a means to prevent their inadvertent movement to the reverse position. The means provided shall require a distinct, and unmistakable operation by the crew in order to place the control in the reverse regime both in flight and on the ground.

86. By adding a new § 4b.477 (c) to read as follows:

§ 4b.477 *Powerplant accessories.* • • •

(c) If continued rotation of an engine-driven cabin supercharger or any remote accessory driven by the engine will constitute a hazard in case malfunctioning occurs, means shall be provided to prevent hazardous rotation of such accessory without interfering with the continued operation of the engine. (See also § 4b.371 (c).)

NOTE: Hazardous rotation may involve consideration of mechanical damage or sustained air flows which may be dangerous under certain conditions.

87. By adding new subparagraphs (3), (4), and (5) to § 4b.478 (b) to read as follows:

§ 4b.478 *Engine ignition systems.* • • •

(b) • • •

(3) Portions of magneto ground wires for separate ignition circuits which lie on the engine side of the fire wall shall be installed, located, or protected so as to minimize the possibility of simultaneous failure of two or more wires as a result of mechanical damage, electrical faults, etc.

(4) Ground wires for any engine shall not be routed through fire zones,

except those associated with the engine which the wires serve, unless those portions of the wires which are located in such fire zones are fireproof or are protected against the possibility of damage by fire in a manner to render them fireproof. (See § 4b.472 for ignition switches.)

(5) Ignition circuits shall be electrically independent of all other electrical circuits except circuits used for analyzing the operation of the ignition system.

88. By amending § 4b.480 (a) (5) to read as follows:

§ 4b.480 *Designated fire zones.* (a) * * *

(5) Fuel-burning heaters and other combustion equipment installations as defined by § 4b.386.

89. By adding after § 4b.480 (a) the following note:

NOTE: See also § 4b.385.

90. By adding a new paragraph (c) to § 4b.480 to read as follows:

§ 4b.480 *Designated fire zones.* * * *

(c) The nacelle area immediately behind the fire wall shall comply with the provisions of §§ 4b.385, 4b.463 (d), 4b.478 (b), (4), 4b.481 (c), 4b.482 through 4b.485 and 4b.489. If a retractable landing gear is located in this area, compliance with this paragraph is required only with the landing gear retracted.

91. By adding a new paragraph (c) to § 4b.481 to read as follows:

§ 4b.481 *Flammable fluids.* * * *

(c) No component of a flammable fluid-carrying system shall be located in close proximity to materials which can absorb such a fluid.

92. By adding a new sentence at the end of § 4b.482 (a) to read: "Closing the fuel shutoff valve for any engine shall not make any of the fuel supply unvailable to the remaining engines."

93. By amending § 4b.482 (b) to read as follows:

§ 4b.482 *Shutoff means.* * * *

(b) Operation of the shutoff means shall not interfere with the subsequent emergency operation of other equipment, such as feathering the propeller.

94. By amending § 4b.482 (d) to read as follows:

§ 4b.482 *Shutoff means.* * * *

(d) Provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means in flight after it has once been closed.

95. By amending § 4b.484 (a) (1) by adding the words "and the engine induction system" after the words "designated fire zones".

96. By amending § 4b.484 (a) by adding a new subparagraph (4) to read as follows:

§ 4b.484 *Fire extinguisher systems*—(a) *General.* * * *

(4) The fire-extinguishing system for a nacelle shall be capable of protecting simultaneously all zones of the nacelle for which protection is provided.

97. By amending § 4b.484 (d) and (e) to read as follows:

§ 4b.484 *Fire extinguisher systems.* * * *

(d) *Extinguishing agent container compartment temperature.* Under all conditions in which the airplane is intended for operation, the temperature range of the extinguishing agent containers shall be maintained to assure that the pressure in the containers can neither fall below the minimum necessary to provide an adequate rate of extinguisher agent discharge nor rise above a safe limit so that the system will not be prematurely discharged.

(e) *Fire-extinguishing system materials.* All components of the fire extinguishing systems located in designated fire zones shall be constructed of fireproof materials.

98. By amending § 4b.485 by revising the first sentence thereof to read: "Quick-acting fire detectors of an approved type shall be provided in all designated fire zones, and they shall be sufficient in number and location to assure prompt detection of fire in such zones."

99. By adding new paragraphs (c), (d), and (e) to § 4b.485 to read as follows:

§ 4b.485 *Fire detector systems.* * * *

(c) Means shall be provided to permit the crew to check in flight the functioning of the electric circuit associated with the fire-detection system.

(d) Wiring and other components of detector systems which are located in fire zones shall be of fire-resistant construction.

(e) Detector system components for any fire zone shall not pass through other fire zones, unless they are protected against the possibility of false warnings resulting from fires in zones through which they pass. This requirement shall not be applicable with respect to zones which are simultaneously protected by the same detector and extinguisher systems.

100. By amending § 4b.487 (b) and (c) to read as follows:

§ 4b.487 *Cowling.* * * *

(b) Cowling shall have drainage and ventilation provisions as prescribed in § 4b.489.

(c) On airplanes equipped with a diaphragm complying with § 4b.488, the parts of the accessory section cowling which might be subjected to flame in the event of a fire in the engine power section of the nacelle shall be constructed of fireproof material and shall comply with the provisions of § 4b.486.

101. By redesignating § 4b.489 as § 4b.490.

102. By adding a new § 4b.489 to read as follows:

§ 4b.489 *Drainage and ventilation of fire zones.* (a) Provision shall be made for the rapid and complete drainage of all portions of designated fire zones in the event of failure or malfunctioning of components containing flammable fluids. The drainage provisions shall be so arranged that the discharged fluid will not cause an additional fire hazard.

(b) All designated fire zones shall be ventilated to prevent the accumulation of flammable vapors. Ventilation openings shall not be placed in locations which would permit the entrance of flammable fluids, vapors, or flame from other zones. The ventilation provisions shall be so arranged that the discharged vapors will not cause an additional fire hazard.

(c) Except with respect to the engine power section of the nacelle and the combustion heater ventilating air ducts, provision shall be made to permit the crew to shut off sources of forced ventilation in any fire zone, unless the extinguishing agent capacity and rate of discharge are based on maximum air flow through the zone.

103. By adding a new paragraph (j) to § 4b.603 to read as follows:

§ 4b.603 *Flight and navigational instruments.* * * *

(j) Maximum allowable air-speed indicator if an air-speed limitation results from compressibility hazards. (See § 4b.710.)

104. By amending § 4b.604 (d) and (h) to read as follows:

§ 4b.604 *Powerplant instruments.* * * *

(d) An individual fuel pressure indicator for each engine and either an independent warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuit from the master warning device. * * *

(h) An individual oil pressure indicator for each engine and either an independent warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuit from the master warning device.

105. By adding a new paragraph (m) to § 4b.604 to read as follows:

§ 4b.604 *Powerplant instruments.* * * *

(m) A device for each engine capable of indicating to the flight crew during flight any change in the power output, if the engine is equipped with an automatic propeller feathering system the operation of which is initiated by a power output measuring system.

106. By adding a new § 4b.606 to read as follows:

§ 4b.606 *Equipment, systems, and installations*—(a) *Functioning and reliability.* All equipment, systems, and installations the functioning of which is necessary in showing compliance with the Civil Air Regulations shall be designed and installed to insure that they will perform their intended functions reliably under all reasonably foreseeable operating conditions.

(b) *Hazards.* All equipment, systems, and installations shall be designed to safeguard against hazards to the airplane in the event of their malfunctioning or failure.

(c) *Power supply.* Where an installation the functioning of which is necessary in showing compliance with the Civil Air Regulations requires a power supply, such installation shall be considered an essential load on the power

supply, and the power sources and the system shall be capable of supplying the following power loads in probable operating combinations and for probable durations:

(1) All loads connected to the system with the system functioning normally;

(2) All essential loads after failure of any one prime mover, power converter, or energy storage device;

(3) All essential loads after failure of any one engine on two- or three-engine airplanes, or after failure of any two engines on four-or-more-engine airplanes.

107. By amending § 4b.612 (a) (1) by adding the words "shall be of an approved type and" following the words "Air-speed indicating instruments".

108. By amending § 4b.612 (a) by adding a new subparagraph (6) to read as follows:

§ 4b.612 *Flight and navigational instruments*—(a) *Air-speed indicating systems.* * * *

(6) Where duplicate air-speed indicators are required, their respective pitot tubes shall be spaced apart to avoid damage to both tubes in the event of a collision with a bird.

109. By amending the title of § 4b.612 (b) to read *"Static air vent and pressure altimeter systems."* and by adding new subparagraphs (4) and (5) to read as follows:

§ 4b.612 *Flight and navigational instruments.* * * *

(b) *Static air vent and pressure altimeter systems.* * * *

(4) Pressure altimeters shall be of an approved type and shall be calibrated to indicate pressure altitude in standard atmosphere with a minimum practicable instrument calibration error when the corresponding static pressures are applied to the instrument.

(5) The design and installation of the altimeter system shall be such that the error in indicated pressure altitude at sea level in standard atmosphere, excluding instrument calibration error, does not result in a reading more than 20 feet high nor more than 50 feet low in the speed range between 1.3 V_{s_0} (flaps extended) and 1.8V_{s_1} (flaps retracted).

110. By amending § 4b.612 (d) by revising the first sentence thereof to read: "If an automatic pilot system is installed, it shall be of an approved type, and the following shall be applicable:"

111. By amending § 4b.612 (d) (1) by deleting therefrom the word "either" and by changing the word "or" to "and".

112. By amending § 4b.612 (d) (4) to read as follows:

§ 4b.612 *Flight and navigational instruments.* * * *

(d) *Automatic pilot system.* * * *

(4) The automatic pilot system shall be of such design and so adjusted that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.

113. By amending § 4b.612 (e) to read as follows:

§ 4b.612 *Flight and navigational instruments.* * * *

(e) *Instruments utilizing a power supply.* Each required flight instrument utilizing a power supply shall be provided with two independent sources of power, a means of selecting either power source, and a means of indicating the adequacy of the power being supplied to the instrument. The installation and power supply system shall be such that failure of one instrument, or of the energy supply from one source, or a fault in any part of the power distribution system, will not interfere with the proper supply of energy from the other source. (See also §§ 4b.606 (c) and 4b.623.)

114. By amending § 4b.612 by adding a new paragraph (f) to read as follows:

§ 4b.612 *Flight and navigational instruments.* * * *

(f) *Duplicate instrument systems.* If duplicate sets of flight instruments are required by the Civil Air Regulations, each set shall be provided with a completely independent operating system. Additional instruments shall not be connected to the first pilot system. If additional instruments are connected to the other system, provision shall be made to disconnect or isolate in flight such additional instruments.

115. By rescinding § 4b.613 (e).

116. By rescinding §§ 4b.620 through 4b.628 and inserting in lieu thereof new §§ 4b.620 through 4b.627 to read as follows:

§ 4b.620 *General.* The provisions of §§ 4b.621 through 4b.627 shall apply to all electrical systems and equipment. (See also § 4b.606.)

§ 4b.621 *Electrical system capacity.* The required generating capacity and the number and type of power sources shall be determined by an electrical load analysis and shall comply with § 4b.606 (c).

§ 4b.622 *Generating system.* (a) The generating system shall be considered to include electrical power sources, main power busses, transmission cables, and associated control, regulation, and protective devices.

(b) The generating system shall be so designed that the power sources function properly both when connected in combination and independently, and the failure or malfunctioning of any power source cannot create a hazard or impair the ability of the remaining sources to supply essential loads.

(c) Means accessible in flight to appropriate crew members shall be provided for the individual and collective disconnection of electrical power sources from the main bus.

(d) Means shall be provided to indicate to appropriate crew members those generating system quantities which are essential for the safe operation of the system.

NOTE: The voltage and current supplied by each generator are quantities considered essential.

§ 4b.623 *Distribution system.* (a) The distribution system shall be considered to include all distribution busses, their associated feeders, and control and protective devices.

(b) Individual distribution systems shall be designed to insure that essential load circuits can be supplied in the event of reasonably probable faults or open circuits.

(c) Where two independent sources of electrical power for particular equipment or systems are required by the Civil Air Regulations, their electrical energy supply shall be assured.

NOTE: Various means may be used to assure a supply, such as duplicate electrical equipment, throw-over switching, and multichannel or loop circuits separately routed.

§ 4b.624 *Electrical protection.* (a) Automatic protective devices shall be provided to minimize distress to the electrical system and hazard to the airplane in the event of wiring faults or serious malfunctioning of the system or connected equipment.

(b) In the generating system the protective and control devices shall be such as to de-energize and disconnect faulty power sources and power transmission equipment from their associated busses with sufficient rapidity to provide protection against hazardous overvoltage and other malfunctioning.

(c) All resettable type circuit protective devices shall be so designed that, when an overload or circuit fault exists, they will open the circuit irrespective of the position of the operating control.

(d) Protective devices or their controls used in essential load circuits shall be accessible for resetting in flight.

(e) Circuits for essential loads shall have individual circuit protection.

NOTE: This provision does not necessarily require individual protection for each circuit in an essential load system (e. g., each position light in the system).

(f) If fuses are used, there shall be provided spare fuses for use in flight equal to at least 50 percent of the number of fuses of each rating required for complete circuit protection.

§ 4b.625 *Electrical equipment and installation.* (a) In showing compliance with § 4b.606 (a) and (b) with respect to the electrical system, equipment, and installation, consideration shall be given to critical environmental conditions.

NOTE: Critical environmental conditions may include temperature, pressure, humidity, ventilation, position, acceleration, vibration, and presence of detrimental substances.

(b) All electrical equipment, controls, and wiring shall be so installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other electrical unit or system of units essential to the safe operation of the airplane.

(c) Cables shall be grouped, routed, and spaced so that damage to essential circuits will be minimized in the event of faults in heavy current-carrying cables.

(d) Batteries and their installations shall provide for ventilation, drainage of fluids, venting of gases, and protection of other parts of the airplane from corrosive battery fluids.

§ 4b.626 *Electrical system fire and smoke protection.* The design and installation of all components of the electrical system shall be in compliance with pertinent fire and smoke protection provisions of §§ 4b.371(c), 4b.385, and 4b.490. In addition, all electrical cables, terminals, and equipment which are necessary in emergency procedures and which are located in designated fire zones shall be fire-resistant.

§ 4b.627 *Electrical system tests and analyses.* It shall be demonstrated by tests and analyses that the electrical system functions properly and without electrical or thermal distress.

117. By amending § 4b.641 to read as follows:

§ 4b.641 *Hand fire extinguishers.* (See §§ 4b.381, 4b.382, and 4b.383.)

118. By deleting the reference "§ 4b.19" in § 4b.643 and inserting in lieu thereof "§ 4b.18".

119. By amending § 4b.645 (a) to read as follows:

§ 4b.645 Emergency flotation and signaling equipment. * * *

(a) Rafts and life preservers shall be of an approved type.

120. By adding a new § 4b.646 to read as follows:

§ 4b.646 *Accessibility and identification of safety equipment.* Prescribed safety equipment to be used in emergencies shall be accessible in flight, and its method of operation shall be marked. If such equipment is carried in compartments or containers, the compartments or containers shall be marked to identify the contents to crew and passengers.

121. By amending § 4b.650 to read as follows:

§ 4b.650 *Radio and electronic equipment.* (a) In showing compliance with § 4b.606 (a) and (b) with respect to radio and electronic equipment and their installations, consideration shall be given to critical environmental conditions.

NOTE: Critical environmental conditions may include temperature, pressure, humidity, ventilation, position, acceleration, vibration, and presence of detrimental substances.

(b) Radio and electronic equipment shall be supplied with power in accordance with the provisions of § 4b.623 (c).

(c) All radio and electronic equipment, controls, and wiring shall be so installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other radio or electronic unit or system of units required by the Civil Air Regulations.

122. By amending § 4b.651 (d) by revising the parenthetical sentence at the end of the paragraph to read: "(For crew masks to be used for protective breathing purposes see paragraph (h) of this section.)"

123. By amending § 4b.651 by adding thereto new paragraphs (f), (g), and (h) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* * * *

(f) *Fire protection.* (1) Oxygen equipment and lines shall not be located in any designated fire zone.

(2) Oxygen equipment and lines shall be protected from heat which may be generated in or escape from any designated fire zone.

(3) Oxygen equipment and lines shall be so installed that escaping oxygen cannot cause ignition of accumulations of grease, fluids, or vapors which are likely to be present in normal operation or as a result of failure or malfunctioning of any system.

(g) *Protection from rupture.* Oxygen pressure tanks and lines between tanks and the shutoff means shall be protected from the effects of unsafe temperatures, and shall be so located in the airplane as to minimize the possibility and the hazards of rupture in a crash landing.

(h) *Protective breathing equipment.* When protective breathing equipment is required by the Civil Air Regulations, it shall be designed to protect the flight crew from the effects of smoke, carbon dioxide, and other harmful gases. Such equipment shall include masks covering the eyes, nose, and mouth, or only the nose and mouth where accessory equipment is provided to protect the eyes. A supply of protective oxygen of not less than 300 liters STPD per person shall be provided when a demand type system is used. When a continuous flow system is used, it shall provide protection for 15 minutes at a minimum flow rate of 60 liters per minute STPD per person.

NOTE: STPD refers to the international standard for measurement of gases. This standard assumes temperature at 0° C., pressure at 760 mm. Hg., dry.

124. By rescinding § 4b.653.

125. By adding new §§ 4b.653 through 4b.655 to read as follows:

§ 4b.653 *Hydraulic systems; strength—*(a) *Structural loads.* All elements of the hydraulic system shall be designed to withstand, without detrimental permanent deformation, all structural loads which may be imposed simultaneously with the maximum hydraulic loads occurring in operation.

(b) *Proof pressure tests.* All elements of the hydraulic system shall be tested to a proof pressure of 1.5 times the maximum presure to which the part will be subjected in normal operation. In such test no part of the hydraulic system shall fail, malfunction, or suffer detrimental deformation.

(c) *Burst pressure strength.* Individual hydraulic system elements shall be designed to withstand pressures which are sufficiently increased over the pressures prescribed in paragraph (b) of this section to safeguard against rupture under service conditions.

NOTE: The following pressures, in terms of percentage of maximum operating pressure for the particular element, in most instances are sufficient to insure against rupture in service: 250 percent in units under oil pressure, 400 percent in units containing air and oil under pressure and in lines, hoses, and fittings, 300 percent in units of system subjected to back pressure.

§ 4b.654 *Hydraulic systems; design—*(a) *Pressure indication.* A means shall be provided to indicate the pressure in each main hydraulic power system.

(b) *Pressure limiting provisions.* Provision shall be made to assure that pressures in any part of the system will not exceed a safe limit above the maximum operating pressure of the system and to insure against excessive pressures resulting from fluid volumetric changes in all lines which are likely to remain closed long enough for such changes to take place. In addition, consideration shall be given to the possible occurrence of detrimental transient (surge) pressures during operation.

(c) *Installation.* Hydraulic lines, fittings, and components shall be installed and supported to prevent excessive vibration and to withstand inertia loads. All elements of the installation shall be protected from abrasion, corrosion, and mechanical damage.

(d) *Connections.* Flexible hose, or other means of providing flexibility, shall be used to connect points in a hydraulic fluid line between which there is relative motion or differential vibration.

§ 4b.655 *Hydraulic system fire protection.* When flammable type hydraulic fluid is used, the hydraulic system shall comply with the provisions of §§ 4b.385, 4b.481, 4b.482, and 4b.483.

126. By adding a new § 4b.658 to read as follows:

§ 4b.658 *Vacuum systems.* (a) Means, in addition to the normal pressure relief, shall be provided to relieve automatically the pressure in the discharge lines from the vacuum pump, if the delivery temperature of the air reaches an unsafe value.

(b) Vacuum system lines and fittings on the discharge side of the pump which might contain flammable vapors or fluids shall comply with § 4b.483 if they are located in a designated fire zone. Other vacuum system components located in designated fire zones shall be fire-resistant.

127. By adding a new § 4b.718 (a) (5) to read as follows:

§ 4b.718 *Powerplant limitations.* * * *

(a) *Take-off operation.* * * *

(5) Maximum cylinder head or coolant outlet and oil temperatures, if these differ from the maximum limits for continuous operation.

128. By adding a new § 4b.718 (d) to read as follows:

§ 4b.718 *Powerplant limitations.* * * *

(d) *Cooling limitations.* The maximum sea level temperature for which satisfactory cooling has been demonstrated.

129. By adding a new § 4b.734 (d) to read as follows:

§ 4b.734 *Powerplant instruments; general.* * * *

(d) Engine or propeller speed ranges which are restricted because of excessive vibration stresses shall be marked with red arcs.

130. By amending § 4b.737 (c) (2) to read as follows:

§ 4b.737 *Control markings; general.* * * *

(c) *Accessory and auxiliary controls.* * * *

(2) Emergency controls, including fuel jettisoning and fluid shutoff controls, shall be colored red and shall be marked to indicate their function and method of operation.

131. By amending § 4b.738 (c) to read as follows:

§ 4b.738 *Miscellaneous markings and placards.* * * *

(c) *Emergency exit placards.* (See § 4b.362 (f).)

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1421; Filed, Feb. 4, 1952; 8:51 a. m.]

PART 5—GLIDER AIRWORTHINESS

ENACTMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January 1952.

In the past, pending the development of specific airworthiness requirements for gliders, the Administrator of Civil Aeronautics has been type certificating gliders on the basis of the general provisions of the airworthiness parts of the Civil Air Regulations applicable to powered aircraft together with certain supplementary material specifically intended for gliders. It now appears that the past satisfactory procedure with respect to the certification of gliders and the relatively few type certificates being issued obviates the necessity of an early promulgation of detailed regulations. It is the Board's intent, however, to make the Civil Air Regulations reflect the present procedure until such time as detailed glider airworthiness requirements are developed. For these reasons the Board is establishing a new Part 5 of the Civil Air Regulations which consists of the administrative material necessary to reflect type certification procedures. The part includes material essentially identical to that in Subpart A of other airworthiness parts of the regulations. Section 5.10 establishes the airworthiness provisions of Part 3 as the basis for the type certification of gliders, modified to the extent the Administrator finds appropriate for gliders.

Interested persons have been afforded an opportunity to participate in the making of this part, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a new Part 5 of the Civil Air Regulations, effective March 5, 1952, to read as follows:

APPLICABILITY AND DEFINITIONS

AUTHORITY: §§ 5.0 to 5.19 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553.

APPLICABILITY AND DEFINITIONS

§ 5.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of type certificates for gliders. This part, until superseded or rescinded, shall apply to all gliders for which applications for type certification are made after the effective date of this part.

§ 5.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of a glider or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *General design*—(1) *Glider.* A glider is a heavier-than-air aircraft the free flight of which does not depend principally upon a power generating unit.

CERTIFICATION

§ 5.10 *Eligibility for type certificates.* A glider shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions of Part 3 of this chapter modified to the extent the Administrator finds appropriate for gliders: *Provided,* That the Administrator finds no feature or characteristic of the glider which renders it unsafe.

§ 5.11 *Designation of applicable regulations.* (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of this chapter by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 5.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to gliders for which applications for type certificates are filed after the effective date of the amendment.

§ 5.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the glider by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this chapter.

(b) The type certificate shall be deemed to include the type design (see § 5.14 (b) of this chapter), the operating limitations for the glider (see § 3.737 of this chapter), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 5.11 (a).)

§ 5.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the glider complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the glider and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the glider, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent gliders of the same type.

§ 5.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the glider complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design.

(b) All parts of the glider are constructed in accordance with the drawings in the type design.

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 5.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the glider with the type design, and upon receipt from the applicant of a report of flight tests performed by him, such official flight tests shall be conducted as the Administrator finds necessary to determine compliance with the requirements of this part.

§ 5.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of this chapter.)

§ 5.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for a glider, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 5.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of this chapter.)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1422; Filed, Feb. 4, 1952; 8:51 a. m.]

[Civil Air Regs., Amdt. 6-1]

PART 6—ROTORCRAFT AIRWORTHINESS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January 1952.

The previously effective Part 6 was extensively revised effective January 15, 1951. Since that time a review of the provisions of this part reveals the need of minor amendments either of a clarifying nature or for consistency with other airworthiness parts of the Civil Air Regulations.

A substantive change is made in the adoption of a provision pertaining to power-off landings for multiengine rotorcraft. The purpose of this provision is to assure an appropriate degree of safety in case of power failure in the air.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR Part 6) effective March 5, 1952.

1. By amending the title of § 6.1 (c) (7) to read "Ground resonance" in lieu of "Ground resistance".

2. By deleting from § 6.10 the words "other design features" and by substituting in lieu thereof the word "factors".

3. By adding the word "thereto" after the word "amendments" in § 6.11 (a).

4. By deleting from § 6.11 (b) the reference "§ 6.24" and by substituting in lieu thereof "§ 1.24 of this chapter".

5. By amending § 6.13 to read as follows:

§ 6.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the rotorcraft by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this chapter.

(b) The type certificate shall be deemed to include the type design (see § 6.14 (b)), the operating limitations for the rotorcraft (see § 6.700), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 6.11 (a).)

6. By amending § 6.14 to read as follows:

§ 6.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the rotorcraft complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the rotorcraft and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the rotorcraft, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent rotorcraft of the same type.

7. By adding the following note to § 6.18 (a):

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for a rotorcraft, or by any other form of approval by the Administrator.

8. By adding a new § 6.19 to read as follows:

§ 6.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of this chapter.)

9. By rescinding §§ 6.20 through 6.24.

10. By adding a new § 6.115 to read as follows:

§ 6.115 *Power-off landings for multiengine rotorcraft.* For all multiengine rotorcraft it shall be possible to make a safe landing following complete failure of all power during normal operating conditions.

11. By amending § 6.335 to read as follows:

§ 6.335 *Wheels.* Landing gear wheels shall be of an approved type. The maximum static load rating of each wheel shall not be less than the corresponding static ground reaction under the maximum weight of the rotorcraft and the critical center of gravity position. The maximum limit load rating of each wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part.

12. By amending the reference at the end of § 6.421 to read "§ 6.741 (g)" in lieu of "§ 6.741 (e)."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1423; Filed, Feb. 4, 1952; 8:51 a. m.]

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

REVISION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January 1952.

The previously effective Part 13 was promulgated in 1941 and has remained substantially unchanged to date. The present revision of this part is for the purpose of making it consistent in form and language with other airworthiness parts of the Civil Air Regulations and to bring up to date certain technical provisions. The administrative rules of Subpart A have been completely rewritten for consistency with corresponding rules in other airworthiness parts. In amending these administrative rules it is not the intent of the Board to alter any of the procedures which have been consistent with the previously effective regulations. Although the present provisions with respect to eligibility for type certification under Part 13 do not make direct reference to the acceptance by the Administrator of military specifications, nevertheless such acceptance is implicit within the provisions of § 13.10 and, therefore, the revised Part 13 is not intended to imply any general change in policy in this regard.

The scope of Part 13 has also been extended to cover the certification of turbine-type engines. These rules reflect experience in turbine design during the past years and take into account certain international standards which have received general acceptance.

The provisions of revised Part 13 reflects the discussions at the annual airworthiness meeting and the subsequent comments on the notice of proposed rule making.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a devision of Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) effective March 5, 1952 to read as follows:

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

CERTIFICATION

AUTHORITY: §§ 13.0 to 13.257 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553.

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 13.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of type certificates for engines used on aircraft. This part, until superseded or rescinded, shall apply to all engines for which applications for type certification are made after the effective date of this part.

§ 13.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an engine or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *General design*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,

(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg,

(iv) The temperature gradient from sea level to the altitude at which the temperature equals −67° F. is −0.003566° F./ft. and zero thereabove.

(v) The density ρ_0 at sea level under the above conditions is 0.002378 lbs. sec.^{2}/ft.^{4}

(2) *Brake horsepower.* Brake horsepower is the power delivered at the propeller shaft of the engine.

(3) *Take-off power.* Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(4) *Maximum continuous power.* Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(5) *Manifold pressure.* Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(6) *Critical altitude.*[1] The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain without ram, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude,

CERTIFICATION

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

§ 13.10 *Eligibility for type certificates.* An engine shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the engine which renders it unsafe for use on aircraft.

§ 13.11 *Designation of applicable regulations.* (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of this chapter by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 13.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to engines for which applications for type certificates are filed after the effective date of the amendment.

§ 13.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the engine by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this chapter.[2]

(b) The type certificate shall be deemed to include the type design (see § 13.14 (b)), the operating limitations for the engine (see § 13.16), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 13.11 (a).)

§ 13.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the engine complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the engine and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the engine, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent engines of the same type.

§ 13.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to

[1] These definitions may not apply in the case of less conventional engines such as compound, variable discharge turbine, etc.

[2] Prior to approval for use of a type certificated engine on a certificated aircraft, the engine will be required to comply with pertinent provisions of the applicable aircraft airworthiness parts of the Civil Air Regulations.

insure that the engine complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design,

(b) All parts of the engine are constructed in accordance with the drawings in the type design,

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 13.16 *Required tests.* The block tests prescribed in this part shall be conducted to establish the engine operating limitations, as chosen by the applicant, and the reliability of the engine to operate within those limitations. The provisions of paragraphs (a) through (d) of this section shall be applicable.

(a) The applicant shall furnish all testing facilities, including equipment and competent personnel, to conduct the prescribed block tests.

(b) An authorized representative of the Administrator shall witness such of the block tests as are necessary to verify the test report.

(c) The Administrator shall establish engine operating limitations determined on the basis of the engine operating conditions demonstrated during the block tests. Such operating limitations shall include those items relating to power, speeds, temperatures, pressures, fuels, and oils which he finds necessary for safe operation of the engine.

(d) It shall be permissible to use separate engines of identical design and construction in the vibration, calibration, detonation (if applicable), endurance, and operation tests prescribed in subparts B and C of this part, except that if a separate engine is used for the endurance test it shall be subjected to a calibration check before starting the endurance test.

§ 13.17 *Production certificates.* (For requirements with regard to production certificates see Part 1 of this chapter.)

§ 13.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for an engine, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 13.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of this chapter.)

IDENTIFICATION AND INSTRUCTION MANUAL

§ 13.20 *Identification plate.* A fireproof identification plate shall be securely attached to the engine in a location which will be readily accessible when the engine is installed on an aircraft. The identification plate shall contain the identification data required by § 1.50 of this chapter.

§ 13.21 *Instruction manual.* The applicant shall prepare and make available an approved manual containing instructions for the installation, operation, servicing, maintenance, repair, and overhaul of the engine.

NOTE: It is not intended to limit the form of the manual to a single document.

SUBPART B—RECIPROCATING ENGINES

DESIGN AND CONSTRUCTION

§ 13.100 *Scope.* The provisions of this subpart shall apply to reciprocating engines.

(a) The engine shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

(b) The design and construction provisions of this subpart shall be applicable to the engine when it is installed, operated, and maintained in accordance with the instruction manual prescribed in § 13.21 and when fitted with an appropriate propeller.

§ 13.101 *Materials.* The suitability and durability of all materials used in the engine shall be established on a basis of experience or tests. All materials used in the engine shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 13.102 *Fire prevention.* The design and construction of the engine and the materials used shall be such as to minimize the possibility of occurrence and spread of fire because of structural failure, overheating, or other causes.

§ 13.103 *Vibration.* The engine shall be designed and constructed to function throughout its normal operating range of crankshaft rotational speeds and engine powers without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

§ 13.104 *Durability.* All parts of the engine shall be designed and constructed to minimize the development of an unsafe condition of the engine between overhaul periods.

§ 13.110 *Fuel and induction system.* (a) The fuel system of the engine shall be designed and constructed to supply an appropriate mixture of fuel to the cylinders throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) The intake passages of the engine through which air or fuel in combination with air passes for combustion purposes shall be designed and constructed to minimize the danger of ice accretion in such passages. The engine shall be designed and constructed to permit the use of a means for ice prevention.

§ 13.111 *Ignition system.* All spark ignition engines shall be equipped with either a dual ignition system having at least two spark plugs per cylinder and two separate electrical circuits with separate sources of electrical energy, or with an ignition system which will function with equal reliability in flight.

§ 13.112 *Lubrication system.* (a) The lubrication system of the engine shall be designed and constructed so that it will function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate.

(b) In wet sump engines the provision of paragraph (a) of this section shall be complied with when only one-half of the maximum lubricant supply is in the engine.

(c) The lubrication system of the engine shall be designed and constructed to permit the installation of a means for cooling of the lubricant.

§ 13.113 *Engine cooling.* The engine shall be designed and constructed to provide the necessary cooling under conditions in which the airplane is expected to operate.

§ 13.114 *Engine mounting attachments.* The mounting attachments and structure of the engine shall have sufficient strength, when the engine is mounted on an aircraft, to withstand the loads arising from the loading conditions prescribed in the airworthiness parts of the Civil Air Regulations applicable to the aircraft involved.

§ 13.115 *Accessory attachments.* Accessory drives and mounting attachments shall be designed and constructed so that the engine will operate properly with the accessories attached. The design of the engine shall incorporate provisions for the examination, adjustment, or removal of all essential engine accessories.

BLOCK TESTS

§ 13.150 *General.* The engine, including all essential accessories, shall be subjected to the block tests and inspections prescribed in §§ 13.151 through 13.157.

§ 13.151 *Vibration test.* A vibration survey shall be conducted to investigate crankshaft torsional and bending vibration characteristics over the operational range of crankshaft rotational speed and engine power normally used in flight (including low-power operation), from idling speed to either 110 percent of the desired maximum continuous speed rating, or 103 percent of the desired take-off speed rating, whichever is higher. The survey shall be conducted with a representative propeller. If a critical speed or speeds are found to be present in the

operating range of the engine, changes in design of the engine shall be made for their elimination prior to the conduct of the endurance test specified in § 13.154, or the endurance test shall include operation under the most adverse vibration condition for a period sufficient to establish the ability of the engine to operate without fatigue failure.

§ 13.152 *Calibration test.* The engine shall be subjected to such calibration tests as are necessary to establish its power characteristics and the conditions for the endurance test specified in § 13.154. The results of such tests shall constitute the basis for establishing the characteristics of the engine over its entire operating range of crankshaft rotational speeds, manifold pressures, fuel/air mixture settings, and altitudes. Power ratings shall be based upon standard atmospheric conditions. (See also § 13.16 (d).)

§ 13.153 *Detonation test.* A test shall be conducted to establish that the engine can function without detonation throughout its range of intended conditions of operation.

§ 13.154 *Endurance test.* The endurance test of an engine with a representative propeller shall include a total of 150 hours of operation, consisting of the individual runs specified in paragraphs (a) through (c) of this section. The runs shall be performed in such periods and order as are found appropriate by the Administrator for the specific engine. During the endurance test the engine power and the crankshaft rotational speed shall be controlled within ±3 percent of the specified values.

(a) *90-hour run.* A 90-hour run shall be made at maximum continuous crankshaft rotational speed and engine power unless a take-off rating greater than the maximum continuous rating is to be established, in which case the conditions of subparagraph (1) of this paragraph shall apply, or unless a maximum continuous rating at altitude differing from the sea level maximum continuous rating is to be established, in which case the conditions of subparagraph (2) of this paragraph shall apply.

(1) If a take-off rating greater than the maximum continuous rating is to be established, a 10-hour run at the take-off rating shall be substituted for an equal number of hours of the 90 hours at the maximum continuous rating. The run at take-off rating shall be the basis for the establishment of a take-off rating, except that the rating shall not specify a duration greater than 5 minutes.

(2) If a maximum continuous rating at altitude differing from the sea level maximum continuous rating is to be established, half of the 90 hours at maximum continuous rating shall be made at the maximum power obtainable at the critical altitude with the maximum continuous manifold pressure and crankshaft rotational speed.

(b) *40-hour run.* A 40-hour run shall be made in five periods of 8 hours each at 50, 60, 65, 70, and 75 percent, respectively, of the maximum continuous rating.

(c) *20-hour run.* A 20-hour run shall be made at the maximum weak-mixture power or at the maximum recommended cruising power.

§ 13.155 *Operation test.* The operation test shall include all testing found by the Administrator to be necessary to demonstrate backfire characteristics, starting, idling, acceleration, overspeeding, functioning of propeller and ignition, and any other operational characteristic of the engine.

§ 13.156 *Teardown inspection.* After completion of the endurance test the engine shall be completely disassembled and a detailed inspection shall be made of the engine parts to check for fatigue and wear.

§ 13.157 *Engine adjustments and parts replacements.* During the block tests servicing and minor repairs of the engine shall be permissible. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question shall be subjected to such additional tests as are found by the Administrator to be necessary.

SUBPART C—TURBINE ENGINES

DESIGN AND CONSTRUCTION

§ 13.200 *Scope.* The provisions of this subpart shall apply to turbine engines.

(a) The engine shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

(b) The design and construction provisions of this subpart shall be applicable to the engine when it is installed, operated, and maintained in accordance with the instruction manual prescribed in § 13.21 and when fitted with an appropriate propeller (if used).

§ 13.201 *Materials.* The suitability and durability of all materials used in the engine shall be established on a basis of experience or tests. All materials used in the engine shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 13.202 *Fire prevention.* The design and construction of the engine and the materials used shall be such as to minimize the possibility of occurrence and spread of fire because of structural failure, overheating, or other causes.

§ 13.203 *Vibration.* The engine shall be designed and constructed to function throughout its normal operating range of rotational speeds and engine powers without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

§ 13.204 *Durability.* All parts of the engine shall be designed and constructed to minimize the development of an unsafe condition of the engine between overhaul periods.

§ 13.205 *Surge characteristics.* The engine shall be free of detrimental surge throughout its operating range in the minimum ambient air temperature in which it is to be operated.

§ 13.210 *Fuel and induction system.* (a) The fuel system of the engine shall be designed and constructed to supply an appropriate mixture of fuel to the combustion chamber(s) throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) The intake passages of the engine through which air or fuel in combination with air passes for combustion purposes shall be designed and constructed to minimize the danger of ice accretion in such passages. The engine shall be designed and constructed to permit the use of a means for ice prevention.

§ 13.211 *Ignition system.* All engines shall be equipped with an ignition system for starting the engine on the ground and in flight.

§ 13.212 *Lubrication system.* The lubrication system of the engine shall be designed and constructed so that it will function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate.

§ 13.213 *Engine cooling.* The engine shall be designed and constructed to provide the necessary cooling under conditions in which the airplane is expected to operate.

§ 13.214 *Engine mounting attachments.* The mounting attachments and structure of the engine shall have sufficient strength, when the engine is mounted on an aircraft, to withstand the loads arising from the loading conditions prescribed in the airworthiness parts of the Civil Air Regulations applicable to the aircraft involved.

§ 13.215 *Accessory attachments.* Accessory drives and mounting attachments shall be designed and constructed so that the engine will operate properly with the accessories attached. The design of the engine shall incorporate provisions for the examination, adjustment, or removal of all essential engine accessories.

BLOCK TESTS

§ 13.250 *General.* The engine, including all essential accessories, shall be subjected to the block tests and inspections prescribed in §§ 13.251 through 13.257. In addition, throughout the tests, unless otherwise chosen by the applicant, the controlled air extraction shall be zero.

§ 13.251 *Vibration test.* A vibration survey shall be conducted to investigate the vibration characteristics of the engine over the operational range of rotational speed and engine power. If critical vibration is found to be present in the operating range of the engine, changes in design of the engine shall be made for its elimination prior to the conduct of the endurance test specified in § 13.254, or the endurance test shall include operation under the most adverse vibration condition for a period sufficient to establish the ability of the engine to operate without fatigue failure.

NOTE: The vibration survey usually need consist of external measurements only, unless the Administrator finds that internal measurements are necessary in a particular case.

§ 13.252 *Calibration tests.* (a) The engine shall be subjected to such calibration tests as are necessary to establish its power characteristics and the conditions for the endurance test specified in § 13.254. The results of such tests shall constitute the basis for establishing the characteristics of the engine over its entire operating range of speeds, pressures, temperatures, and altitudes. Power ratings shall be based upon standard atmospheric conditions. (See also § 13.16 (d).)

(b) Prior to the endurance test the power control(s) shall be adjusted to produce the maximum allowable gas temperatures and rotor speeds at take-off operating conditions. Such adjustment shall not be changed during the relevant calibration tests and the relevant runs of the endurance test.

§ 13.254 *Endurance test.* The endurance test of an engine with a representative propeller (if applicable) shall include a total of 150 hours of operation, consisting of 30 periods of 5 hours each as specified in this section. It shall be permissible to conduct each run of the endurance test, except the runs prescribed in paragraphs (a) and (f) of this section, with one predetermined engine variable (i. e., speed or gas temperature) held constant and with the position of the power lever(s) recorded. The runs shall be performed in such order as is found appropriate by the Administrator for the specific engine. Each period of the 150-hour endurance test shall be conducted as follows:

(a) *Take-off and idling.* One hour of alternate 5-minute periods shall be conducted at maximum take-off power and/or thrust and at idling power and/or thrust. The developed powers and/or thrusts at take-off and idling conditions and their corresponding rotor speed and gas temperature conditions shall be as established by the power control(s) in accordance with the schedule established by the manufacturer. It shall be permissible to control manually during any one period the speed and power and/or thrust while taking data to check performance.

(b) *91 percent take-off power and/or thrust.* Thirty minutes shall be conducted at the power lever position corresponding with either 91 percent take-off power and/or thrust or maximum continuous power and/or thrust, whichever is the greater.

(c) *Maximum continuous power and/or thrust.* One hour and 30 minutes shall be conducted at the power lever position corresponding with maximum continuous power and/or thrust.

(d) *90 percent maximum continuous power and/or thrust.* One hour shall be conducted at the power lever position corresponding with 90 percent maximum continuous power and/or thrust.

(e) *75 percent maximum continuous power and/or thrust.* Thirty minutes shall be conducted at the power lever position corresponding with 75 percent maximum continuous power and/or thrust.

(f) *Acceleration and deceleration runs.* Thirty minutes shall be conducted of accelerations and decelerations consisting of five cycles from idling power and/or thrust to take-off power and/or thrust and maintained at the take-off power and/or thrust for approximately 30 seconds and at the idling power and/or thrust for approximately 5 minutes.

(g) *Starts.* Seventy-five starts shall be made of which 30 starts shall be preceded by a 2-hour shutdown. It shall be acceptable to make the remaining starts after the completion of the 150 hours of endurance testing.

§ 13.255 *Operation test.* The operation test shall include all testing found by the Administrator to be necessary to demonstrate starting, idling, acceleration, overspeeding, functioning of propeller (if applicable) and ignition, and any other operational characteristic of the engine.

§ 13.256 *Teardown inspection.* After completion of the endurance test the engine shall be completely disassembled and a detailed inspection shall be made of the engine parts to check for fatigue and wear.

§ 13.257 *Engine adjustments and parts replacements.* During the block tests servicing and minor repairs of the engine shall be permissible. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question shall be subjected to such additional tests as are found by the Administrator to be necessary.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1424; Filed, Feb. 4, 1952; 8:51 a. m.]

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

REVISION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January 1952.

The previously effective Part 14 was issued on May 31, 1938, and to date has been amended only in minor details. The present revision of this part is for the purpose of making it consistent in form and language with other airworthiness parts of the Civil Air Regulations and to bring up to date certain technical provisions. The administrative rules of Subpart A have been completely rewritten for consistency with corresponding rules in other airworthiness parts. In amending these administrative rules it is not the intent of the Board to alter any of the procedures which have been consistent with the previously effective regulations. Although the present provisions with respect to eligibility for type certification under Part 14 do not make direct reference to the acceptance by the Administrator of military specifications, nevertheless such acceptance is implicit within the provisions of § 14.10 and, therefore, the revised Part 14 is not intended to imply any general change in policy in this regard.

The provisions of revised Part 14 reflect the discussions at the annual airworthiness meeting and the subsequent comments on the notice of proposed rule making.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a revision of Part 14 of the Civil Air Regulations (14 CFR Part 14, as amended) effective March 5, 1952, to read as follows:

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

CERTIFICATION

IDENTIFICATION AND INSTRUCTION MANUAL

SUBPART B—AIRWORTHINESS

DESIGN AND CONSTRUCTION

TESTS

AUTHORITY: §§ 14.0 to 14.157 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553.

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 14.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of type certificates for propellers [1] used on aircraft. This part, until superseded or rescinded, shall apply to all propellers for which applications for type certification are made after the effective date of this part.

§ 14.1 *Definitions.* As used in this part terms are defined as follows:

[1] Applicable to both reciprocating and turbine engines, unless otherwise stated.

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of a propeller or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *General design*—(1) *Propeller.* A propeller includes all parts, appurtenances, and accessories thereof.[3]

(2) *Propeller accessories.* Propeller accessories are those necessary for the control and operation of the propeller.

(3) *Pitch setting.* Pitch setting is the propeller blade setting determined by the blade angle measured in a manner, and at a radius, specified in the instruction manual for the propeller.

(4) *Fixed-pitch propeller.* A fixed-pitch propeller is a propeller the pitch setting of which cannot be changed except by processes constituting a workshop operation.

(5) *Adjustable-pitch propeller.* An adjustable-pitch propeller is a propeller the pitch setting of which can be conveniently changed in the course of ordinary field maintenance but which cannot be changed when the propeller is rotating.

(6) *Variable-pitch propeller.* A variable-pitch propeller is a propeller the pitch setting of which can be changed by the flight crew or by automatic means while the propeller is rotating.

(7) *Feathered pitch.* Feathered pitch is the propeller pitch setting which in flight, with the engines stopped, gives approximately the minimum drag and corresponds with a wind-milling torque of approximately zero.

(8) *Reverse pitch.* Reverse pitch is the propeller pitch setting for any blade angle used beyond zero pitch (e. g. the negative angle used for reverse thrust).

CERTIFICATION

§ 14.10 *Eligibility for type certificates.* A propeller shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the propeller which renders it unsafe for use on aircraft.

§ 14.11 *Designation of applicable regulations.* (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of this chapter by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 14.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to propellers for which applications for type certificates are filed after the effective date of the amendment.

§ 14.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the propeller by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this chapter.[4]

(b) The type certificate shall be deemed to include the type design (see § 14.14 (b)), the operating limitations for the propeller (see § 14.16), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 14.11 (a).)

§ 14.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the propeller complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the propeller and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the propeller, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent propellers of the same type.

§ 14.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the propeller complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design.

(b) All parts of the propeller are constructed in accordance with the drawings in the type design.

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 14.16 *Required tests.* The tests prescribed in this part shall be conducted to establish the propeller operating limitations, as chosen by the applicant, and the reliability of the propeller to operate within those limitations. The provisions of paragraphs (a) through (c) of this section shall be applicable.

(a) The applicant shall furnish all testing facilities, including equipment and competent personnel, to conduct the prescribed tests.

(b) An authorized representative of the Administrator shall witness such of the tests as are necessary to verify the test report.

(c) The Administrator shall establish propeller operating limitations determined on the basis of the propeller operating conditions demonstrated during the tests.

§ 14.17 *Production certificates.* (For requirements with regard to production certificates see Part 1 of this chapter.)

§ 14.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for a propeller, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 14.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of this chapter.)

IDENTIFICATION AND INSTRUCTION MANUAL

§ 14.20 *Propeller identification data.* A certificated propeller, propeller blade, or propeller hub shall have displayed upon it conspicuously the identification data required by § 1.50 of this chapter. The identification data shall be permanently attached upon a noncritical surface of the propeller, blade, or hub by means of a plate, stamping, engraving, etching, or other approved method. When such data are not visible when the propeller is assembled or installed on an aircraft, they shall also be painted or printed on the propeller, blade, or hub.

§ 14.21 *Instruction manual.* The applicant shall prepare and make available an approved manual containing instructions for the installation, operation, servicing, maintenance, repair, and overhaul of the propeller.

[3] As defined in Section 1 of the Civil Aeronautics Act of 1938, as amended.

[4] Prior to approval for use of a type certificated propeller on a certificated aircraft, the propeller will be required to comply with pertinent provisions of the applicable aircraft airworthiness parts of the Civil Air Regulations.

NOTE: It is not intended to limit the form of the manual to a single document.

SUBPART B—AIRWORTHINESS

DESIGN AND CONSTRUCTION

§ 14.100 *Scope.* (a) The propeller shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

(b) The design and construction provisions of this part shall be applicable to the propeller when it is installed, operated, and maintained in accordance with the instruction manual prescribed in § 14.21.

§ 14.101 *Materials.* The suitability and durability of all materials used in the propeller shall be established on a basis of experience or tests. All materials used in the propeller shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 14.102 *Durability.* All parts of the propeller shall be designed and constructed to minimize the development of an unsafe condition of the propeller between overhaul periods.

TESTS

§ 14.150 *General.* The tests and inspections prescribed in §§ 14.151 through 14.157 shall be applicable to propellers, including all essential accessories. The propeller shall complete the prescribed tests without evidence of failure or malfunctioning.

§ 14.151 *Centrifugal load test.* The hub and blade retention arrangement of propellers with detachable blades shall be subjected to a centrifugal load equal to twice the centrifugal force to which the propeller is to be subjected in normal operation. Either one of the following two test methods shall be acceptable.

(a) A one-hour whirl test,

(b) A static pull test.

§ 14.152 *Vibration test.* Propellers with metal blades and/or metal hubs shall be subjected to a vibration test under sufficient conditions to establish the level of vibratory stresses in the blade and/or hub when the propeller is operated under all conditions of rotational speed and engine power which are to be established for the propeller. The test shall be conducted on the same or equivalent engine and the test stand configuration on which the endurance tests are conducted.

§ 14.153 *Endurance test*—(a) *Fixed-pitch wood propellers.* Fixed-pitch wood propellers shall be subjected to one of the following endurance tests.

(1) A 10-hour endurance block test on an engine shall be conducted with a propeller of the greatest pitch and diameter for which certification is sought at the rated rotational speed.

(2) A 50-hour flight test shall be conducted in level flight or in climb. At least 5 hours of this flight test shall be conducted with the propeller operated at the rated rotational speed, and the remainder of the 50 hours shall be conducted with the propeller operated at not less than 90 percent of the rated rotational speed.

(3) A 50-hour endurance block test on an engine shall be conducted at the power and propeller rotational speed for which certification is sought.

(b) *Fixed-pitch metal propellers and adjustable-pitch propellers.* Fixed-pitch propellers with metal blades and adjustable-pitch propellers shall be subjected to one of the endurance tests prescribed in paragraphs (a) (2) and (3) of this section.

(c) *Variable-pitch propellers.* Variable-pitch propellers shall be subjected to one of the following endurance tests.

(1) A 100-hour endurance test shall be conducted on an engine of the same power and rotational speed characteristics as the engine or engines with which the propeller is intended to be used. The endurance test shall be conducted at the maximum continuous rotational speed and power rating of the propeller, except that, in the event a rotational speed(s) and power condition(s) is found to be critical on the basis of the vibration test prescribed in § 14.152, such portion of the 100 hours as the Administrator finds necessary, but not in excess of 50 hours, shall be conducted at the critical rotational speed(s) and power condition(s). If a take-off rating greater than the maximum continuous rating is to be established, a 10-hour block test in addition to the 100 hours shall be conducted at the maximum power and rotational speed for the take-off rating.

(2) The propeller shall be operated throughout the engine endurance tests prescribed in Part 13 of this chapter.

§ 14.154 *Functional test.* Variable-pitch propellers shall be subjected to the following functional tests as applicable. The same propeller as used in the endurance test shall be used in the functional tests and shall be driven by an engine mounted on a test stand or on an aircraft.

(a) *Manually controllable propellers.* 500 complete cycles of control shall be applied throughout the pitch and rotational speed ranges.

(b) *Automatically controllable propellers.* 1,500 complete cycles of control by means of automatic control mechanism shall be applied throughout the pitch and rotational speed ranges.

(c) *Feathering propellers.* 50 cycles of feathering operation shall be applied.

(d) *Reversible-pitch propellers.* 200 complete cycles of control shall be applied from the lowest normal pitch to the maximum reverse pitch. At the end of each cycle the propeller shall be operated in reverse pitch for a period of one minute at the reverse pitch maximum rotational speed and power.

§ 14.155 *Special tests.* Such tests shall be conducted as the Administrator finds necessary to substantiate the use of any unconventional features of design, material, or construction.

§ 14.156 *Teardown inspection.* After completion of the tests, the propeller shall be completely disassembled and a detailed inspection shall be made of the propeller parts to check for fatigue, wear, and distortion.

§ 14.157 *Propeller adjustments and parts replacements.* During the tests servicing and minor repairs of the propeller shall be permissible. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question shall be subjected to such additional tests as are found by the Administrator to be necessary.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1425; Filed, Feb. 4, 1952; 8:52 a. m.]

[Civil Air Regs., Amdt. 15-4]

PART 15—AIRCRAFT EQUIPMENT AIRWORTHINESS

RESCISSION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 28th day of January 1952.

Present Part 15 of the Civil Air Regulations contains provisions for type certification of equipment used on aircraft. However, the adoption of the policy on Technical Standard Orders which sets up a procedure for approval of materials, parts, processes, and appliances without the necessity of type certification of such items has made unnecessary the retention of any of the provisions of Part 15. The Board therefore is rescinding Part 15.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby rescinds Part 15 of the Civil Air Regulations (14 CFR Part 15, as amended) effective March 5, 1952.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1426; Filed, Feb. 4, 1952; 8:52 a. m.]

[Civil Air Regs., Amdt. 41-4]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January 1952.

Part 41 of the Civil Air Regulations presently makes allowance in operations conducted under that part for the use of a 50 percent wind component in computing the effective length of a runway, in the case of a take-off or landing into

the wind. This amendment adds the requirement of the use of not less than 150 percent of the reported wind component in down-wind take-offs and landings when computing the take-off and landing distance limitations.

Further, in order to make the performance operating limitations consistent with the airworthiness requirements specified in Part 4b of the Civil Air Regulations, this amendment provides that the one-engine-inoperative en route climb be specified in terms of a criterion based upon the number of engines rather than upon the maximum weight of the airplane.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective March 5, 1952.

1. By amending § 41.27 by deleting the reference "§§ 4b.71 to 4b.171" and inserting in lieu thereof "Part 4b of this chapter".

2. By amending § 41.29 (c) to read as follows:

§ 41.29 *Take-off limitations to provide for engine failure.* * * *

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. To allow for wind effect, take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

3. By amending § 41.30 (b) to read as follows:

§ 41.30 *En route limitations.* * * *

(b) *All airplanes; one engine inoperative.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with one engine inoperative (as set forth in the Airplane Flight Manual) shall be, in feet per minute

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2,$$

where N is the number of engines installed and V_{s_0} is expressed in miles per hour, at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that for airplanes certificated under the performance requirements of Part 4a of this chapter the above rate-of-climb value shall be 0.02 $V_{s_0}^2$ irrespective of the number of engines installed.

4. By amending § 41.33 (b) to read as follows:

§ 41.33 *Landing distance limitations.* * * *

(b) For every probable condition of wind velocity and direction and the corresponding landing direction at the airport of intended destination required either by the ground handling characteristics of the airplane type involved or by other conditions (e. g., landing aids, terrain, etc.) the ratio of landing distance to effective length of landing area shall not be greater than that as specified in paragraph (a) of this section, after allowing for the effect on landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing or not less than 150 percent of the wind component if in the direction of landing.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1427; Filed, Feb. 4, 1952; 8:52 a. m.]

[Civil Air Regs., Amdt. 42-10]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January 1952.

Part 42 of the Civil Air Regulations presently makes allowance in operations conducted under that part for the use of a 50 percent wind component in computing the effective length of a runway, in the case of a take-off or landing into the wind. This amendment adds the requirement of the use of not less than 150 percent of the reported wind component in down-wind take-offs and landings when computing the take-off and landing distance limitations.

Further, in order to make the performance operating limitations consistent with the airworthiness requirements specified in Part 4b of the Civil Air Regulations, this amendment provides that the one-engine-inoperative en route climb be specified in terms of a criterion based upon the number of engines rather than upon the maximum weight of the airplane.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective March 5, 1952:

1. By amending § 42.72 (c) to read as follows:

§ 42.72 *Take-off limitations to provide for engine failure.* * * *

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. To allow for wind effect, take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

2. By amending § 42.74 to read as follows:

§ 42.74 *En route limitations; one engine inoperative.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with one engine inoperative (as set forth in the Airplane Flight Manual) shall be, in feet per minute

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2,$$

where N is the number of engines installed and V_{s_0} is expressed in miles per hour, at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that for airplanes certificated under the performance requirements of Part 4a of this chapter the above rate-of-climb value shall be 0.02 $V_{s_0}^2$ irrespective of the number of engines installed.

3. By amending § 42.83 (b) to read as follows:

§ 42.83 *Landing distance limitations; airport of destination.* * * *

(b) It shall be assumed, considering every probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane type involved and other conditions (e. g., landing aids, terrain, etc.) and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1428; Filed, Feb. 4, 1952; 8:52 a. m.]

[Civil Air Reg., Amdt. 61-6]

PART 61—SCHEDULED AIR CARRIER RULES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of January, 1952.

Part 61 of the Civil Air Regulations presently makes allowance in operations conducted under that part for the use of a 50 percent wind component in computing the effective length of a runway, in the case of a take-off or landing into the wind. This amendment adds the requirement of the use of not less than

150 percent of the reported wind component in down-wind take-offs and landings when computing the take-off and landing distance limitations.

Further, in order to make the performance operating limitations consistent with the airworthiness requirements specified in Part 4b of the Civil Air Regulations, this amendment provides that the one-engine-inoperative en route climb be specified in terms of a criterion based upon the number of engines rather than upon the maximum weight of the airplane.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations (14 CFR Part 61, as amended) effective March 5, 1952.

1. By amending § 61.215 (c) to read as follows:

§ 61.215 *Take-off limitations to provide for engine failure.* * * *

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. To allow for wind effect, take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

2. By amending § 61.216 (b) to read as follows:

§ 61.216 *Landing distance limitations.* * * *

(b) For every probable condition of wind velocity and direction and the corresponding landing direction at the airport of intended destination required either by the ground handling characteristics of the airplane type involved or by other conditions (e. g., landing aids, terrain, etc.) the ratio of landing distance to effective length of landing area shall not be greater than that as specified in paragraph (a) of this section, after allowing for the effect on landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

3. By amending § 61.220 to read as follows:

§ 61.220 *All airplanes; one engine inoperative.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with one engine inoperative (as set forth in the Airplane Flight Manual) shall be, in feet per minute

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2,$$

where N is the number of engines installed and V_{s_0} is expressed in miles per hour, at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that for airplanes certificated under the performance requirements of Part 4a of this chapter the above rate-of-climb value shall be $0.02\ V_{s_0}^2$ irrespective of the number of engines installed.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-1429; Filed, Feb. 4, 1952; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4732]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PRECISION APPARATUS CO.

Subpart—*Advertising falsely or misleading:* § 3.135 *Nature; product or service;* § 3.170 *Qualities or properties.* Subpart—*Using misleading name; goods:* § 3.2315 *Nature;* § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale or distribution in commerce of instruments heretofore designated variously as "Precision Dynamic Mutual Conductance Tube Testers" and "Precision Dynamic Mutual Conductance Type Tube Testers," or any substantially similar device whether sold under the same name or any other name, (1) using the term "Mutual Conductance" or any other word or term of similar import or meaning in any trade or product name for respondent's instrument; or, (2) representing that respondent's instrument is a mutual conductance testing instrument or a mutual conductance type testing instrument, or representing in any manner, through use of the term "Mutual Conductance" or any other word or term of similar import or meaning, that respondent's instrument determines mutual conductance or indicates the quality or merit of the mutual conductance of a vacuum tube by appraising, comparatively or otherwise, such change in plate current as results from a change or variation in voltage placed by respondent's device upon the grid of a radio tube; 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, Solomon W. Weingast d. b. a. Precision Apparatus Company, Docket 4732, November 20, 1951]

In the Matter of Murray Mentzer and Solomon W. Weingast, Copartners Doing Business as Precision Apparatus Company

This proceeding having been heard upon the complaint of the Commission, as amended, the answer of respondents, as amended, testimony and other evidence introduced before a trial examiner of the Commission prior to and subsequent to the date upon which the order amending the complaint was issued, recomended decision of the trial examiner and the exceptions thereto, and briefs in support of and in opposition to the complaint, as amended (counsel for respondents not having appeared for oral argument), and the Commission having made its findings as to the facts and its conclusion that the respondent Solomon W. Weingast has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Solomon W. Weingast, individually and doing business as a copartner under the name of Precision Apparatus Company, or trading under any other name, and said respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of instruments heretofore designated variously as "Precision Dynamic Mutual Conductance Tube Testers" and "Precision Dynamic Mutual Conductance Type Tube Testers", or any substantially similar device whether sold under the same name or any other name, do forthwith cease and desist from:

(1) Using the term "Mutual Conductance" or any other word or term of similar import or meaning in any trade or product name for respondent's instrument;

(2) Representing that respondent's instrument is a mutual conductance testing instrument or a mutual conductance type testing instrument, or representing in any manner, through use of the term "Mutual Conductance" or any other word or term of similar import or meaning, that respondent's instrument determines mutual conductance or indicates the quality or merit of the mutual conductance of a vacuum tube by appraising, comparatively or otherwise, such change in plate current as results from a change or variation in voltage placed by respondent's device upon the grid of a radio tube.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Murray Mentzer, deceased.

It is further ordered, That respondent Solomon W. Weingast 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: November 20, 1951.

By the Commission.

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

[F. R. Doc. 52-1431; Filed, Feb. 4, 1952; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

Chapter II is hereby amended by striking out Subchapter C—Mutual Mortgage Insurance; and Subchapter E—Farm Mortgage Insurances; and substituting in lieu thereof a new Subchapter entitled Subchapter C—Mutual Mortgage Insurance. This amendment represents a complete revision of Part 221 of Subchapter C and the consolidation therewith of Part 251 of Subchapter E, and a complete revision of Part of 222 of Subchapter C and the consolidation therewith of Part 252 of Subchapter E.[1] In lieu of the existing Parts 221 and 251, the new Part 221 shall read as follows:

APPROVAL OF MORTGAGEES

APPLICATION AND COMMITMENT

ELIGIBLE MORTGAGES

ELIGIBLE MORTGAGORS

ELIGIBLE PROPERTIES

FARM MORTGAGES

EFFECTIVE DATE

AUTHORITY: §§ 221.1 to 221.45 issued under sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b.

APPROVAL OF MORTGAGEES

§ 221.1 *Governmental institutions approved as mortgagees.* The following institutions are hereby approved as mortgagees under section 203 of the National Housing Act:

(a) National Mortgage Associations;

(b) Federal Reserve Banks;

(c) Federal Home Loan Banks;

(d) Reconstruction Finance Corporation;

(e) RFC Mortgage Company; and

(f) Any other Federal, State or municipal governmental agency that is or may hereafter be empowered to hold mortgages insured under Title II of the National Housing Act as security or as collateral or for any other purpose.

§ 221.2 *Federal Reserve members, other institutions.* Members of the Federal Reserve System, institutions whose accounts are insured by the Federal Savings & Loan Insurance Corporation and institutions whose deposits are insured by the Federal Deposit Insurance Corporation may be approved as mortgagees upon application.

§ 221.3 *Charitable or nonprofit institutions.* Any charitable or nonprofit organization which presents evidence that it is responsible, has permanent funds of not less than $100,000, and has experience in mortgage investment, may be approved upon application.

§ 221.4 *Approval of other institutions.* Any other institution not hereinbefore mentioned may be approved as a mortgagee upon application if it has the following qualifications and meets the following conditions to the satisfaction of the Commissioner:

(a) It is a chartered institution or other permanent organization having succession;

(b) It is subject to the inspection and supervision of a governmental agency which is required by law to make periodic examinations of its books and accounts and it submits satisfactory evidence that it has sound capital funds of a value of not less than $25,000 (or if a mutual company or association without capital funds, it has a net worth of not less than $25,000); or if not subject to such inspection and supervision of a governmental agency, it shall submit a detailed audit of its books made by an accountant satisfactory to the Commissioner and reflecting a condition satisfactory to him, and also, so long as its approval as mortgagee continues, shall file with the Commissioner similar audits at least once in each calendar year and submit at any time to such examination of its books and affairs as the Commissioner may require, and comply with any other conditions that the Commissioner may impose;

(c) Its principal activity is lending on or investing in mortgages, funds which are under its own control; and it has sound capital funds properly proportioned to its liabilities and to the character and extent of its operations. Such funds shall be of a value of not less than $100,000. It is provided that the qualification and condition contained in the preceding sentence shall not apply:

(1) To an institution or other permanent organization of the character described in the first division of paragraph (b) of this section; or

(2) To an institution or other permanent organization that establishes to the satisfaction of the Commissioner that it is a duly authorized loan correspondent of, and whose approval is requested by, an approved mortgagee or assignee which lends on, or invests in, mortgages on a national scale and is subject to the inspection and supervision of a governmental agency, on the condition that the termination of its relationship as such correspondent will be cause (subject to the provisions of § 221.6) for withdrawal of its approval as an approved mortgagee and on the further condition that the correspondent institution and the institution for which it is authorized to act shall agree to notify promptly the Commissioner of the termination of such relationship, and on the further condition that the correspondent institution shall agree to originate insured mortgage loans for the purposes of sale only to the institution or institutions which requested its approval; and

(d) If it is not an institution or other permanent organization of the character described in the first division of paragraph (b) of this section, it shall submit an agreement in writing:

(1) That so long as it continues to be approved as a mortgagee, it will not issue any mortgage participating certificates on which it assumes personal liability, or issue any guaranty with respect to principal or interest of any mortgage, except that any such obligations outstanding on the date of the application of such institution may thereafter be renewed; and

(2) That it will segregate all periodic payments under mortgages insured by the Commissioner, received by it on account of ground rents, taxes, assessments, and insurance premiums, and will deposit such funds in a special account, or accounts, with some banking institution whose accounts are insured by the Federal Deposit Insurance Corporation and shall use such funds for no purpose other than that for which they were received.

[1] See F. R. Doc. 51-1367, Part 222 of this chapter, *infra*.

§ 221.5 *Approval of fiduciary investments.* (a) Approval as a mortgagee under §§ 221.1 to 221.8 of a banking institution or trust company which is subject to the inspection and supervision of a governmental agency, shall be deemed to constitute approval of such institution or company when lawfully acting in a fiduciary capacity in investing fiduciary funds which are under its individual or joint control. Upon termination of such fiduciary relationships, whether by revocation or otherwise, any insured mortgages held in the fiduciary estate shall be transferred to a mortgagee approved under this section and the fiduciary relationship must be such as to permit such transfer.

(b) Nothing in §§ 221.1 to 221.8 shall be construed to permit the sale to the general public of instruments representing the beneficial interest in all or part of one or more insured mortgages.

§ 221.6 *Approval may be withdrawn.* Approval of an institution as a mortgagee may be withdrawn at any time by notice from the Commissioner. In the discretion of the Commissioner, the transfer of an insured mortgage to a mortgagee not approved to act under §§ 221.1 to 221.8, or the failure of a mortgagee not subject to the inspection and supervision of a governmental agency, to segregate all funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, and to deposit such funds in a special account, or accounts, with some banking institution whose accounts are insured by the Federal Deposit Insurance Corporation, or the use of such funds for any purpose other than that for which they were received, or the failure of a mortgagee to conduct its business on the plan indicated by its application for approval, or the termination of its supervision by a governmental agency will be cause for withdrawal of approval. Withdrawal of approval will in no case affect the insurance on mortgages theretofore accepted for insurance.

§ 221.7 *Financial statements to be furnished.* All approved mortgagees shall at any time upon request furnish the Commissioner with a copy of their latest periodic financial statement or report.

§ 221.8 *Proper servicing of mortgages.* All approved mortgagees are required to service insured loans in accordance with acceptable mortgage practices of prudent lending institutions. In the event of default, the mortgagee should be able to contact the mortgagor and otherwise exercise diligence in collecting the amounts due. The holder of the mortgage is responsible to the Commissioner for proper servicing, even though the actual servicing may be performed by an agent of such holder.

APPLICATION AND COMMITMENT

§ 221.9 *Submission of application.* Any approved mortgagee may submit an application for insurance of a mortgage about to be executed, or of a mortgage already executed.

§ 221.10 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner.

§ 221.11 *Fee to accompany application.* (a) Applications filed for a firm or a conditional commitment with respect to existing construction must be accompanied by the mortgagee's check for the sum of $20 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, the entire fee will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following the preliminary examination.

(b) Applications filed for a firm or a conditional commitment with respect to proposed construction must be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, the entire fee will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following the preliminary examination except under the following circumstances:

(1) With respect to an application filed on or before December 31, 1951, $20 will be retained by the Commissioner and the balance of such fee will be returned to the applicant if (i) the application is rejected by the Commissioner, or (ii) prior to the receipt of a request for the first compliance inspection as provided in the commitment, the Commissioner exercises the right of cancellation reserved in the commitment or cancels the commitment at the request of the mortgagee or after surrender of the commitment by the mortgagee, or (iii) the mortgage which is the subject of the application is endorsed for insurance by the Commissioner; or

(2) With respect to an application filed after December 31, 1951, $20 will be retained by the Commissioner and the balance of such fee will be returned to the applicant if the mortgage which is the subject of the application is endorsed for insurance by the Commissioner.

(c) If the application is made on behalf of a veteran of World War II, for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, the fee herein provided may be waived by the Commissioner if he finds that the collection of such fee would be inequitable under the particular circumstances of the transaction.

§ 221.12 *Approval of application.* Upon approval of an application, acceptance of the mortgage for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the mortgage will be insured.

§ 221.13 *Refinancing existing mortgage.* If on the date of the application for a firm commitment there is a then existing mortgage on the property, whether insured or uninsured, held by a mortgagee other than the applicant, which mortgage is to be refinanced in whole or in part by the mortgage offered for insurance, such application must be accompanied by a certificate executed by the proposed mortgagor certifying that he has applied to the holder of such existing mortgage for refinancing and that after reasonable opportunity, such holder has failed or refused to make a loan of a like amount and on as favorable terms as those of the loan offered for insurance as described in the application submitted therewith after taking into account amortization provisions, commission, interest rate, mortgage insurance premium, and costs to the mortgagor for legal services, appraisal fees, title expenses, and similar charges.

§ 221.14 *Certificate of builder regarding charges and fees.* An application with respect to proposed construction must be accompanied by a certificate, in form satisfactory to the Commissioner, executed by the builder certifying that he has not paid or obligated himself to pay and will not pay or obligate himself to pay any charges, interest or fees in connection with the financing of the construction or sale of the property described in the application other than:

(a) Customary cost of title search, recording fees, and the application fee, mortgage insurance premiums, and other fees and charges which the mortgagee is required to pay to the Commissioner under this part;

(b) Interest on the principal amount of any construction loan at a rate not in excess of 5 percent per annum;

(c) Fees and commissions in connection with any construction loan aggregating not in excess of 2½ percent of the original principal amount of such loan; and

(d) Fees and commissions in connection with a loan made after completion of construction aggregating not in excess of 1 percent of the original principal amount of such loan.

ELIGIBLE MORTGAGES

§ 221.15 *Form, lien.* The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications hereinafter set forth in §§ 221.33 to 221.37, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the entire principal amount of the mortgage must have been disbursed to the mortgagor, or to his creditors for his account and with his consent.

§ 221.16 *Maximum amount of mortgage and appraisal value of property.* The mortgage should involve a principal obligation in an amount of $100 or multiples thereof (except that a mortgage of the character described in paragraph (b) of this section may be in an amount of $50 or multiples thereof), but the mortgage must not exceed $16,000: *Provided*, That the Commissioner may increase such dollar amount limitation by not exceeding $4,500 for each additional family dwelling unit in excess of two located on such property; and the mortgage must not exceed 80 percent of the appraised value of the property

as of the date it is accepted for insurance except under the following circumstances:

(a) If the amount of the mortgage does not exceed $9,450 and there is located upon the property a dwelling designed principally for a single-family residence which is approved for mortgage insurance prior to the beginning of construction, and the property has an appraised value (as of the date the mortgage is accepted for insurance) in excess of $7,000, the amount of such mortgage may exceed 80 percent, but must not exceed 95 percent of $7,000 of such value, plus 70 percent of such value in excess of $7,000 and not in excess of $11,000: *Provided*, That at the time the mortgage is insured the mortgagor is the owner and occupant and has paid on account of the property at least 5 percent of its appraised value or such larger amount as the Commissioner may determine, in cash or its equivalent; or

(b) If the amount of the mortgage does not exceed $6,650 (except that the Commissioner may by regulation increase this amount to not to exceed $7,600 in any geographical area where he finds that cost levels so require) and there is located on the property a dwelling designed principally for a single-family residence which is approved for mortgage insurance prior to beginning of construction, such mortgage may exceed 80 percent if at the time the mortgage is insured the mortgagor is the owner and occupant and has paid on account of the property at least 5 percent of its appraised value, in cash or its equivalent, but not to exceed 95 percent of the appraised value of the property as of the date the mortgage is accepted for insurance: *Provided*, That if the Commissioner finds that it is not feasible, within the aforesaid dollar limitation, to construct dwellings containing three or four bedrooms without sacrifice of sound standards of construction, design, and livability, he may increase such dollar amount limitation by not exceeding $950 for each additional bedroom (as defined by the Commissioner) in excess of two contained in such dwelling if he finds that such dwellings meet sound standards of design and livability as a three-bedroom unit or a four-bedroom unit, as the case may be: *Provided further*, That if the builder constructing the building is the mortgagor under any such mortgage, the principal obligation of the mortgage shall not exceed $5,950 for a one-bedroom unit or a two-bedroom unit, $6,800 for a three-bedroom unit, or $7,650 for a unit having four or more bedrooms (except that the Commissioner may by regulation increase each of the maximum dollar amount limitations contained in this proviso by not to exceed $350 in any geographical area where he finds that cost levels so require), and shall not exceed 85 percent of the appraised value of the property: *And provided further*, That the Commissioner may by regulation provide that the maximum dollar amount limitations set forth in this paragraph shall be fixed at lesser amounts where he finds, for any section or locality or for the country as a whole or at any time, that it is feasible within such lesser dollar amount limitations, to construct dwellings for families of lower income without sacrifice of sound standards of construction, design, and livability.

§ 221.17 *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner, not to be less than 4 nor more than 20 years from the date of insurance, except that a mortgage on property approved for insurance prior to the beginning of construction may have a maturity satisfactory to the Commissioner, not more than 25 years from the date of insurance, and except that a mortgage insured under § 221.16 (b) may have a maturity satisfactory to the Commissioner, not more than 30 years from the date of insurance. The amortization period should be either 10, 15, or 20 years by providing for either 120, 180, or 240 monthly amortization payments, except that as to mortgages which may have a maturity in excess of 20 years, such period may also be either 25 or 30 years by providing for 300 or 360 monthly amortization payments.

§ 221.18 *Rate of interest.* The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 4¼ percent per annum. Interest shall be payable in monthly installments on the principal then outstanding.

§ 221.19 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Commissioner. The sum of the principal and interest payments in each month shall be substantially the same.

§ 221.20 *Payment of insurance premiums.* The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage should provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in § 222.4 of this chapter, but shall not provide for the payment of any further charge on account of such prepayment.

§ 221.21 *Mortgagor's payments to include other charges.* The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee in a manner satisfactory to the Commissioner, for the purpose of paying such ground rents, taxes, assessments, and insurance premiums, before the same become delinquent, for the benefit and account of the mortgagor. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 221.22 *Mortgagee's application of payments.* (a) All monthly payments to be made by the mortgagor to the mortgagees as provided in §§ 221.18 to 221.21 shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(3) Interest on the mortgage; and

(4) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next such payment, constitute an event of default under the mortgage.

§ 221.23 *Late charge.* The mortgage may provide for a charge by the mortgagee of a "late charge", not to exceed 2 cents for each dollar of each payment more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments.

§ 221.24 *Mortgagor's payments when mortgage is executed.* The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage and may be required to pay a further sum equal to the first annual mortgage insurance premium, plus an amount sufficient to pay the mortgage insurance premium from the date of closing the loan to the date of the first monthly payment.

§ 221.25 *Maximum charges and fees to be collected by mortgagee*—(a) *Existing construction.* No mortgage covering existing construction shall be insured unless the mortgagee, prior to insurance, shall have delivered to the Commissioner a certificate, in form satisfactory to the Commissioner, certifying that it has not imposed upon or collected from the mortgagor, the builder, sponsor, broker, seller or other interested parties any charges, interest or fees in connection with the financing of the sale of the property described in the application other than:

(1) Customary cost of title search and recording fees as are approved by the Commissioner, and the application fee, mortgage insurance premiums and other fees and charges which the mortgagee is

required to pay to the Commissioner under this part; and

(2) A service charge or fee not in excess of 1 percent of the original principal amount of the mortgage.

(b) *Proposed construction.* No mortgage covering proposed construction shall be insured unless the mortgagee, prior to insurance, shall have delivered to the Commissioner a certificate, in form satisfactory to the Commissioner, certifying that it has not imposed upon or collected from the mortgagor, the builder, sponsor, broker, seller or other interested parties any charges, interest or fees in connection with the financing of the construction or sale of the property described in the application other than:

(1) Customary cost of title search and recording fees as are approved by the Commissioner, and the application fee, mortgage insurance premiums, and other fees and charges which the mortgagee is required to pay to the Commissioner under this part;

(2) Interest on the principal amount of any construction loan at a rate not in excess of 5 percent per annum; and

(3) Fees and commissions aggregating not in excess of 2½ percent of the original principal amount of such loan if a construction loan was made by it, or if no construction loan was made by it, not in excess of 1 percent of the original principal amount of such loan.

§ 221.26 *Charges by brokers.* Nothing in § 221.25 shall be construed as prohibiting the mortgagor from dealing through a broker, who does not represent the mortgagee, if he prefers to do so, and paying the broker such compensation as is satisfactory to the mortgagor.

§ 221.27 *Project must be economically sound.* The mortgage must be executed with respect to a project which, in the opinion of the Commissioner, is economically sound.

§ 221.28 *Eligible mortgages in Alaska.* (a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, it is not feasible to construct dwellings on property located in Alaska without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 221.16 prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(b) Upon application by a mortgagee, where the Alaska Housing Authority is the mortgagor ôr mortgagee, any mortgage otherwise eligible for insurance under any of the provisions of this part, may be insured without regard to any requirement contained in this part that the mortgagor:

(1) Be the owner and occupant of the property;

(2) Has paid on account of the property a prescribed percentage of the appraised value of the property in cash or its equivalent; or

(3) That the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) The provisions of § 221.27 shall not be applicable to mortgages covering property located in Alaska, provided that mortgages covering property located in Alaska shall not be accepted for insurance unless the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska.

§ 221.29 *Mortgage covenant regarding racial restrictions.* The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

§ 221.30 *Temporary limitation upon maximum amount of mortgage.* For the period this section remains in effect, and notwithstanding the provisions of § 221.16, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of $14,000 except in the case of a mortgage covering a property designed for occupancy by two or more families, and a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, and prior to October 12, 1950, shall not exceed 75 percent of the appraised value of the property, except that with respect to mortgages eligible for insurance under § 221.16 (a) the principal amount may exceed 75 percent but shall not exceed 90 percent of $7,000 of such value, plus 65 percent of such value in excess of $7,000, and mortgages eligible for insurance under § 221.16 (b) may exceed 75 percent but shall not exceed 90 percent of the appraised value of the property if the mortgagor is the owner and occupant and 80 percent of such value if the mortgagor is the builder: *Provided*, That this section shall not be applicable as to mortgages covering properties in the Territory of Alaska.

§ 221.31 *Defense Production Act of 1950 controls.* (a) For the period this paragraph remains in effect, and notwithstanding the provisions of § 221.16, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance; and a mortgage insured pursuant to an application received by the Commissioner on or after January 12, 1951, and covering property upon which there is located a dwelling designed principally for a three-family or a four-family residence shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance.

(b) For the period this paragraph remains in effect, and notwithstanding the provisions of § 221.17, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of insurance, except that if the transaction price is $12,000, or less, per family unit, and the property is approved for insurance prior to the beginning of construction, the mortgage may have a maturity not in excess of 25 years from the date of insurance.

(c) The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States, and the Commissioner may waive or modify the requirements of this section, in whole or in part, and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

(d) The provisions of §§ 221.30 and this section shall not be applicable under the following circumstances:

(1) Where the mortgagor certifies in a form satisfactory to the Commissioner that the entire proceeds of the mortgage are to be used for the replacement, reconstruction or repair of a residential structure destroyed or substantially damaged by flood, fire or other similar casualty;

(2) Where the mortgagor certifies in a form satisfactory to the Commissioner that on or after July 19, 1950, he was the owner of a residence and that his title thereto has been transferred to the United States, or to one of the States or subdivisions thereof, through condemnation proceedings or by voluntary conveyance in lieu of condemnation, and that the proceeds of the mortgage are to be used solely to finance the purchase or construction of a similar residence to be used in substitution therefor; or

(3) Where an application is made to the Commissioner in the nature of a request to reopen or reissue an expired

commitment: *Provided*, That the Commissioner finds that such commitment was not subject to the provisions of § 221.30 or this section when issued, and that such commitment expired on or after July 19, 1950, and that the application of the provisions of § 221.30 or this section to the reopened or reissued commitment would cause severe hardship to the mortgagor or mortgagee. If the Commissioner finds that such expired commitment when issued was subject to the provisions of § 221.30, but not to this section, the provisions of this section shall not apply, but the reopened or reissued commitment shall be subject to the same credit control provisions which were applicable to the expired commitment when issued.

§ 221.32 *Owner-occupancy in military service cases.* Any mortgage otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgagor be the occupant of the property at the time of insurance, where the Commissioner is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry into military service subsequent to the filing of an application for insurance and the mortgagor expresses an intent (in such form as may be prescribed by the Commissioner), to occupy the property upon his discharge from military service.

ELIGIBLE MORTGAGORS

§ 221.33 *Mortgage must be only lien upon property.* A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

§ 221.34 *Relationship of income to mortgage payments.* A mortgagor must establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 221.35 *Credit standing of mortgagor.* A mortgagor must have a general credit standing satisfactory to the Commissioner.

§ 221.36 *Residence of mortgagor.* A mortgagor is not restricted as to place of residence and need not be the occupant of the property covered by the mortgage, except where the principal obligation of the mortgage exceeds 80 percent of the appraised value and owner-occupancy is a condition of eligibility.

§ 221.37 *Certificate of mortgagor regarding racial restrictions.* A mortgagor must certify that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not file for record any restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed or execute any agreement, lease, or conveyance affecting the mortgaged property which imposes any such restrictions upon its sale or occupancy.

ELIGIBLE PROPERTIES

§ 221.38 *Nature of title to realty.* A mortgage to be eligible for insurance must be on real estate held in fee simple, or on leasehold under a lease for not less than 99 years which is renewable, or under a lease with a period of not less than 50 years to run from the date the mortgage is executed.

§ 221.39 *Dwelling unit located on property.* At the time a mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than four families. Such unit may be connected with other dwellings by a party wall or otherwise.

§ 221.40 *Standards for buildings.* The buildings on the mortgaged property must conform with the standards prescribed by the Commissioner.

§ 221.41 *Location of property.* The mortgaged property, if otherwise acceptable to the Commissioner, may be located in any community where the housing standards meet the requirements of the Commissioner.

§ 221.42 *Racial restrictions on property.* A mortgagee must establish that no restriction upon the sale or occupancy of the mortgaged property, on the basis of race, color, or creed, has been filed of record at any time subsequent to February 15, 1950, and prior to the recording of the mortgage offered for insurance.

FARM MORTGAGES

§ 221.43 *Eligibility of mortgages on farm properties.* (a) A mortgage which meets all the requirements of this part, except as modified by this section, and covering farm property, shall be eligible for insurance under this part subject to compliance with the additional requirements of this section.

(b) The mortgagor must establish that prior to the date the mortgage is endorsed for insurance and subsequent to the date of the application, a farm house or other farm building located on the mortgaged property has been constructed or repaired involving an expenditure of money for materials and labor in an amount not less than 15 percent of the total principal amount of the mortgage. The value of services performed or materials furnished by the mortgagor shall not be construed as money expended within the meaning of this paragraph, but this shall not be construed to prevent a contractor from employing such mortgagor at customary wages, or from purchasing material from him at reasonable prices, or to require any deduction from the contract price by reason thereof in determining the amount of the expenditure.

(c) A mortgage covering farm property may, notwithstanding any of the provisions of this part, provide for annual or semi-annual payments, and all references to "monthly payments" or "monthly installments" as contained in the provisions of this part shall, in the case of mortgages providing for annual or semi-annual payments, be construed to mean the periodic payments as set forth in the mortgage. A mortgage providing for annual or semi-annual payments may provide for such periodic payments by the mortgagor to the mortgagee of an amount necessary to completely amortize or discharge the annual insurance premium payable by the mortgagee to the Commissioner on or before the date the same becomes due.

§ 221.44 *Definition of term "farm".* The term "farm" as used in § 221.43 means real estate which in the judgment of the Commissioner:

(a) Is capable of producing an annual gross income of $350 in kind, cash, or rent from agricultural uses;

(b) Derives 25 percent or more of its rental value from agricultural uses; or

(c) Derives 25 percent or more of its capital value from its agricultural capacity.

EFFECTIVE DATE

§ 221.45 *Effective date.* The administrative rules in this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after January 30, 1952.

Issued at Washington, D. C., January 30, 1952.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 52-1366; Filed, Feb. 4, 1952; 8:46 a. m.]

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

In lieu of the existing Parts 222 and 252, the new Part 222 shall read as follows:

Sec.

222.1 Citation.

DEFINITIONS

222.2 Definition of terms used in this part.

PREMIUMS

222.3 Annual mortgage insurance premiums.
222.4 Prepayment premiums.
222.5 Pro rata refund in event of prepayment.

INSURANCE ENDORSEMENT

222.6 Form of endorsement.
222.7 Contract of insurance.

CLASSIFICATION OF MORTGAGES

222.8 Risk characteristics.
222.9 Credits to group account.
222.10 Charges against group account.

RIGHTS AND DUTIES OF AN APPROVED MORTGAGEE UNDER THE CONTRACT OF INSURANCE

222.11 Termination of group account.
222.12 Rights of parties on termination of insurance.
222.13 Time of default.
222.14 Transfer of property to the Commissioner; conditions of default in mortgage.
222.15 Condition of property when transferred; delivery of debentures and certificate of claim.
222.16 Satisfactory title evidence.

ASSIGNMENTS

AUTHORITY: §§222.1 to 222.20 issued under sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b.

§ 222.1 *Citation.* The regulations in this part may be cited as 24 CFR Part 222, and referred to as "Regulations of the Federal Housing Commissioner for Mutual Mortgage Insurance".

DEFINITIONS

§ 222.2 *Definition of terms used in this part.* (a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act.

(c) The term "mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the Commissioner.

(e) The term "mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators, and assigns.

(f) The term "mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) The term "contract of insurance" means the endorsement of the Commissioner upon the credit instrument given in connection with an insured mortgage, incorporating by reference the regulations in this part.

PREMIUMS

§ 222.3 *Annual mortgage insurance premiums.* (a) The mortgagee shall pay to the Commissioner an annual mortgage insurance premium equal to one-half percent of the average outstanding principal obligation for the twelve-month period following the date on which such premium becomes payable, and calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

(b) The first such premium is to be paid on the date on which such insurance becomes effective by endorsement and shall be calculated on the average outstanding principal balance for the year beginning with a day 30 days prior to the date of the first monthly payment. Until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner as hereinafter set forth, or until the contract of insurance is otherwise terminated as hereinafter provided, the next and each succeeding premium shall be paid annually thereafter on the anniversary of such day, and the amount of the second premium payment will be adjusted accordingly. Such premiums shall be paid either in cash or debentures issued under Title II of the National Housing Act at par plus accrued interest.

(c) The provisions of this section with reference to the amount of principal on which the premium charge is calculated shall also apply to mortgages insured prior to the date of this part but only in respect to premiums payable after February 3, 1938.

§ 222.4 *Prepayment premiums.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage, except that if at the time of such prepayment there is placed on the mortgaged property a new insured mortgage in an amount less than the original amount of the prepaid mortgage, such adjusted premium shall be 1 percent of the difference in such amounts.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage for an amount equal to or greater than the original principal amount of the prepaid mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for (i) damage to the mortgaged property; or (ii) a release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner;

(5) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments which in any one calendar year exceed 15 percent of the original face amount of the mortgage, if made by the mortgagor during the period of the national emergency declared by the President to exist on May 27, 1941; or where the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity by the mortgagor during the period of such national emergency, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that the mortgage has been paid in full without refinancing or otherwise creating any obligation or debt for which the mortgagor or property owned by the mortgagor is liable; or

(6) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

§ 222.5 *Pro rata refund in event of prepayment.* Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the premium year subsequent to such prepayment.

INSURANCE ENDORSEMENT

§ 222.6 *Form of endorsement.* Upon compliance, satisfactory to the Commissioner, with the terms of his commitment to insure, the Commissioner will endorse the original credit instrument in form as follows:

No. _____
Insured
_____
under section _____
of the National Housing Act
and Regulations of the
Federal Housing Commissioner
thereunder
Dated _____
as amended
FEDERAL HOUSING COMMISSIONER
By _____
Authorized Agent.
Date _____

§ 222.7 *Contract of insurance.* The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this part and of the National Housing Act.

CLASSIFICATION OF MORTGAGES

§ 222.8 *Risk characteristics.* Insured mortgages shall be so classified in groups that the mortgages in any group shall involve substantially similar risk characteristics.

§ 222.9 *Credits to group account.* Premium charges received for the insurance of any mortgage, appraisal and other fees, the receipts derived from the property covered by the mortgage and claims assigned to the Commissioner in connection therewith, and all earnings on the assets of the group account shall be credited to the account of the group to which the mortgage is assigned.

§ 222.10 *Charges against group account.* The principal of, and interest paid or to be paid on, debentures issued in exchange for any property, payments made or to be made to the mortgagee and mortgagor, and expenses incurred in the handling of the property covered by the mortgage and in collection of claims assigned to the Commissioner in connec-

tion therewith, shall be charged to the account of the group to which such mortgage is assigned.

RIGHTS AND DUTIES OF AN APPROVED MORTGAGEE UNDER THE CONTRACT OF INSURANCE

§ 222.11 *Termination of group account.* (a) The Commissioner shall terminate the insurance as to any group of mortgages:

(1) When he shall determine that the amounts to be distributed as hereinafter set forth to each mortgagee under an outstanding mortgage assigned to such group are sufficient to pay off the unpaid principal of each such mortgage; or

(2) When all the outstanding mortgages in any group have been paid.

(b) Upon such termination, the Commissioner shall charge the group account with the estimated losses arising from transactions relating to that group, shall transfer to the General Reinsurance Account an amount equal to 10 percent of the total premium charges theretofore credited to such group account, and shall distribute to the mortgagees, for the benefit and account of the mortgagors of the mortgages assigned to such group, the balance remaining in such group in such proportions as may be equitable as among such mortgages and in accordance with sound actuarial and accounting practice.

(c) The mortgagee shall accept such payment and apply it on account of the obligation, if any, of the mortgagor under the insured mortgage and distribute the balance, if any, to the mortgagor. If such payment is sufficient to satisfy the obligation of the mortgagor in full, the mortgagee shall thereupon deliver to the mortgagor any instrument or instruments necessary or proper to discharge such mortgage.

(d) No mortgagor or mortgagee shall have any vested right in a credit balance in any such account or be subject to any liability arising out of the mutuality of the Mutual Mortgage Insurance Fund, and the determination of the Commissioner as to the amount to be paid by him to any mortgagee or mortgagor shall be final and conclusive.

§ 222.12 *Rights of parties on termination of insurance.* In the event the mortgagee forecloses on the mortgaged property, but does not convey it to the Commissioner in accordance with § 222.15, and the Commissioner is given written notice thereof, or in the event the mortgagor pays the obligation under the mortgage in full, prior to the maturity thereof, and the mortgagee pays any adjusted premium required under § 222.4 (b) and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subsequent premium charge for insurance shall cease and all rights of the mortgagee and mortgagor, under § 222.15, shall terminate as of the date of such notice. Upon such termination, the mortgagor shall be entitled to receive a share of the credit balance of the group account to which the mortgage has been assigned in such amount as the Commissioner shall determine to be equitable and not inconsistent with the solvency of the group account and of the fund.

§ 222.13 *Time of default.* If the mortgagor fails to make any payment, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default, and the mortgagee shall, within 60 days thereafter, give notice in writing to the Commissioner of such default, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 222.14 *Transfer of property to the Commissioner; conditions of default in mortgage.* (a) At any time within one year from the date of default the mortgagee, at its election, shall either:

(1) With, and subject to, the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Commence foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the mortgagee shall commence such foreclosure within 60 days after the expiration of the time during which such foreclosure is prohibited by such laws.

(b) The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

(c) For the purposes of this section, the date of default shall be considered as 30 days after:

(1) The first uncorrected failure to perform a covenant or obligation; or

(2) The first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

(d) If after default and prior to the completion of foreclosure proceedings, the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice shall be given to the Commissioner, and the insurance shall continue as if such default had not occurred.

(e) Nothing contained in this section shall be construed so as to prevent the mortgagee, with the written consent of the Commissioner, from taking action at a later date than herein specified.

(f) If at any time during default the mortgagor is a "person in military service", as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the period during which he is in such service shall be excluded in computing the one-year period within which the mortgagee shall commence foreclosure or acquire the property by other means as provided in this section and no postponement or delay in the prosecution of foreclosure proceedings during the period the mortgagor is in such military service shall be construed as failure on the part of the mortgagee to exercise reasonable diligence in prosecuting such proceedings to completion as required by this section.

(g) If the mortgagor is a person in military service as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the mortgagee may, by written agreement with the mortgagor, postpone for the period of military service, and three months thereafter, that part of the monthly payment, or any part thereof which represents amortization of principal, provided such agreement contains a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the mortgage debt within its original maturity. Such agreement, however, will in no way affect the amount of the annual mortgage insurance premium which will continue to be calculated in accordance with the original amortization provisions.

§ 222.15 *Condition of property when transferred; delivery of debentures and certificate of claim.* (a) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of § 222.14, and at any time within 30 days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with § 222.14 (a), tenders to the Commissioner possession of, and a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through or under it, conveying good merchantable title (evidenced as provided in § 222.16) to such property undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the forecloseure proceedings or other means by which it acquired such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyances of such property and such assignment and shall deliver to the mortgagee:

(1) Debentures of the Mutual Mortgage Insurance Fund as set forth in section 204 of the act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of 2¾ percent per annum if issued in exchange for property accepted for insurance pursuant to an application for insurance received by the Commissioner prior to May 15, 1950, and 2½ percent per annum if issued in exchange for property accepted for insurance pursuant to an application for insurance received by the Commissioner on or after May 15, 1950, payable semiannually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in section 204 (a) of the National Housing Act. Such value shall be determined by adding to original principal of the mortgage, which was unpaid on the date of the institution of

foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments, which have been made by the mortgagee for taxes, ground rent and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the property mortgaged and any mortgage insurance premium paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however,* That with respect to mortgages which are accepted for insurance under section 203 (b) (2) (B) of the National Housing Act, on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 80 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, there will be included in the debentures issued by the Commissioner, on account of foreclosure costs, actually paid by the mortgagee and approved by the Commissioner an amount not in excess of 2 percent of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings, but in no event in excess of $75, except that with respect to mortgages which are accepted for insurance under section 203 (b) (2) (D) of the National Housing Act, there will be included in debentures on account of such foreclosure costs an amount not in excess of two-thirds of such costs or $75, whichever is the greater: *Provided further,* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply and which are insured under section 203 of the National Housing Act, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Commissioner with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

(2) A certificate of claim in accordance with section 204 (e) of the National Housing Act, which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such property in accordance with section 204 (f) of the National Housing Act. This certificate shall be for an amount which the Commissioner shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorney's fees, unpaid interest, and cost of repairs to the property made by the mortgagee after default to remedy the waste mentioned in this section. Each such certificate of claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of 3 percent per annum.

(b) The term "waste" as used in this section means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

(c) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance.

§ 222.16 *Satisfactory title evidence.* (a) Evidence of title of the following types will be satisfactory to the Commissioner:

(1) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such;

(2) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles;

(3) A Torrens or similar title certificate; or

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

(b) Such evidence of title shall be furnished without cost to the Commissioner and shall be executed as of a date to include the recordation of the deed to the Commissioner, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, including any past due and unpaid ground rents, general taxes, or special assessments.

(c) If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Commissioner and will be considered by him as good and merchantable.

(d) The Commissioner will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes, or provided they have been brought to the attention of the insuring office for consideration in fixing the valuation:

(1) Customary easements for public utilities, party walls, driveways, and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(3) Slight encroachments by adjoining improvements; or

(4) Outstanding oil, water, or mineral rights which, in the opinion of the Commissioner, do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

ASSIGNMENTS

§ 222.17 *Assignments in general* (a) When the insured mortgage is transferred to another approved mortgagee, such transferor and transferee shall both notify the Commissioner of such transfer within thirty days thereof, and the transferee shall thereupon succeed to all the rights and become bound by all the obligations of the transferor under the contract of insurance; and the transferor shall thereupon be released from its obligations under the contract of insurance.

(b) Whenever the insured mortgage is transferred to another approved mortgagee for the purposes of collateral only, no notice need be given to the Commissioner until such collateral is foreclosed, but the transferor shall remain subject to all the obligations of the contract of insurance.

§ 222.18 *Termination of contract of insurance by assignment.* The contract of insurance shall terminate upon the happening of either of the following events:

(a) The acquisition of the insured mortgage by, or the pledge thereof to, any person, firm, or corporation, public or private, other than an approved mortgagee, whether individually or in trust for another: *Provided,* That this paragraph shall not be applicable to a mortgage acquired or held by an approved mortgagee, which is a banking institution or trust company inspected and supervised by some governmental agency, or a trust held or administered by it in a fiduciary capacity, as long as such fiduciary relationship shall remain in effect.

(b) The disposal by an approved mortgagee of any partial interest in an insured mortgage or group of insured mortgages (whether to another approved mortgagee or otherwise) by means of a declaration of trust, or by a participation or trust certificate, or by any other device: *Provided, however,* That this paragraph shall not be applicable to:

(1) Any mortgage so long as it is held in a common trust fund maintained by a

bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor, or administrator; and in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds;

(2) Any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage or group of mortgages transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency;

(3) Any participation in a mortgage by one or more banks or trust companies pursuant to an agreement entered into prior to the insurance of such mortgage under which such institutions participate in the advance of construction funds in contemplation of reimbursement from the proceeds of the sale of the insured mortgage, and such participation may continue for such period of time after the insurance of the mortgage as may be required to execute the purposes of such agreement, provided, the mortgagee presenting the mortgage for insurance is entitled to all the rights and is bound by all the obligations of the contract of insurance; or

(4) Any participation in a mortgage by two banks or trust companies under an agreement which provides that one of the participants shall be the mortgagee of record under the contract of mortgage insurance and that the Federal Housing Commissioner shall be under no obligation to recognize or deal with the other participant with respect to the obligations of the mortgagee under the contract of insurance or the rights of the mortgagee to obtain the benefits of the contract of insurance.

AMENDMENTS

§ 222.19 *Amendments to regulations.* The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not affect the contract of insurance on any mortgage already insured, or any mortgage or prospective mortgage on which the Commissioner has made a commitment to insure.

EFFECTIVE DATE

§ 222.20 *Effective date.* The regulations in this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after January 30, 1952. Wherever a mortgagee so desires, the provisions of the regulations in this part shall become a part of any contract of insurance heretofore made.

Issued at Washington, D. C., January 30, 1952.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 52-1367; Filed, Feb. 4, 1952; 8:46 a. m.]

Subchapter E—Farm Mortgage Insurance

PART 251—FARM MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

PART 252—FARM MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

SUPERSEDURE OF REGULATIONS

CROSS REFERENCE: For consolidation of Part 251 with Part 221 and Consolidation of Part 252 with part 222, and the resultant elimination of Subchapter E, see F. R. Docs. 52-1366, and 52-1367, Parts 221 and 222 of this Chapter, *supra*.

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter E—Mechanical Equipment for Mines; Tests for Permissibility; Fees

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

PROCEDURE FOR TESTING DUST COLLECTORS FOR PERMISSIBILITY FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

The Bureau of Mines is prepared to inspect and test dust collectors at its Central Experiment Station, Pittsburgh, Pennsylvania, for the purpose of determining whether such equipment may be approved for use in coal mines in connection with rock drilling. Applications for approval are voluntary with manufacturers of such equipment. This regulation[1] relates to the requirements of performance of dust-collecting equipment which may be approved for use in coal mines and the conditions under which inspections and tests will be made and approvals will be granted.

Actual notice has been given to virtually all manufacturers of such equipment and their comments and suggestions considered in the preparation of these rules and regulations, and the existing need for effective means for controlling dust in coal mining operations is considered good cause for making them effective immediately. For these reasons, the notices and procedures prescribed by section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003) are impracticable, unnecessary, and contrary to the public interest; and the rules and regulations shall become effective as of the date of their approval by the Secretary of the Interior.

Sec.

AUTHORITY: §§ 33.1 to 33.9 issued under sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended; 30 U. S. C. 3, 5.

§ 33.1 *Type of equipment that may be approved.* (a) Safe operation of dust collectors underground involves consideration of three functional features, namely: (1) Prevention of the dissemination of objectionable or harmful concentrations of dust into the mine atmosphere, (2) protection from the hazard of exposed moving mechanical parts, and (3) protection from shock, explosion, and fire hazards by electrical equipment. Dust collectors for use in coal mines will be considered permissible only when proved by test and inspection to be adequate in these respects.

(b) Approvals will be granted for complete dust-collecting units only and not for individual parts used in the assembly of such units.

§ 33.2 *Definitions.* Certain terms used throughout this part are defined as follows:

(a) *Equipment.* Dust collectors to be used in connection with rock drilling in coal mines.

(b) *Unit.* The complete assembly of parts comprising one dust collector.

(c) *Combination unit.* A dust-collecting unit built integrally with a drilling device.

(d) *Normal operations.* The performance by each part of the equipment of those functions for which the part was designed.

(e) *Adequate.* Appropriate and sufficient as determined by the Bureau of Mines.

(f) *Test conditions; test period.* The prescribed condition under which a set of 10 test holes is to be drilled with a given type of drilling equipment, and in a given type of stratum, is designated as a test condition. The time interval within which these holes are drilled is designated as a test period.

(g) *Permissible.* As used in this part, the term "permissible" relates to equipment formally designated by the Bureau of Mines as suitable for use in the intended application.

(h) *Approval.* Official, formal, written notification by the Bureau of Mines stating that upon investigation the equipment has met satisfactorily the requirements of this part.

(i) *Extension of approval.* Official, written notification from the Bureau of Mines to the equipment manufacturer,

[1] The regulatory material appearing herein is keyed to the Code of Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

by which the latter is authorized to make changes in approved equipment after the proposed changes have been duly examined, accepted, and recorded by the Bureau.

§ 33.3 *Conditions under which approvals may be granted or tests made; preliminary steps preceding approval tests and inspections*—(a) *Consultation.* Manufacturers, engineers, or their representatives, upon appointment, may visit the Central Experiment Station of the Bureau of Mines at 4800 Forbes Street, Pittsburgh, Pennsylvania, to discuss the requirements of this part or to obtain criticisms of proposed design of equipment to be submitted for test. There is no charge for such consultation.

(b) *Requirements for electrical parts.* Electrical parts of dust-collector units or combination units shall meet the requirements of the Bureau of Mines in accordance with the provisions of Part 18 of this chapter, and the examination and testing of the electrical parts shall be entirely separate from the approval testing of dust-collecting equipment, as such.

(c) *Application.* Before the Bureau of Mines will undertake the active investigation of any equipment, the manufacturer must apply for the necessary examination of drawings, official inspections, and tests. The application shall contain (1) a request that the necessary inspections and tests leading to approval be made, and (2) a statement that the equipment is completely developed and of the design and materials which the applicant believes suitable for a finished marketable device. Two copies of the application, accompanied by one set of detailed drawings, shall be addressed to the Regional Director, Region VIII, Bureau of Mines, U. S. Department of the Interior, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, and shall be accompanied by a certified check or bank draft payable to the Treasurer of the United States to cover all required fees. No form of application blank is prescribed by the Bureau of Mines.

(d) *Fees charged for testing.*

(1) For preliminary review of drawings, specifications, and related data, for each new unit	$25.00
(2) For detailed inspection to determine adequacy of design and materials	50.00
(3) For drilling of each set of 10 test holes to determine adequacy of performance	50.00
(4) For final examination and recording of all necessary drawings and specifications for a complete unit preparatory to issuing approval	25.00

If the applicant is uncertain as to the amount of fee that should be sent with his application, the information will be given him upon inquiry addressed to the Regional Director, Region VIII, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(e) *Drawings and specifications required.* (1) The Bureau of Mines will not inspect and test equipment until a set of legible drawings, bill of material, and specifications sufficient in number and detail to identify the parts fully have been delivered to the Bureau. Drawings should be numbered and dated to facilitate identification and reference.

(2) The drawings and specifications to be submitted shall include the following:

(i) Drawings clearly showing the overall dimensions, character, size, and relative arrangement of all parts of the unit.

(ii) Dust storage capacity of the various stages of collection in the dust separator.

(iii) Net filter area in the dust separator, and description of specifications of filter material.

(iv) Total weight of unit.

(v) Any other drawings or illustrations necessary to identify or explain any feature that is to be considered in the approval of the equipment.

(3) The Bureau of Mines will not be responsible for any disclosure of ideas, principles, or patentable features apparent from visual inspection, because under the terms of the application for tests it is understood that the device is ready for release to public market. The Bureau of Mines will not make public any of the drawings and specifications submitted under this part.

(f) *Material required for investigation.* The manufacturer shall furnish a complete unit for the purpose of inspection and test. Sufficient spare parts, such as gaskets or other components subject to wear in normal operation, should be furnished to permit continuous operation during test periods. Any special tools necessary to disassemble any parts for inspection or test shall be furnished with the equipment submitted.

(g) *Factory inspection form.* Each unit shall be carefully inspected by the manufacturer before it leaves the factory, and the results of the inspection shall be recorded on a Factory Inspection Form. The manufacturer will be required to furnish the Bureau of Mines a copy of that form. The form shall draw special attention to the points that must be checked in making certain that all parts of the unit are in proper condition, complete in all respects, and in agreement with the drawings and specifications filed with the Bureau.

(h) *Operating and servicing instructions.* The manufacturer shall furnish to the Bureau of Mines, before the start of tests, complete instructions covering operation and servicing of the unit. These instructions shall be reviewed by the Bureau, and a copy in the final form, which is to be furnished to the purchaser of the equipment, shall be submitted to the Bureau for examination when the reproduction of the approval plate is submitted.

(i) *Shipment of material.* All shipments must be prepaid. Before making any shipments, the manufacturer shall obtain shipping instructions from the Bureau. The manufacturer also shall be responsible for crating and removal of the equipment promptly upon completion of the investigation.

(j) *Notification of date of tests.* The Bureau of Mines will notify the manufacturer of the date upon which tests of his equipment will be started.

(k) *Assistance required during investigation.* When requested to do so, the manufacturer shall provide one or two men to assist in disassembling parts for inspection and in preparing them for tests. These persons may serve as witnesses of the tests.

(l) *Witnesses.* No one is to be present during the tests of any equipment except the necessary Bureau of Mines engineers, their assistants, not more than two of the manufacturer's representatives, not more than two authorized representatives of the mine workers, and not more than two authorized representatives of the mine operators.

§ 33.4 *General requirements*—(a) *Quality of material, workmanship, and design.* The Bureau of Mines may refuse to test any equipment any part of which, in the opinion of qualified representatives of that Bureau, is not constructed of suitable materials, or indicates faulty workmanship, or is not designed upon sound engineering principles, whether or not the points in question are covered specifically by the requirements of this part.

(b) *Type of equipment considered for approval.* (1) The unit shall be designed specifically to prevent the dissemination of airborne dust generated by drilling into various coal mine rock strata in quantities in excess of the concentration hereinafter designated as allowable, and to confine or control the collected dust in such manner that it may be removed or disposed of without being disseminated into the mine atmosphere in quantities that would create unhygienic conditions.

(2) The unit shall be designed for application to percussion and/or rotary drilling in any one or any combination of the following positions: (i) Vertically upward, (ii) at angles to the vertical, (iii) horizontally, and (iv) downward. The manufacturer should state the intended application of his equipment when applying for approval.

(c) *Manner of actuation.* The unit may be actuated pneumatically, electrically, or by other means that comply with the provisions of this part.

(d) *Positioning of parts.* All parts of the unit essential to the dust-collection operation shall be provided with adequate and positive mechanical means for positioning and maintaining such parts properly in relation to the stratum being drilled.

(e) *Allowable escape of dust.* Under each test condition prescribed in this part, the net concentration of air-borne dust resulting from the escape of dust from the unit into the atmosphere of the test space shall not exceed 10 million particles (10 microns or less in size) per cubic foot of air, determined as stated in § 33.6 (e).

§ 33.5 *Inspection.* A detailed inspection shall be made by engineers of the Bureau of all parts of the unit covered by the requirements of this part or any parts or features that are associated with performance of the unit in the intended application or with safety of operation. This inspection will include a detailed examination to determine the adequacy of materials, workmanship,

and design; and a detailed comparison of parts or assemblies with drawings to check materials, dimensions, and positions. Notes will be made of significant discrepancies that may exist between the drawings and the parts or assemblies. Satisfactory adjustment and correction of such discrepancies will be required before approval is granted.

§ 33.6 *Methods of testing*—(a) *Site of tests.* Tests of the unit shall be conducted at the Bureau of Mines Experimental Mine, Bruceton, Pennsylvania, or at other locations designated by the Bureau of Mines.

(b) *Modification of equipment.* For test purposes the unit may be modified, as by the attachment of instruments or measuring devices, at the discretion of the Bureau of Mines, *Provided, however,* That such modification shall not alter the performance of the unit in the intended application.

(c) *Methods of drilling*—(1) *Dust collecting units.* Drilling shall be done with conventional, commercial drilling equipment of the pneumatic percussion and/or electric rotary types, as follows:

(i) *Percussion drilling.* A stoper-type drill having a piston diameter of between 2½ and 3 inches shall be used for roof drilling. A hand-held sinker-type drill having a piston diameter of between 2½ and 3 inches shall be used for down drilling. The sinker-type drill, supported mechanically, shall be used for horizontal drilling. Compressed air shall be supplied to the drill at 85 to 95 pounds per square inch gage pressure.

Bits shall be of the detachable, cross type with hard inserts, and shall be sharp at the start of drilling of each set of 10 holes, as hereinafter specified. In roof drilling, 1¼-inch diameter bits shall be used; in horizontal and down drilling, 1¾-inch diameter bits shall be used. Hollow ⅞-inch hexagonal drill steel shall be used, and compressed air may be admitted through the drill steel if necessary to clear the hole.

(ii) *Rotary drilling.* A post-mounted electric rotary drill with a rated drilling speed of 30 inches per minute and powered by a 2.25 horsepower motor shall be used for roof and horizontal drilling. Smooth ½-inch round drill steel shall be used for roof drilling; auger-type steel shall be used for horizontal drilling. Hard-tipped fork-type bits, 1⅜ inches in outside dimension, shall be used for roof drilling, and hard-tipped fork-type bits, 2 inches in outside dimension, shall be used for horizontal drilling. Bits shall be sharp at the start of drilling of each set of 10 holes, as hereinafter specified.

(2) *Combination dust-collecting and drilling units.* Combination units shall be operated in accordance with the manufacturer's instructions. If special drill steel or bits are required, they shall be used and shall be furnished by the manufacturer. If special drill steel or bits are not required, the provisions of subparagraph (1) (i) and (ii) of this paragraph shall apply as regards drill steel and bits.

(d) *Test space.* Tests shall be conducted in a section of coal mine entry or other appropriate space designated by the Bureau of Mines. No mechanical ventilation shall be provided in the test space during actual test periods except such air movement as may be induced by the operation of drilling or dust-collecting equipment. All parts of equipment under test shall be within the test space during test periods.

(e) *Determination of dust concentrations.* (1) Concentrations of air-borne dust in the test space shall be determined by sampling with the midget impinger apparatus, and a light-field microscopic technique shall be employed in evaluating concentrations of dust in terms of millions of particles (10 microns or less in size) per cubic foot of air sampled.

(2) The test space shall be essentially cleared of air-borne dust by ventilation or other means before the start of drilling of each set of 10 holes. Two curtains then shall be placed across the test space in such manner that the volume of this space shall be approximately 2000 cubic feet. After placing these curtains, and before drilling starts, a 5-minute sample of air-borne dust, designated as a control sample, shall be collected approximately at the mid-point of the test space.

(3) A sample of air-borne dust, designated as a test sample, shall be collected in the breathing zone of the drill operator during the drilling of each hole. Sampling shall begin when drilling starts and shall continue until drilling stops. Time consumed in changing drill steel shall not be considered as drilling time, and sampling shall cease during these intervals.

(4) The concentration of dust determined by the control sample collected before each test period shall be subtracted from the average concentration of dust determined by the test samples collected during each test period, and the difference shall be designated as the net concentration of dust resulting from the escape of dust from the collecting unit. Calculation of the average concentration of dust determined by the test samples shall be based upon the results of at least 80 percent of the samples collected during each test period.

(f) *Conduct of tests.* The unit shall be operated in accordance with the manufacturer's instructions. Receptacles and filters for collecting drill cuttings and dust shall be emptied and cleaned before the start of drilling of each set of 10 holes, and the surfaces of the test space shall be wetted before the drilling of each set of 10 holes. Holes shall be spaced to prevent interference, and may be plugged, if conditions warrant, to prevent dissemination of dust during subsequent drilling. All holes shall be drilled to a depth of 4 feet (±3 inches). Holes designated as "vertical" shall be drilled within 10 degrees of vertical, and "angle" holes shall be drilled at between 30 degrees and 45 degrees from vertical. "Horizontal" holes shall be drilled within 15 degrees of horizontal.

(1) *Roof drilling.* Units designed for use with both percussion and rotary drills shall be tested with both types of drills; otherwise tests shall be confined to the type of drill for which the unit is designed.

Percussion drilling shall be done in friable strata that tend to produce large scale-like cuttings, as exemplified by the roof of the Bureau of Mines Experimental Mine, Bruceton, Pennsylvania, and also in strata of hardness comparable to that of sandstone, and tending to produce fine drill cuttings.

Rotary drilling shall be done only in friable strata, as defined in this paragraph.

(i) With units under consideration for approval for use in connection with drilling vertical roof holes only, holes shall be drilled as follows:

10 holes with pneumatic percussion drill in friable strata.
10 holes with pneumatic percussion drill in hard strata.
10 holes with electric rotary drill in friable strata.

(ii) With units under consideration for approval for use in connection with drilling roof holes at an angle, the procedure described in subdivision (i) of this subparagraph shall be followed, except that holes shall be drilled at an angle.

(iii) With units under consideration for use in connection with drilling through holes in steel shapes, channels 4 inches across the web shall be used (unless other shapes or sizes are designated in the application for approval) and holes shall be drilled as follows:

5 holes vertically, and 5 holes at an angle, with pneumatic percussion drill in friable strata.
5 holes vertically, and 5 holes at an angle, with pneumatic percussion drill in hard strata.
5 holes vertically, and 5 holes at an angle, with electric rotary drill in friable strata.

(iv) If necessary to determine the adequacy of equipment, the test conditions stated in subdivisions (i), (ii), or (iii) of this subparagraph may be modified to conform to the intended application of the equipment, provided that the number of test holes drilled under such modified test conditions is not less than prescribed by subdivisions (i), (ii), or (iii) of this subparagraph.

(2) *Horizontal drilling.* Units designed for use with both percussion and rotary drills shall be tested with both types of drill; otherwise tests shall be confined to the type of drill for which the unit is designed. Holes shall be drilled in strata comparable in hardness to that of the draw slate encountered in coal mining. Holes shall be drilled near the roof of the test space, and under conditions simulating the drilling of draw slate in coal mining, as follows:

10 holes with pneumatic percussion drill.
10 holes with electric rotary drill.

(3) *Down drilling.* With units under consideration for approval for use in connection with down drilling, holes shall be drilled in typical mine floor strata, and with pneumatic percussion-type drilling equipment. Holes shall be drilled as follows:

5 holes vertically, and 5 holes at an angle.

(g) *Additional tests.* The Bureau of Mines may make any additional tests,

not covered by the provisions of this part, that may be considered necessary to determine the adequacy of the dust-collecting equipment or any part thereof.

§ 33.7 *Granting of approval*—(a) *Notification of approval or disapproval.* (1) After the Bureau of Mines has considered the results of the investigation, and suitable drawings and specifications have been placed on file, a formal written notification of approval or disapproval of the unit will be supplied to the applicant by the Bureau of Mines. If the unit meets all requirements, the notification of approval will not be accompanied by test data or detailed results of tests. If the unit fails to meet any of the requirements, notification of such failure will be accompanied by details of the failure with a view to possible remedy of defects. The Bureau of Mines will not otherwise release, or make public, results of tests of any unit that fails to meet the requirements.

(2) No verbal reports of the Bureau's decision concerning the investigation will be given, and no verbal, temporary, or informal approvals shall be granted. The manufacturer shall not advertise his unit as approved until he has received the formal notification of approval in which an approval number is assigned.

(3) A drawing list numbered to correspond to the approval number will accompany the notification of approval. This list will include the drawings and specifications covering the details of construction upon which the approval is based. The applicant receiving an approval shall keep exact duplicates of the drawings and specifications retained by the Bureau. These are to be adhered to in commercial production of the approved unit.

(b) *Approval plate.* (1) With the notification of approval the applicant will receive a photograph of a design of approval plate. The plate will bear the seal of the Bureau of Mines, the approval number, designation of the type of unit for which the approval is granted, and the name of the manufacturer.

(2) The manufacturer shall have this design reproduced as a plate for attachment to each approved unit. A sample plate and sketch or description of its proposed mounting on the unit, accompanied by a copy of the operating and servicing instructions as required in § 33.3 (h), shall be sent to the Regional Director, Region VIII, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, for approval before its final adoption.

(c) *Purpose and significance of approval plate.* The approval plate identifies the unit as having met the requirements of the Bureau of Mines for use in coal mines. The use of the approval plate of his unit obliges the manufacturer to maintain the quality of his product and to see that each unit is constructed according to drawings and specifications accepted by, and on file with, the Bureau of Mines. Each unit sold as approved shall carry an approval plate permanently attached to the unit. Units exhibiting changes in design that do not have official authorization from the Bureau are not approved and therefore must not bear the approval plate.

§ 33.8 *Withdrawal of approval.* The Director, Bureau of Mines, reserves the right to rescind for cause, at any time, any approval granted under this part.

§ 33.9 *Changes in design subsequent to approval; extension of approval.* All approvals are granted with the understanding that the manufacturer will make his unit according to final drawings and specifications submitted to the Bureau of Mines. Therefore, before changing any feature of the unit considered in the original approval, the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall send a letter, in duplicate, with revised drawings and specifications showing the change in detail, to the Regional Director, Region VIII, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes proposed.

(b) The Bureau will consider the application and inspect the drawings and specifications to determine whether tests of the modified part or parts will be necessary.

(c) If tests are necessary, the applicant will be informed by the Bureau of the amount of the fee and the material or parts necessary for the tests, and also will be informed, on the basis of results of such tests, of the approval or disapproval of the proposed modification.

(d) If tests are unnecessary, the applicant will be informed by the Bureau of the approval or disapproval of the proposed modification.

(e) If the proposed modification complies with the requirements of this part, under the provisions of either paragraph (c) or (d) of this section, formal written authorization, known as an extension of approval, allowing the modification, will be issued to the applicant by the Bureau of Mines. The letter notifying the applicant of extension of approval will be accompanied by a list of new and corrected drawings to be added to the list of official drawings relating to the unit.

THOS. H. MILLER,
Acting Director.

Approved: January 23, 1952.

R. D. SEARLES,
Acting Secretary of the Interior.

[F. R. Doc. 52-1364; Filed, Feb. 4, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 40, Correction]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

MISCELLANEOUS AMENDMENTS

Due to clerical error, CPR 22, Amendment 40, issued January 14, 1952, contains a misprint in section 2 thereof, specifically, the omission of the words "The first sentence of" preceding the phrase "Section 32 (a) is amended to read as follows": and the inclusion of "(a)" preceding the amendatory sentence. As a result of this misprint, the second sentence of section 32 (a) is apparently eliminated from that section, whereas it was intended to leave the second sentence as is. This misprint is corrected as follows:

2. The first sentence of section 32 (a) is amended to read as follows: This section deals with a commodity which you did not sell or offer for sale between July 1, 1949, and June 24, 1950, and which you cannot price under section 30 of this regulation, but which falls within a "category" in which you dealt during your base period.

Thus, section 32 (a) as amended by Amendment 40 will now read, in its entirety:

(a) *Description of the pricing method.* This section deals with a commodity which you did not sell or offer for sale between July 1, 1949, and June 24, 1950, and which you cannot price under section 30 of this regulation, but which falls within a "category" in which you dealt during your base period. You determine your ceiling price by applying to the current unit direct cost of that commodity the percentage markup over the current unit direct cost of a "comparison commodity" (using your ceiling price for the comparison commodity under this regulation), in accordance with the following instructions.

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 4, 1952.

[F. R. Doc. 52-1517; Filed, Feb. 4, 1952; 11:31 a. m.]

[Ceiling Price Regulation 124]

CPR 124—CEILING PRICES FOR SALES OF SURGICAL CATGUT SUTURES

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), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 124 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes new ceiling prices for the sale of catgut surgical sutures (usually designated as "absorbable sutures") by manufacturers and resellers. This is the third of a series of ceiling price regulations affecting the surgical suture industry. The object of all these regulations was to assure an adequate supply of this essential medical material. This action was requested by the U. S. Public Health Service as claimant agency for civilian medical requirements. It is further justified by the following considerations.

On June 4, 1951, OPS issued SR 32 to the GCPR. This regulation made it possible for the slaughterers to sell to the suture industry additional lengths of the

industry's basic raw material, green sheep intestines, at the higher price customarily charged for those additional lengths. This increased the industry's supply of sheep intestines by 50 percent. In order to enable the processors of green sheep intestines—the gutstring manufacturers—to take advantage of the increased supply, OPS issued SR 16 to CPR 22 and SR 60 to the GCPR on September 17, 1951. These permit manufacturers of gutstring to reflect in their ceiling price the increased cost for the additional lengths of green sheep intestines which SR 32 to the GCPR made available to them. Reports filed by the gutstring manufacturers indicate that they are purchasing all of this additional supply. Consequently, ceiling prices for gutstring have increased to the full extent permitted by the gutstring regulations. The ceilings established by this regulation reflect an adjustment designed to permit suture manufacturers to recover their increased cost of gutstring.

The cost of gutstring is, of course, the principal element of cost in producing these sutures. Accordingly, the previously authorized increases in ceiling prices for gutstring have had a very significant effect on the production cost of sutures and the unit margins of profit. The Director has been informed by the major manufacturers that expanded production of essential surgical catgut sutures cannot be maintained at present ceiling prices.

Ordinarily, in this situation, OPS would make a financial survey of the industry's earnings as a whole, or as related to the absorbable suture segment of its business, to determine the exact amount of any price increase which would be required under the earnings or product standards. Such studies require a considerable expenditure of the Office's limited resources especially where, as here, special forms must be designed to ascertain individual product as well as over-all company data.

The suture industry is a relatively small one, with an annual dollar volume of sales of about twelve and a half million dollars. Moreover, these sutures are used exclusively by hospitals and surgeons, and for them these sutures represent a small part of their total operating cost. Thus, an increase in price of these sutures will likely be absorbed at this level and not passed on to the general public.

In these circumstances, the Director has concluded that the time and effort required to determine the precise measure of the allowable price increase is not warranted and, as an alternative, is permitting an approximate pass-through of the increased gutstring costs. Further, this regulation does not permit increases in ceiling prices due to increased costs of labor and materials other than gutstring (such as steel needles, which are sold with many sutures).

The level of prices for absorbable surgical sutures in effect just prior to issuance of this regulation was that established under the GCPR, and was characterized by nearly complete uniformity of prices among the firms responsible for about 90 percent of the total output. The GCPR prices of the remaining firms were below the prevailing level because these firms failed to make adjustments before the GCPR freeze for earlier increases in gutstring costs. Filings by the major suture manufacturers under CPR 22 resulted in no significant change in the GCPR level of ceiling prices.

The adjustment in the GCPR ceiling prices for the standard 54-inch suture, to reflect the higher cost of gutstrings, was found to be approximately 6 percent for suture gauges 6/0 to 2/0 and about 7½ percent for gauges 0 to 5. The weighted average effect of these two adjustments is 7 percent. The present regulation adjusts the previous bulk-line ceiling prices for each of the two gauge brackets in the 54-inch length by the appropriate percentage increase. The resulting ceiling prices expressed in dollars-and-cents per dozen, to distributors or other resellers, are made applicable to all suture manufacturers. Uniform dollars-and-cents price ceilings for 18-inch absorbable sutures, sold to resellers, are also specified in the regulation; they represent the application to the previous industry bulkline ceilings of one-third the adjustment for the 54-inch length. Ceiling prices for other lengths of sutures must be determined by each manufacturer in proportion to the adjustment he obtains on his 54-inch sutures.

Terms and conditions of sale (including quantity discounts) and price differentials for other classes of customers—i. e., hospitals and surgeons—are required to conform to the manufacturer's practice during the period, May 24 to June 24, 1950.

The price ceilings for the manufacturer's direct sales to hospitals and surgeons are also established as ceiling prices for sales by resellers to hospitals and surgeons. These ceiling prices for sales by resellers are in full conformity with the requirements of section 402 (k) of the Defense Production Act of 1950, amendment of 1951, for the following reasons: (1) by long-established industry practice resellers have sold to hospitals and surgeons at identical prices with those charged for sutures supplied directly by the manufacturer; (2) each manufacturer is required to preserve the same margin between his ceiling prices to resellers and his ceiling prices to hospitals and surgeons as existed between his selling prices during the "Herlong" base period.

Each suture manufacturer is required by the regulation to supply his resellers with a schedule of his ceiling prices to hospitals and surgeons, as determined by the manufacturer under the regulation.

Also, each manufacturer is required to report to OPS all ceiling prices which he has determined under this regulation, together with specified information needed by OPS to review the correctness of all ceiling prices which the manufacturer has determined. He may not sell until he has complied with the reporting requirements.

The regulation also provides a method for the determination of ceiling prices by manufactures who cannot determine their ceiling prices under any other section of the regulation. In this manner the regulation provides for the establishment of ceiling prices for sales of sutures in lengths, sizes, or quantity lots, not dealt in during the base period, for sales to a new class of purchasers, and for new sellers.

This regulation does not cover sales of surgical catgut sutures when sold as part of an emergency kit or package. Ceiling prices for sales of these emergency units continue to be governed by the GCPR or CPR 22. These units are excluded from the regulation because catgut sutures are only part of the package; and the whole is sold as a unit. It is contemplated that Supplementary Regulations to the GCPR and to CPR 22 will be issued to adjust the ceiling prices of these emergency units to reflect increased gutstring costs.

In formulating this regulation, the Director of Price Stabilization has consulted with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this 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.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and, in particular, to the standards set forth in sections 402 (d) (4) and 402 (k) of the act, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 17 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 regulation does.* This regulation establishes ceiling prices for the sale of surgical catgut sutures by manufacturers and resellers. This regulation does not cover sales of emergency kits or packages which contain one or more surgical catgut sutures and sutures other than catgut sutures. Except for these emergency kits, this regulation supersedes all other regulations including the General Ceiling Price Regulation and CPR 22 insofar as they cover sales of such sutures. However, you will continue to use CPR 61 in finding your ceiling prices on export sales; and CPR 31 for import sales. Surgical catgut sutures are referred to throughout this regulation as "sutures."

SEC. 2. *Where this regulation applies.* This regulation applies to sales in the United States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands.

SEC. 3. *Manufacturers ceiling prices on sales to resellers.* This section applies to you if you are a manufacturer of sutures. You find your ceiling prices to purchasers who buy for resale under the following paragraphs:

(a) Your ceiling prices for the following nominal lengths (see definition and explanation of nominal length in Section 4 of this regulation) and sizes of sutures, without needles are:

Nominal length (inches)	Size	Ceiling price per dozen
54	6/0 to 2/0	$3.98
54	0 to 5	4.40
18	6/0 to 2/0	1.95
18	0 to 5	2.14

(b) Your ceiling prices for sutures not covered by the table in paragraph (a) are calculated as follows:

(1) Find the base-period price of a 54-inch suture, without needle, in the same size bracket as the suture you are pricing. By "base period" is meant the period January 25 through February 24, 1951, inclusive. The base period price of a suture is either the highest price per dozen at which you delivered it or at which you offered it for base-period delivery, or the price, per dozen, in effect during the base period announced in a price list, catalogue or similar announcement. If you use a written announcement to find the base-period price for a suture, you must use the prices in that announcement for all sutures included within it.

(2) Find in the table in paragraph (a) the ceiling price, per dozen, of a 54-inch suture, without needle, in the same size bracket as the suture you are pricing.

(3) Subtract from the ceiling price found in (2) the base-period price found in (1).

(4) Divide the result of this subtraction by 54. Multiply the result of this division by the number of inches in the suture you are pricing. Use the number of inches in the nominal length. This gives you the amount of the adjustment to be made in the base-period price per dozen of the suture you are pricing.

(5) Add the adjustment found under (4) to the base-period price per dozen of the suture you are pricing. If you are pricing a suture without needle, add the adjustment to the base-period price per dozen of the suture, without needle. If you are pricing a suture with needle, add the adjustment to the base-period price per dozen of the suture, with needle. The result is your ceiling price per dozen for the suture you are pricing. You may round this ceiling price to the nearest cent, up or down, if you similarly round all other ceiling prices calculated under this paragraph.

Example 1. You wish to compute the ceiling price per dozen under this regulation of a 27 inch suture, size 3/0. Its base-period price is $2.70. Your base-period price per dozen for a 54 inch suture (of any size from 6/0 to 2/0) is $3.66, and its ceiling price per dozen under paragraph (a) of this section is $3.98. $3.98 minus $3.66 is $0.32. $0.32 divided by 54 equals $0.0059. $0.0059 multiplied by 27 (the nominal length of the suture you are pricing) gives you a total adjustment of $0.159. $0.159 when added to $2.70, the base-period price per dozen of the 27 inch, size 3/0 suture, results in a ceiling price per dozen of $2.859 for this suture. You may round this figure to $2.86.

Example 2. You wish to find the ceiling price per dozen of a 27-inch, size 3/0 suture, with needle attached. The base-period price per dozen for this suture was $4.00. The amount of the adjustment computed in Example 1 for a 27 inch suture in a bracket size between 6/0 and 2/0 is $0.159. Add $0.159 to $4.00. The result, $4.159, is your ceiling price per dozen of the 27 inch, size 4/0 suture with needle. This may be rounded to $4.16.

SEC. 4. *Nominal lengths.* (a) Under this regulation, ceiling prices for surgical catgut sutures are based on nominal lengths. The actual length of each of these sutures may vary from its nominal length as follows:

Nominal length	*Actual length*
96-inch	96–100 inches.
54-inch	54–60 inches.
36-inch	36–40 inches.
27-inch	27–30 inches.
18-inch	18–20 inches.
12-inch	12 inches (less than 1 percent variation).
9-inch	9 inches (less than 1 percent variation).

(b) When you compute the ceiling price of a particular suture, you must do so on the basis of its nominal length, not its actual length, even though you quote it for sale in terms of its actual length.

(c) If you customarily quote the length of a suture in metric units, or in feet, you must convert these figures to inches in calculating your ceiling price.

Example. You wish to find the ceiling price of a suture whose length you quote as 2½ meters. The actual length of the suture varies between 96 and 100 inches. In determining the ceiling price of this suture under section 3, you must use its nominal length, which is 96 inches. You must do this even though the suture may actually be 100 inches long, and even though 2½ meters is equal to 98.425 inches.

SEC. 5. *Manufacturers' ceiling prices on sales to hospitals, surgeons and other purchasers who do not buy for resale.* If you are a manufacturer, your ceiling price on a sale to hospitals, surgeons and other purchasers who do not buy for resale is found by applying to the ceiling price determined under section 3 the percentage differential in effect for that suture during the period May 24, 1950, to June 24, 1950, inclusive, between your price to purchasers who buy for resale and your price to the class of purchasers for which you are establishing ceiling prices under this section. You find your percentage differential by comparing one price with the other.

Example. During the period May 24, 1950, to June 24, 1950, the price shown on your price list for a 54-inch suture, without needle, in the size bracket 0 to 5 was $3.41 when sold to purchasers who buy for resale. The price shown to surgeons and hospitals was $6.40. $6.40 divided by $3.41 is 188 percent. Your ceiling price under section 3 on sales of this suture is $4.40. $4.40 times 188 percent is $8.27. This is your ceiling price on sales to surgeons and hospitals of a 54-inch suture, without needle, in the size bracket 0 to 5.

SEC. 6. *Manufacturers who cannot price under other sections.* (a) If you cannot establish a ceiling price under the previous sections of this regulation for a suture manufactured by you, you must apply to the Consumer Durable Goods Division, Office of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price in line with the level of ceiling prices otherwise established under this regulation.

This section is available to you, if, for example, you began the manufacture of sutures after the end of the base period, or you desire to establish ceiling prices for sales to a class of purchasers with whom you did not deal during the base period, or for sales of sutures of lengths or sizes, or in quantity lots not dealt in during the base period.

Your application should be sent by registered mail, return receipt requested, and should contain the following information:

(1) Your name and address.

(2) An identification of the suture, giving its length, size bracket and whether it is sold with or without needle attached, and, if sold with a needle attached, an identification of the needle.

(3) Your proposed ceiling price to each class of purchasers.

(4) If the suture is sold with needle attached, an indication of what part of the proposed price is represented by the suture without the needle.

(b) You may be requested to submit additional information in connection with your application. Such additional information must be submitted within 15 days after you receive such request. If you do not submit the information requested within this period, your application will be considered as withdrawn and you may not thereafter make any sales at the requested ceiling price until OPS has permitted you to reinstate your application.

(c) Immediately upon receipt of your application by OPS, as shown by your return receipt, you may sell at your proposed ceiling price. However, the Office of Price Stabilization may at any time notify you not to sell at this proposed ceiling price, may revise this proposed ceiling price or may request additional information.

(d) If you fail to apply for a ceiling price under this section when required to do so, the Office of Price Stabilization may establish a ceiling price for you in line with the level of ceiling prices otherwise established under this regulation. This will not relieve you of your obligation to comply with this section or with any other provision of this regulation, nor will it relieve you of any penalty for failure to do so.

SEC. 7. *Resellers' ceiling prices.* Your ceiling price on the sale of a suture not manufactured by you is the manufacturer's ceiling price established under this regulation on a sale of such suture to the same class of purchasers.

SEC. 8. *Terms and conditions of sales.* You shall not change any allowance, any customary cash, trade, or volume discount, any terms of delivery, or any other term or condition of sale in effect during the period May 24, 1950 to June 24, 1950, to any purchaser or class of purchasers, if the change has the effect of a higher price to that purchaser or class of purchasers.

SEC. 9. *Manufacturers' notification to resellers.* If you are a manufacturer of sutures, you must furnish each reseller with a written list of your ceiling prices established under this regulation for sales to hospitals, surgeons and other purchasers who do not buy for resale. You must furnish this list at the time you report your ceiling prices to the Office of Price Stabilization under section 10. A reseller, who buys sutures from you for the first time after your report has been filed under section 10 of this regulation, must be furnished with such list at the time of his first purchase from you.

SEC. 10. *Manufacturers' report of ceiling prices.* Within thirty days after the effective date of this regulation, you must send a report, by registered mail, to the Consumer Durable Goods Division, Office of Price Stabilization, Washington 25, D. C. Until you mail this report, you must continue to sell your sutures at or below the ceiling prices established under the ceiling price regulation which governed their sale immediately prior to the effective date of this regulation. Thereafter, you may sell at your prices determined under this regulation. This report should contain the following information:

(a) The name and address of your company.

(b) Your ceiling prices determined under this regulation to each class of purchaser. (This information may be given in any way which is convenient. It may be supplied by means of a price list. The information you give must be sufficient, however, to indicate what your ceiling price is on every suture manufactured by you for sale to each class of purchasers. Your list should include ceiling prices for sutures sold with needles attached, as well as prices for sutures without needles).

(c) The terms and conditions of sale, including quantity discounts, applicable on sales to each class of purchasers, which you had in effect during the period May 24, to June 24, 1950. (The terms and conditions of sale applicable to more than one suture need not be repeated for each suture. The information, however, should be sufficient to indicate the terms and conditions of sale which apply on the sale of each suture to each class of purchasers).

(d) You must attach to your report your price lists in effect during the period May 24, 1950, to June 24, 1950, showing your selling prices to each class of purchasers, and your price lists during the period January 25, 1951, to February 24, 1951, showing your selling prices to purchasers who buy for resale.

SEC. 11. *Records.* This section tells you what records you must preserve and what additional records you must prepare.

(a) *Manufacturers' records used in establishing ceiling prices.* If you are a manufacturer, you must preserve and keep available for examination by the Director of Price Stabilization, for as long as the Defense Production Act of 1950, as amended, is in effect, and for two years thereafter, those records in your possession showing your base-period prices for sutures covered by this regulation, and worksheets showing how you determined your ceiling prices for sutures covered by this regulation. You must also prepare and preserve a statement of your customary price differentials between purchasers who bought for resale and each other class of purchasers during the period May 24, 1950 to June 24, 1950, and of the terms and conditions of sale you had in effect during this period.

(b) *Current records.* Every person who sells and every person who in the regular course of trade or business buys sutures, shall make and keep for inspection by the Director of Price Stabilization for a period of two years accurate records of each sale or purchase of sutures made after the effective date of this regulation. The records must show the date of sale or purchase, the name and address of the seller and purchaser, and the prices charged or paid, itemized by nominal length, size bracket, and indicating whether with or without needle. Records must also show all premiums, discounts and allowances. A buyer's retention of an invoice prepared by a seller, if such invoice contains the information called for by this section, shall constitute compliance by the buyer with the requirements of this section.

SEC. 12. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 13. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

SEC. 14. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports, required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 15. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 16. *Export and import sales.* The ceiling prices for export sales of sutures otherwise subject to this regulation shall be determined under Ceiling Price Regulation 61, and ceiling prices for import sales shall be determined under Ceiling Price Regulation 31.

SEC. 17. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

Effective date. This regulation shall become effective February 4, 1952.

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

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

FEBRUARY 4, 1952.

[F. R. Doc. 52-1518; Filed, Feb. 4, 1952; 11:31 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 5, Collation 1]

GCPR, SR 5—RETAIL PRICES FOR NEW AND USED AUTOMOBILES

COLL. 1—INCLUDING AMENDMENTS 1–6

Supplementary Regulation 5 to the General Ceiling Price Regulation is republished to incorporate the texts of Amendments 1 through 6, inclusive. General Ceiling Price Regulation, Supplementary Regulation 5 was issued March 2, 1951 (16 F. R. 1769). Statements of Consideration for Supplementary Regulation 5 to the General Ceiling Price Regulation, and for Amendments 1 to 6, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

Sec.
1. Applicability.
2. Definitions.
3. Ceiling prices for new automobiles.
4. Ceiling prices for used automobiles.
5. Prohibitions.
6. Miscellaneous.
7. Evasion.
8. List prices established by Director of Price Stabilization.

AUTHORITY: Sections 1 to 8 issued under 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.

DERIVATION: Sections 1 to 8 contained in Supplementary Regulation 5 to the General Ceiling Price Regulation, March 2, 1951 (16 F. R. 1769), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES:
GCPR, SR 5, March 2, 1951, 16 F. R. 1769.
Amendment 1, March 7, 1951, 16 F. R. 2151.
Amendment 2, March 19, 1951, 16 F. R. 2548, 3010.
Amendment 3, May 22, 1951, 16 F. R. 4652.
Amendment 4, June 30, 1951, 16 F. R. 6028.
Amendment 5, August 27, 1951, 16 F. R. 8456.
Amendment 6, September 14, 1951, and shall remain in effect until October 15 1951, or such earlier date as may be specified by an amendment, regulation or order issued by the Office of Price Stabilization. 16 F. R. 9472.

SECTION 1. *Applicability.* (a) This supplementary regulation establishes the ceiling prices for retail sales of certain new automobiles and for all sales of certain used automobiles. It applies not only to sales by dealers but also to sales by individual private owners. These ceiling prices supersede the ceiling prices for these commodities established under the General Ceiling Price Regulation.

(b) The provisions of this regulation are applicable in the United States and the District of Columbia.

[Paragraph (b) amended by Amdt. 1]

SEC. 2. *Definitions.* (a) "New automobile" means any automobile (designed primarily for the carriage of passengers, whether intended for passenger or commercial or other use), including its standard equipment, having a seating capacity of less than eleven persons, and for which the manufacturer published a suggested price for sale at retail. It does not include any used automobiles or custom-built automobiles or any automobile for which the manufacturer has not published a suggested price for sale at retail as, for example, certain foreign makes of automobiles.

(b) "Sale at retail" means any sale of a new automobile, the ceiling price for which sale is not established by CPR 1 (New Passenger Automobiles).

(c) "Manufacturer" means any person who produced a new automobile the ceiling price for whose sales of automobiles are established by CPR 1.

SEC. 3. *Ceiling prices for new automobiles.* The ceiling delivered price for a new automobile for sale at retail shall be the sum of the following items:

(a) The manufacturer's suggested list price, f. o. b. factory, in effect prior to January 26, 1951, for that make and model car. If the car is a new model for which the manufacturer had not published a list price prior to January 26, 1951, the suggested list price which the manufacturer first publishes after January 26, 1951, must be used except, however, in those cases in which the Director of Price Stabilization establishes a list price for such new model by special order pursuant to section 8 of this regulation. The suggested list price shall include all equipment that was standard for each such make and model on January 26, 1951, or if the ceiling price is established on the basis of a counterpart model in the previous line, the equipment that was standard for such counterpart model. In the event that a new automobile is sold without such standard equipment, the manufacturer's suggested list price shall be reduced by the standard charge which the seller had in effect to the same class of purchaser on January 26, 1951, for the standard equipment which has been eliminated. If the seller had no standard charge for such standard equipment in effect on January 26, 1951, he shall determine his standard charge for the standard equipment eliminated in the following manner:

(1) The seller shall first determine the price, f. o. b. factory, which he had in effect to the same class of purchaser for the complete automobile on January 26, 1951.

(2) The seller shall then divide this price by the cost, f. o. b. factory, in effect to him for the complete automobile on January 26, 1951.

(3) The seller shall then multiply the allowance which the manufacturer makes to him because of the elimination of such standard equipment by the quotient determined under subparagraph (2) of this section. The resulting dollars and cents figure is the standard charge which the seller must deduct from the net price which he had in effect on January 26, 1951, to the same class of purchaser.

[Paragraph (a) amended by Amdts. 3 and 4]

(b) A charge for any extra, special or optional equipment requested by the customer in writing and attached to the automobile (this charge shall not exceed the manufacturer's suggested list price for the equipment or the suggested list price of the producer of the equipment, as the case may be, in effect on January 26, 1951, but may include the ceiling price established under the General Ceiling Price Regulation for installation of the equipment, if a charge for installation was customarily made during the period December 19, 1950 to January 25, 1951, inclusive). With respect to any extra, special or optional equipment purchased by the seller after September 14, 1951, the seller may add to the charge for such equipment the sum of the following:

(1) The amount, in dollars and cents, by which the manufacturer has increased his price for such equipment to the seller after September 14, 1951.

(2) The amount, in dollars and cents, found under subparagraph (1) of this paragraph multiplied by the percentage markup over the manufacturer's wholesale price which the seller had in effect during the month of February 1951 on sales of such equipment.

[Paragraph (b) amended by Amdt. 6]

(c) A charge for covering transportation costs, if any, which shall not exceed actual rail freight at carload rate by the most direct route.

(d) A charge equal to the charges made by the seller's suppliers to cover federal excise taxes on the new automobiles and on any extra, special or optional equipment supplied.

(e) A charge equal to the seller's expense for any state and local taxes imposed on the sale of the new automobile and of any extra, special or optional equipment supplied.

(f) The ceiling price established under the General Ceiling Price Regulation for preparing and conditioning the new automobile for delivery.

(g) The ceiling price established under the General Ceiling Price Regulation for any other service (such as undercoating, glazing, polishing, etc.) requested in writing by the customer and customarily performed on new cars by the seller.

(h) With respect to automobiles purchased by the seller after March 1, 1951, the amount, in dollars and cents, by which the manufacturer of the automobile has increased his price to the seller between March 1 and September 14, 1951. In addition, with respect to automobiles purchased by the seller after September 14, 1951, the sum of the following:

(1) The amount, in dollars and cents, by which the manufacturer of the automobile has increased his price for the automobile to the seller after September 14, 1951.

(2) The amount, in dollars and cents, found under subparagraph (1) of this paragraph multiplied by the percentage markup over the manufacturer's wholesale price which the seller had in effect during the month of February 1951 on the same make and line of automobile.

[Paragraph (h) added by Amdt. 1; amended by Amdt. 6]

The ceiling delivered price established by this section is the price for sales for cash. The dealer may sell on other terms when so requested in writing by the purchaser.

[Section 3 amended by Amdt. 3]

SEC. 4. *Ceiling prices for used automobiles.* (a) The ceiling price for any used car shall be the highest price listed for that make and model in the listed issue of the used car guide listed in this section 4, which the seller customarily used in the period December 19, 1950 to January 25, 1951, except (1) the ceiling price of any model used car currently being manufactured by the manufacturer shall be the ceiling delivered price of the car when new determined under section 3 of this regulation; and (2) in no event shall the price exceed the ceiling delivered price of the car when new, computed under the formula stated in section 3 of this regulation.

[Paragraph (a) amended by Amdt. 2]

(b) If the used car is older than the oldest model of that make shown in the guide which the seller uses, the ceiling price shall be the ceiling price of the oldest model of that make in that guide.

(c) The ceiling price may be increased by the amount of the used equipment

price for any radio, heater, or optional transmission or drive which is furnished with the car and for which a used equipment price is separately listed in the guide which the seller uses. The ceiling price may also be increased by the price of any compressor type, refrigerated air-conditioning unit installed in used cars, the price of which unit shall be determined under the provisions of the General Ceiling Price Regulations.

[Paragraph (c) amended by Amdt. 5]

(d) If the guide does not list any model of the used car, or if the used car has been substantially modified from its original design by the addition of a special body or engine, the ceiling price shall be determined under the provisions of the General Ceiling Price Regulation.

[Paragraph (d) amended by Amdt. 5]

(e) If the seller did not customarily use any guide listed in this section during the period December 19, 1950, to January 25, 1951, inclusive, he must select one of the listed guides upon which to base his ceiling price, and thereafter base his ceiling price only on the listed issue of the official guide which he has selected.

[Paragraph (e) amended by Amdt. 2]

(f) In each case the seller's ceiling price shall be the price shown in the guide for the region in which the seller's place of business is located. In the case of a sale by a person not in the business of selling used cars, the seller must select the issue of the guide applicable to the region in which he makes delivery of the car to the buyer.

(g) Every seller of used cars except persons not in the business of selling used cars must file with the nearest District Office of the Office of Price Stabilization a statement in writing showing the guide he used during the period December 19, 1950, to January 25, 1951, inclusive, or the guide which he has selected, as the case may be. This statement must be filed by the seller not more than 30 days after the date of his first sale of a used car following the effective date of this regulation.

The following is a list of the guides:

Name of guide and publisher	Issue	Territory for which guide is designated
American Auto Appraisal, published by American Auto Appraisal.	March-April supplement.....	
Blue Book-Executives Edition, published by National Used Car Market Report, Inc.	January issue or January reprint.	
Kelley Blue Book Official Guide, published by Les Kelley.	March-April issue for 1939 and more recent models—January issue for 1938 and older models.	Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.
Market Analysis Report, published by Used Car Statistical Bureau, Inc.	January issue or price edition.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.
N. A. D. A. Official Used Car Guide, published by National Automobile Dealers Used Car Guide Co.	January issue or Mar. 2, 1951 edition.	
Northwest Used Car Values, published by Northwest Publishing Co.	January issue or March 1951 edition.	Washington, Oregon, Idaho, Montana, and North Dakota.
Official Automobile Guide, published by National Research Bureau, Inc.	Price edition.....	
Official Used Car Survey, published by Motor Vehicle Dealers Administration, State of Nebraska.	March-April supplement.....	Nebraska.
Official Automobile Guide, published by Recording and Statistical Corp.	Price edition.....	
Official Wisconsin Automobile Valuation Guide, published by Wisconsin Automotive Trades Association.	January issue or Feb. 15, 1951, edition.	Wisconsin.
Red Book National Used Car Market Report, published by National Used Car Market Report, Inc.	January issue or January reprint.	

[Paragraph (g) amended by Amdts. 1, 2, and 3]

SEC. 5. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, no person shall sell, deliver or otherwise dispose of a new or used automobile, or buy or receive, in the regular course of business or trade, a new or used automobile at a price in excess of the ceiling price established by this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing.

[Section 5 amended by Amdt. 3]

SEC. 6. *Miscellaneous.* All provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions hereof shall continue to apply to the sale of the commodities covered by this regulation. These provisions include but are not limited to enforcement and penalty provisions and provisions for the keeping of records.

SEC. 7. *Evasion*—(a) *In general.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of, or relating to, a new or used automobile, alone or in conjunction with any other commodity or service; or by way of commission, service, transportation, or other charge, discount, premium or other privilege; or by tie-in agreement or other trade understanding; or otherwise.

(b) *Specific practices.* The following practices are specifically, but not exclusively, among the practices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made under the general evasion provision:

(1) Requiring a purchaser of a new or used automobile to buy any equipment, accessories, parts, repairs, or any other commodity or service as a condition of the sale or transfer of the new or used automobile.

(2) Requiring either the purchaser or any other person to trade in, exchange or transfer to the seller or his designee any vehicle or commodity as a condition to the purchase of a new or used automobile, regardless of whether such trade-in, exchange or transfer is part of the same transaction or is a separate transaction.

(3) Giving an allowance or compensation for the trade-in, exchange or transfer of an automobile which is less than its reasonable value to the dealer. The reasonable value of a used automobile to the dealer must bear a reasonable relationship to the ceiling price of the used automobile as established by section 4 of this regulation.

(4) Requiring the purchaser to buy on credit as a condition of the sale or transfer of a new or used automobile.

(5) Requiring the purchaser to finance a new or used automobile through any particular lending agency.

(6) Establishing terms or conditions of sale more onerous to purchasers than they have customarily been, except to the extent allowed by this regulation.

(7) Requiring any person to pay a purchase commission or fee, if the sum of the commission and the purchase price exceeds the ceiling price.

(8) Renting or leasing a new or used automobile with an option to purchase, where the sum of the rental and the sale price exceeds the ceiling price established by this regulation for the sale of the automobile.

[Section 7 added by Amdt. 3]

SEC. 8. *List prices established by Director of Price Stabilization.* Whenever the Director of Price Stabilization establishes a manufacturer's wholesale ceiling price, f. o. b. factory, on a new model automobile not a counterpart of one previously produced by the manufacturer, the Director will, by special order pursuant to this section, establish a dollars and cents price to be used by the dealer in place of the sum of those items specified in sections 3 (a) and (h) of this regulation, in determining the ceiling price for the automobile under section 3 of this regulation. Such dollars and cents price will embody the same percentage markup over the manufacturer's wholesale price established for such new model that dealers obtained on the best selling model of the same series after March 1, 1951.

[Section 8 added by Amdt. 4]

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-1519; Filed, Feb. 4, 1952; 11:32 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2, Amendment 1 of February 4, 1952]

M-2—Rubber

This amendment is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950, as amended, and the Rubber Act of 1948. In the formulation of this amendment, consultation with industry representatives has been impossible because of the need for immediate action.

NPA Order M-2, as amended December 14, 1951, is further amended in the following respects:

1. Section 8 is amended to read as follows:

Sec. 8. *Limitations on inventory of GR-S and butyl.* (a) No person shall purchase any butyl if his inventory of that material exceeds, or by the delivery of the quantity so purchased would be made to exceed, the smallest quantity of the material he requires to meet his deliveries during the next succeeding 30 calendar days on the basis of his currently scheduled method and rate of operation.

(b) Each person who purchases any butyl shall furnish the Reconstruction Finance Corporation with a certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (crimes), section 1001, that after receipt of the rubber called for by this order, my inventory will not exceed the limitations of NPA Order M-2.

(c) Inventories of GR-S are subject to the provisions of NPA Reg. 1.

2. Section 14 is amended to read as follows:

Sec. 14. *Limitation on high-tenacity rayon for rubber products.* (a) Commencing with the first calendar quarter of 1952, no person shall, in any calendar quarter, use a greater quantity by weight of high-tenacity rayon in the manufacture of rubber products (including those products required to fill any contracts of the Department of Defense or any division thereof or of the Atomic Energy Commission) than 120 percent of his use of high-tenacity rayon in such manufacture during the 3 months ending June 30, 1951.

(b) No person shall, in any calendar quarter, use any high-tenacity rayon in the manufacture of any rubber products required by persons other than the Department of Defense or any division thereof or the Atomic Energy Commission, unless he has first set aside from the total quantity of high-tenacity rayon he is permitted to use under paragraph (a) of this section, a quantity of high-tenacity rayon sufficient to comply with the manufacturing specifications for all of the rubber products he intends to manufacture in that calendar quarter for delivery to the Department of Defense or any division thereof or to the Atomic Energy Commission.

(c) No person shall order for delivery in any calendar quarter more high-tenacity rayon than the quantity he is permitted to use during such quarter pursuant to paragraph (a) of this section.

(d) "High-tenacity rayon" as used in this section includes singles, yarn, plies, cord, and cord fabric.

3. The codes in Appendix A which are designated below in column (1) are amended by adding (or, where there are corresponding products within the codes in Appendix A as amended December 14, 1951, by substituting) the following in columns (2), (3), and (4):

Column (1)	Column (2)	Column (3)	Column (4)
2	Pressed on	50	Group average.
	Cured on, 3 x 1⅝ and up	50	
11-A	Pipe coupling gaskets:		
	55 durometer and below	75	
	Above 55 durometer	50	
	Lead-loaded—over 3.50 specific gravity	X	
	Vacuum retort gaskets	X	
11-C	Filter press gaskets	X	
12-J	Parts for bicycles, toy vehicles, and lawn mowers.		Eliminate "black only" so as to have no color restriction.
14	Rubber footwear	70	Group average percent. No type rubber footwear shall contain more than 98 percent dry natural rubber. Line, type, quality, style, and color optional.
	Arctics, boots, rubbers, gaiters, pacs, and all types of canvas rubber-soled footwear of vulcanized construction.		
	Latex rubber footwear	0	Natural rubber latex permitted.
15-A	Heels	25	Heel group average.
	Soles and taps	10	Soles and taps group average.
	Soling and top lifting	0	
	Crepe soles, heels, welting, and wrappers	0	The consumption, production, or sale of natural RHC, for crepe soles, heels, welting, or wrappers is prohibited.
18-C	Toothbrush gum-massage tips	35	
22-A	Molded strips for exercisers	X	

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect February 4, 1952.

National Production Authority,
By John B. Olverson,
Recording Secretary.

[F. R. Doc. 52-1515; Filed, Feb. 4, 1952; 10:57 a. m.]

[NPA Order M-97 of Feb. 4, 1952]

M-97—Lighting Fixtures: Limitations on Use of Copper

This order is found necessary and appropriate to promote the national defense and is issued under the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Limitations on use of copper.
4. Exemptions.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

Authority: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

Section 1. *What this order does.* The purpose of this order is to conserve the supply of copper by limiting its use for certain applications in lighting fixtures where substitution is possible.

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

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

(b) "Manufacture" means to put into process, machine, incorporate into products, fabricate, or otherwise alter the forms and products of copper by physical or chemical means, and includes the use of copper in plating.

(c) "Lighting fixture" means any complete lighting devise or complete item of lighting equipment designed or constructed for the purpose of illumination which employs or is used in connection with any light source using electricity, including but not limited to incandescent, vapor-discharge, luminous-discharge, or fluorescent type of any size, but does not include portable lamps or aircraft and vehicular lighting equipment.

(d) "Residential lighting fixture" means any lighting fixture designed for use, either interior or exterior, in connection with a place of human habitation.

(e) "Copper" means unalloyed copper, copper-base alloys, brass mill products, copper wire mill products, and copper foundry products.

Sec. 3. *Limitations on use of copper.* Commencing February 15, 1952, no person shall use copper in the manufacture or assembly of any lighting fixtures or parts thereof except for those types of fixtures or parts thereof specified in this section.

(a) Residential lighting fixtures: Copper may be used only in current-carrying

parts and wiring, and in tubing, plating, rivets, eyelets, screws, and small fasteners.

(b) Exterior lighting fixtures except residential: Copper may be used only in current-carrying parts and wiring, and in plating, rivets, eyelets, screws, small fasteners, and threaded parts, and also in clamping, sealing, and attachment devices.

(c) Explosion-proof, dust-type, or vapor-type lighting fixtures: Copper may be used only in current-carrying parts and wiring, and in plating, rivets, eyelets, screws, small fasteners, and threaded parts, and also in clamping, sealing, and attachment devices.

(d) All other lighting fixtures: Copper may be used only in current-carrying parts and wiring, and in plating, rivets, eyelets, screws, and small fasteners.

SEC. 4. *Exemptions.* (a) Copper may be used without restriction (up to the amount of an allotment) in the manufacture of marine and airport lighting fixtures.

(b) The limitations set forth in section 3 of this order do not apply to such use of:

(1) Copper on or after February 15, 1952, if such materials were contained in a person's inventory on that date and if such materials cannot be used by such person on a commercially feasible basis in the manufacture or assembly of any item where the use of copper is permitted under section 3, or

(2) Copper covered by an order placed with a producer and included in the producer's schedule for February 1952, which is delivered to a person at his plant prior to March 15, 1952, to the extent that such copper cannot be used by such person on a commercially feasible basis in the manufacture or assembly by such person of any item where the use of copper is permitted by section 3.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

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

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

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-97.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order shall take effect February 15, 1952.

Issued February 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-1516; Filed, Feb. 4, 1952; 10:57 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 21 to Schedule A]

[Rent Regulation 2, Amdt. 19 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE RENTAL AREAS

CERTAIN STATES

Effective February 5, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as follows:

1. In Schedule A, Item 35a is amended to read as follows:

[Revoked and decontrolled.]

This decontrols the remainder of the Sacramento, California, Defense-Rental Area, consisting of the remaining incorporated localities in San Joaquin County, California, on the initiative of the Director of Rent Stabilization in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 83, is amended to describe the counties in the defense-rental area as follows:

Cook County, except the Cities of Berwyn, Blue Island, Calumet City, Chicago Heights, Des Plaines, Harvey, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Arlington Heights, Bartlett, Brookfield, Burnham, Calumet Park, Dolton, East Hazelcrest, Flossmoor, Franklin Park, Glencoe, Glenview, Hazelcrest, Homewood, Kenilworth, La Grange, La Grange Park, Lansing, Lyons, Markham, Matteson, Mt. Prospect, Northfield, Oak Forest, Orland Park, Palatine, Phoenix, Riverdale, River Forest, Riverside, South Holland, Tinley Park, Westchester, Western Springs, Wheeling, Wilmette, Winnetka, and those portions of the Villages of Barrington, Hinsdale and Steger located therein; Du Page County, except the Cities of Elmhurst, Naperville, West Chicago and Wheaton, and the Villages of Bensenville, Glen Ellyn, Itasca, Roselle, Villa Park and Winfield, and that portion of the Village of Hinsdale located therein; Kane County, except that portion of the City of Elgin located therein, the Cities of Batavia, Geneva and St. Charles, and the Villages of East Dundee, South Elgin and West Dundee; Lake County, except the City of Lake Forest, the Villages of Deerfield and Grayslake, and that portion of the Village of Barrington located therein.

This decontrols the Village of Calumet Park in Cook County, Illinois, and the City of Naperville in Du Page County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

3. Schedule A, Item 94a, is amended to describe the counties in the defense-rental area as follows:

McHenry County, except the City of Marengo.

This decontrols the City of Marengo in McHenry County, Illinois, a portion of the Woodstock, Illinois, Defense-Rental Area.

4. Schedule A, Item 149, is amended to describe the counties in the defense-rental area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Farmington, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkson, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Clawson, Farmington, Ferndale, Hazel Park, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Belleville, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Lincoln Park, Melvindale and Plymouth, (ii) the Villages of Allen Park, Flat Rock, Grosse Pointe Shores, Inkster, Trenton and Wayne, (iii) that portion of the Village of Northville located in Wayne County, and (iv) the

Townships of Brownstown, Canton, Ecorse, Grosse Ile, Nankin, Northville, Romulus, Sumpter, Taylor and Van Buren; and Macomb County, except the Cities of East Detroit and Mount Clemens, the Villages of Fraser and Roseville, and the Townships of Armada, Bruce, Harrison, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

This decontrols the City of East Detroit in Macomb County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

5. In Schedule A, all of Item 152 which relates to Kalamazoo County, Michigan, is deleted.

This decontrols the remainder of Kalamazoo County, Michigan, portions of the Kalamazoo-Battle Creek, Michigan, Defense-Rental Area, on the initiative of the Director of Rent Stabilization in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

6. Schedule A, Item 229, is amended to describe the counties in the defense-rental area as follows:

Franklin County, except the City of Upper Arlington, and the Village of Worthington. In Licking County, the City of Newark and the Townships of Madison and Newark.

This decontrols the Village of Worthington in Franklin County, Ohio, a portion of the Columbus, Ohio, Defense-Rental Area.

7. Schedule A, Item 267, is amended to describe the counties in the defense-rental area as follows:

Allegheny County, except the Boroughs of Bethel, Elizabeth and Rosslyn Farms, and the Townships of Crescent, Mount Lebanon, Ohio and Penn; Armstrong County; Beaver County, except the Township of Brighton; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Green County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

This decontrols the Township of Brighton in Beaver County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

8. In Schedule A, all of Item 351a which relates to Latah County, Idaho, is deleted.

This decontrols the remainder of Latah County, Idaho, portions of the Pullman-Moscow, Washington, Defense-Rental Area, on the initiative of the Director of Rent Stabilization in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

9. Schedule A, Item 352, is amended to describe the counties in the defense-rental area as follows:

Those parts of King County lying west of the Snoqualmie National Forest, except the City of Kent.

This decontrols the Town of Fircrest in Pierce County, Washington, a portion of the Puget Sound, Washington, Defense-Rental area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and the remaining incorporated localities in Pierce County, Washnigton, on the initiative of the Director of Rent Stabilization, in accordance with section 204 (c) of said act.

All decontrols effected by these amendments, except those in items 1, 5, 8 and 9 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

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

Issued this 31st day of January 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

[F. R. Doc. 52-1432; Filed, Feb. 4, 1952; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 150—PROCEDURES OF THE POST OFFICE DEPARTMENT

SUBPART A—PROCEDURES BEFORE THE POSTMASTER GENERAL UNDER THE ADMINISTRATIVE PROCEDURE ACT

MISCELLANEOUS AMENDMENTS

In Subpart A of Part 150 (39 CFR Part 150; 16 F. R. 6682), make the following changes:

1. Amend § 150.401 *Offices, business hours* to read as follows:

§ 150.401 *Offices, business hours.* (a) The office of the Solicitor of the Post Office Department is located in Room 3226, Post Office Department Building, 12th Street and Pennsylvania Avenue, NW., Washington 25, D. C. The Office of Hearing Examiners and the Docket Clerk, Office of Hearing Examiners, are located in Room 3107 at the same address.

(b) The offices of the Solicitor, the Hearing Examiners and the Docket Clerk are open on each business day, except Saturday, from 8:45 a. m. to 5:15 p. m.

2. Amend § 150.404 *Notice of hearing* to read as follows:

§ 150.404 *Notice of hearing.* If the Chief Hearing Examiner shall determine that the complaint states facts sufficient to show the probable need for administrative action by the Postmaster General, he shall issue a notice of hearing to the respondent.

3. Amend paragraph (a) of § 150.405 *Service of complaint and notice of hearing* to read as follows:

(a) The Chief Hearing Examiner shall cause a duplicate original of the notice of hearing and a copy of the complaint to be transmitted to the postmaster at the office of address of the respondent or to the Inspector in Charge of the Division in which the respondent is doing business which shall be delivered to the respondent by said postmaster or a supervisory employee of his post office or a post office inspector. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent, which receipt shall be forwarded to the Docket Clerk, and shall become a part of the record in the case.

4. Amend § 150.412 *Continuances* to read as follows:

§ 150.412 *Continuances.* Applications for continuances should be filed with the hearing examiner or with the Chief Hearing Examiner. A continuance will be granted only for substantial cause shown, and then only for a short period.

5. Amend paragraph (a) of § 150.413 *Hearing examiners* to read as follows:

(a) Hearing examiners, one of whom shall be designated as the Chief Hearing Examiner, shall be appointed and qualified pursuant to section 11 of the Administrative Procedure Act, 5 U. S. C. 1010. Each proceeding instituted under this subpart shall be assigned to a hearing examiner by the Chief Hearing Examiner.

6. Amend § 150.414 *Hearings* to read as follows:

§ 150.414 *Hearings.* (a) Hearings are held in Room 3237, Post Office Department, Washington 25, D. C., and in such other locations as may be designated by the hearing examiner.

(b) Not later than the date fixed in the notice of hearing for the filing of respondent's answer, application may be filed with the Docket Clerk by any party to a proceeding requesting that a hearing be held to receive evidence on behalf of the applicant at a place other than that designated for the hearing in the notice thereof. In support of such application the applicant shall submit under oath or affirmation a statement outlining the evidence to be offered in such location; the relevancy thereof; the names and addresses of the witnesses who will testify; and the reasons why such evidence cannot be produced at Washington, D. C. The hearing examiner shall grant or deny such application having due regard for the convenience and necessity of the parties to the proceeding or their representatives.

7. Amend § 150.421 *Proposed findings and conclusions* to read as as follows:

§ 150.421 *Proposed findings and conclusions.* (a) Each party to a proceeding, except those who fail to answer the complaint or having answered fail to appear at the hearing, may submit proposed findings of fact, conclusions of law and supporting reasons: *Provided, however,* That the hearing examiner may require parties to any proceeding to submit proposed findings of fact and conclusions of law and supporting reasons.

(b) The hearing examiner shall specify the date within which such proposed findings of fact, conclusions of law and supporting reasons must be submitted by the parties. If not submitted by such date they will not be included in the record or given consideration unless additional time is allowed.

(c) The hearing examiner may require the parties to submit orally or in writing proposed findings of fact and conclusions of law and argument in support thereof before the close of the hearing.

(d) Except when made before the close of the hearing, proposed findings of fact shall be set forth in serially num-

bered paragraphs and shall state with particularity all evidentiary facts in the record (with appropriate citations to the transcript or exhibit relied upon) supporting the conclusions proposed by the party filing same. Each proposed conclusion shall be separately stated.

(e) Where the respondent has failed to file answer, or, having filed answer fails to appear at the hearing, the hearing examiner shall receive such proof as he may deem proper in support of the complaint, and without further procedural steps shall make and file an initial decision which may be adopted as the final decision by the Postmaster General without further notice to the respondent.

8. Amend paragraphs (a) and (b) of § 150.423 *Appeal from initial decision,* to read as follows:

(a) Any party of record in a proceeding, except those who fail to answer the complaint or having answered fail to appear at the hearing, may file a notice of intention to appeal to the Postmaster General in accordance with paragraph (b) of this section.

(b) A notice of appeal must be filed within the time limit fixed by order of the hearing examiner, of which a copy shall be served upon each party who participated in the hearing. If an initial decision is rendered orally by the hearing examiner at the close of the hearing, he may then orally give notice to the parties participating in the hearing of the time limit within which notice of appeal must be filed. Such time limit shall in no case exceed 10 days from the time of the aforesaid service upon or notice to such parties.

9. Amend paragraph (a) of § 150.425 *Application for modification or revocation of orders* to read as follows:

(a) Any party against whom an order has been issued by the Postmaster General may file with the Docket Clerk an original and three copies of an application for modification or revocation thereof. Said application shall set forth the grounds upon which it is based; must contain a statement to the effect that the unlawful enterprise against which the order is directed is no longer being conducted under the name or names specified in the order and that the unlawful scheme will not be resumed in the future under such names or any other names; and it must be sworn to by the applicant.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

The foregoing amendments shall be effective upon publication in the FEDERAL REGISTER.

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

[F. R. Doc. 52-1370; Filed, Feb. 4, 1952; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

PART 221—RULES OF PRACTICE

SUBPART B—PROCEEDINGS BEFORE THE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT AND SECRETARY OF THE INTERIOR

WHEN APPEAL MAY BE TAKEN TO THE SECRETARY OF THE INTERIOR

Section 221.73 is amended to read as follows:

§ 221.73 *When appeal may be taken to the Secretary of the Interior.* In any proceeding relating to the public lands, an appeal may be taken to the Secretary of the Interior from a final decision of the Director, except from a decision of the Director which, prior to promulgation, has been approved by the Secretary, the Under Secretary, or an Assistant Secretary of the Interior.

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

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 30, 1952.

[F. R. Doc. 52-1365; Filed, Feb. 4, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR Part 1]

DRUGS AND DEVICES: DIRECTIONS FOR USE; DRUGS FOR PRESCRIPTION DISPENSING

NOTICE OF PROPOSED RULE MAKING

By virtue of the authority vested in the Federal Security Administrator by the provisions of sections 502 (f), 503 (b), and 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1051, 1055; 65 Stat. 648; 21 U. S. C. 352 (f), 353 (b), 371 (a)), it is proposed that the following regulations be promulgated:

1. Section 1.106 will be revoked and a new § 1.106 will be added to read as follows:

§ 1.106 *Drugs and devices; directions for use*—(a) *Adequate directions for use.* "Adequate directions for use" means directions under which the layman can use a drug or device intelligently and safely. Directions for use may be inadequate because (among other reasons) of omission, in whole or in part, or incorrect specification of:

(1) Statements of all conditions, purposes, or uses for which such drug or device is intended by its manufacturer, packer, distributor, or seller, including conditions, purposes, or uses for which it is prescribed, recommended, or suggested in its oral, written, printed, or graphic advertising, and conditions, purposes, or uses for which the drug or device is commonly used; except that such statements shall not refer to conditions, uses, or purposes in which the drug or device is unsafe for use except under the supervision of a practitioner licensed by law to administer it or direct its use for which it is advertised solely to such practitioner.

(2) Quantity of dose (including quantities for each of the uses for which it is intended and quantities for persons of different ages and different physical conditions).

(3) Frequency of administration or application.

(4) Duration of administration or application.

(5) Time of administration or application (in relation to time of meals, time of onset of symptoms, or other time factors).

(6) Route or method of administration or application.

(7) Preparation for use (shaking, dilution, adjustment of temperature, or other manipulation or process).

(b) *Exemption for prescription drugs.* A drug subject to the requirements of section 503 (b) (1) of the act, as amended by 65 Stat. 648, shall be exempt from section 502 (f) (1) if all the following conditions are met:

(1) The drug is:

(i) In the possession of a person regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of prescritpion drugs; or

(ii) In the possession of a retail, hospital, or clinic pharmacy, or a public health agency, regularly and lawfully engaged in dispensing prescription drugs;

and is to be dispensed in accordance with section 503 (b), as amended.

(2) The label of the drug bears:

(i) The statement "Caution: Federal law prohibits dispensing without prescription"; and

(ii) The recommended or average dose; and

(iii) The route of administration, if it is not for oral use; and

(iv) The quantity or proportion of each active ingredient and of any other ingredient that may affect the safe use of the drug, if it is fabricated from two or more ingredients and is not designated solely by a name recognized in an official compendium.

Provided, however, That, if the label space will not permit the inclusion of the information referred to in subdivisions (ii), (iii), and (iv) of this subparagraph, such information is contained in the labeling on the retail package.

(3) The labeling of the drug (including brochures readily available to licensed practitioners) bears information as to the safe use of the drug by practitioners licensed by law to administer it: *Provided, however,* That such information may be omitted from the labeling

if it is contained in widely disseminated and readily available scientific literature.

(c) *Exemption for veterinary drugs.* A drug which, because of toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe except under the supervision of a licensed veterinarian, and for which "adequate directions for use" cannot be prepared, shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The drug is in the possession of a person regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of veterinary drugs and is to be sold only to or on the order of a licensed veterinarian for use in the course of his professional practice.

(2) The label of a drug bears:

(i) The statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian"; and

(ii) The recommended or average dose;

(iii) The route of administration, if it is not for oral use; and

(iv) The quantity or proportion of each active ingredient and of any other ingredient that may affect the safe use of the drug, if it is fabricated from two or more ingredients.

Provided, however, That if the label space will not permit the inclusion of the information referred to in subdivisions (ii), (iii), and (iv) of this subparagraph, such information is contained in the labeling on the retail package.

(3) The labeling of the drug (including brochures readily available to licensed veterinarians) bears information as to the safe use of the drug by licensed veterinarians: *Provided, however,* That such information may be omitted from the labeling if it is contained in widely disseminated and readily available literature.

(d) *Exemption for prescription devices.* A device which, because of any potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe except under the supervision of a practitioner licensed by law to direct the use of such device, and for which "adequate directions for use" cannot be prepared, shall be exempt from section 502 (f) (1) if all the following conditions are met:

(1) The device is in the possession of a person regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of such device and is to be sold only to or on the order of such practitioner for use in the course of his professional practice.

(2) The label of the device (other than surgical instruments and other devices used exclusively by or under the immediate supervision of licensed practitioners) bears:

(i) The statement "Caution: Federal law restricts this device to sale by or on the order of a _____," the blank to be filled with the word "physician," "dentist," "veterinarian," or with the descriptive designation of any other practitioner licensed by law to use or order the use of the device; and

(ii) The method of its application or use.

(3) The labeling of the device (including brochures readily available to licensed practitioners) bears information as to the safe use of the device by practitioners licensed by law to use it or direct its use; *Provided, however,* That such information may be omitted from the labeling if it is contained in widely disseminated and readily available scientific literature.

(e) *Exemptions for drugs and devices in the possession of licensed practitioners, hospitals, clinics, or public health agencies for professional use.* A drug or device subject to paragraph (b), (c), or (d) of this section in the possession of a practitioner licensed by law to administer the drug or to use or direct the use of the device, or in the possession of a hospital, clinic, or public health agency, for use in the course of the professional practice of such a licensed practitioner, shall be exempt from section 502 (f) (1) of the act if it meets the conditions of paragraphs (b) (2) and (3), (c) (2) and (3), or (d) (2) and (3) of this section.

(f) *Retail exemption for veterinary drugs and prescription devices.* A drug or device subject to paragraph (c) or (d) of this section shall be exempt at the time of delivery to the ultimate purchaser or user from section 502 (f) (1) of the act if it is delivered by a licensed practitioner in the course of his professional practice or upon an order lawfully issued in the course of his professional practice, with labeling bearing the name and address of such licensed practitioner and the directions for use and cautionary statements, if any, contained in such order.

(g) *Exemption for new drugs.* A new drug shall be exempt from section 502 (f) (1) of the act:

(1) To the extent to which provision for such exemption is made in an application with respect to such drug that is effective under section 505 of the act; or

(2) If no application under section 505 of the act is effective with respect to such drug but it complies with section 505 (i) and regulations thereunder.

No exemption shall apply to any other drug which would be a new drug if its labeling bore representations for its intended uses.

(h) *Exemption for drugs or devices when directions are commonly known.* A drug or device shall be exempt from section 502 (f) (1) of the act insofar as adequate directions for common uses thereof are known to the ordinary individual.

(i) *Exemptions for inactive ingredients.* A drug that is inert and is ordinarily used as an inactive ingredient, such as a coloring, emulsifier, excipient, flavoring, lubricant, preservative, or solvent, in the preparation of other drugs shall be exempt from section 502 (f) (1) of the act. This exemption shall not apply to any substance intended for a use which results in the preparation of a new drug, unless an effective new-drug application provides for such use.

(j) *Exemption for diagnostic reagents.* A drug intended solely for use in the professional diagnosis of disease shall be exempt from section 502 (f) (1) of the act if its label bears the statement "Diagnostic reagent—Not for dispensing."

(k) *Exemption for prescription chemicals and other prescription components.* A drug prepared, packaged, and primarily sold as a prescription chemical, or other component for use by registered pharmacists in compounding prescriptions or for dispensing in dosage unit form upon prescriptions shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The drug is an official liquid acid or official liquid alkali, or is not a liquid solution, emulsion, suspension, tablet, capsule, or other dosage unit form; and

(2) The label of the drug bears:

(i) The statement "For prescription compounding"; and

(ii) If it is subject to section 503 (b) (1) of the act, the statement "Caution: Federal law prohibits dispensing without prescription"; or

(iii) If it is not subject to section 503 (b) (1) of the act and is by custom among retail pharmacists sold in or from the interstate package for use by consumers, "adequate directions for use" in the conditions for which it is so sold; and

(iv) The recommended or average dose, if it is not a drug the name of which is recognized in an official compendium and for which a usual dose is given in such compendium; and

(v) The route of administration, if it is not for oral use; and

(vi) The quantity or proportion of each active ingredient and of any other ingredient that may affect the safe use of the drug, if it is fabricated from two or more ingredients and is not designated solely by a name recognized in an official compendium.

Provided, however, That if the label space will not permit the inclusion of the information referred to in subdivisions (iii), (iv), (v), and (vi) of this subparagraph, such information is contained in the labeling on the retail package.

(3) This exemption shall not apply to any substance intended for a use in compounding which results in a new drug, unless an effective new-drug application covers such use of the drug in compounding prescriptions.

(l) *Exemption for processing, repacking, or manufacture.* A drug in a bulk package (except tablets, capsules, or other dosage unit forms) or a device intended for processing, repacking, or use in the manufacture of another drug or device shall be exempt from section 502 (f) (1) of the act if its label bears the statement "Caution: For manufacturing use," or "Caution: For processing," or "Caution: For repacking," as the case may be; and, if it is subject to section 503 (b) (1), the statement "Caution: Federal law prohibits dispensing without prescription." This exemption and the exemption under paragraph (k) of this section may be claimed for the same article. But the exemption shall not apply to a substance intended for a use

in manufacture, processing, or repacking which causes the finished article to be a new drug, unless:

(1) An effective new-drug application held by the person preparing the dosage form or drug for dispensing covers the production and delivery to him of such substance; or

(2) If no application is effective with respect to such new drug, the label statement "Caution: For manufacturing use" or "Caution: For processing" or "Caution: For repacking" is immediately supplemented by the words "in the preparation of a new drug limited by Federal law to investigational use," and the delivery is made for use only in the manufacture of such new drug limited to investigational use as provided in § 1.114.

(m) *No exemption for drugs or devices dispensed pursuant to mail-order diagnosis.* No exemption under this section shall apply to a drug or device shipped or delivered in the conduct of a business of dispensing pursuant to diagnosis by mail.

(n) *Expiration of exemptions.* If a shipment or delivery, or any part thereof, of a drug or device which is exempt under the regulations in this section is disposed of for any purpose other than those specified, such exemption shall expire, with respect to such shipment or delivery or part thereof, at the beginning of the act of disposal. The causing of an exemption to expire shall be considered an act which results in such drug or device being misbranded unless it is disposed of for use otherwise than as a drug or device or unless, in the case of a drug subject to paragraph (i), (j), (k), or (l) of this section, prior to such disposal, it is relabeled to comply with the requirements of section 502 (f) (1) of the act.

2. A new § 1.108 will be added to read as follows:

§ 1.108 *Drugs for prescription dispensing*—(a) *Interpretations.* The following interpretations will be applied in the enforcement of section 503 (b) of the act, as amended:

(1) "A drug intended for use by man" means any drug other than one which is clearly and conspicuously represented in its labeling and in any advertising sponsored by or on behalf of its manufacturer, packer, or distributor as solely for veterinary use and is conspicuously labeled "Not for human use," or with a substantially similar statement.

(2) The term "toxicity" means the capacity of acting as a poison, and includes the side effects that may result.

(3) The term "other potentiality for harmful effect" means the capability of causing harm otherwise than by toxicity. For example, the fact that a drug may mask the symptoms of a progressive disease condition, causing delay in obtaining competent diagnosis and consequent harm to the user (e. g., earache drops with a local anaesthetic) makes it subject to the prescription-dispensing requirements of section 503 (b) (1) of the act.

(4) The term "the method of its use" means the route, the procedures, and the equipment employed in administration of the drug. For example, the fact that a drug is intended for administration by iontophoresis or injection into or through the skin or mucous membrane of man makes it subject to the prescription-dispensing requirements of section 503 (b) (1) of the act, except for the special case of drugs composed wholly or partly of insulin in a strength not greater than 100 U. S. P. Insulin Units per cubic centimeter and intended for use in the treatment of diabetes mellitus.

(5) The term "collateral measures necessary to its use" includes the professional skills and laboratory and other technical tests and procedures which the practitioner licensed by law to administer such drug employs in his professional practice to determine the nature of the disease, its course, the influence of the drug on the disease, and the toxic or other effects of the drug. These include, but are not limited to, blood studies, the utilization of X-ray, laboratory studies of tissue or excretions, studies of heart action, and the like.

(6) The term "dispensed * * * upon a written prescription * * * or an oral prescription * * * or * * * by refilling such written or oral prescription" means the conduct of a registered pharmacist or other authorized person in delivering a drug upon the prescription of a practitioner licensed by law to administer such drug. The term does not include the conduct of employees of mail-order houses in delivering prescription drugs even upon the order of a licensed practitioner if such practitioner does not have a bona fide doctor-patient relationship with the person for whom he has ordered the drug. It does not include the conduct of nonprofessional persons delivering prescription drugs to the purchaser unless such nonprofessional is simply an order clerk assisting a registered pharmacist or other authorized person. It does not include the interstate shipment of drugs into States or territories in which the dispenser is not registered as a pharmacist or otherwise authorized to dispense prescription drugs, except interstate shipments by dispensers filling or refilling prescriptions for patients within the dispenser's proximate trade area covering part of an adjoining State or territory. The delivery of a prescription drug by a practitioner licensed by law to administer such drug directly to his own patient shall be regarded as in compliance with section 503 (b) (1) of the act.

(7) The term "prescription of a practitioner licensed by law to administer such drug" means a bona fide order issued by such a licensed practitioner in the course of his professional practice directing the dispensing of a specific quantity of a drug for the use of a person whom he has under his professional care in a doctor-patient relationship.

(b) *Oral prescriptions and oral authorizations for refills.* The requirement that oral prescriptions or oral authorizations for refills of prescriptions shall be reduced promptly to writing and filed by the pharmacist may be met by the maintenance of such records, made contemporaneously with or prior to the dispensing of the drug or drugs so ordered, as will upon inspection reveal the following information:

(1) In the case of an oral prescription the record shall contain: The date prescribed, the serial number of the prescription, name of the prescriber, name of the patient, items and quantities of drugs prescribed, and directions for use and cautionary statements, if any, given in the prescription.

(2) In the case of an oral authorization for refills of prescriptions, the record shall contain: The number of the original prescription refilled, the name of the prescriber, the amount dispensed, and the name of the individual by whom refilled.

(3) In the case of refills, the original prescription (including the writing made for an oral prescription) shall also show the date of each refill.

(c) *Retail exemption for drugs dispensed upon prescription.* The labeling exemptions provided in section 503 (b) (2) of the act apply only to the package in which the drug is dispensed, and do not apply to the package introduced into interstate commerce or held for sale after shipment in interstate commerce.

(d) *Diagnosis by mail.* The word "diagnosis" in the term "diagnosis by mail" includes not only the procedures employed by a practitioner licensed by law in determining the nature of a disease but also the procedures employed to determine its severity and progress as well as the procedures employed to decide the medication and the amount to be taken.

(e) *Exemption from prescription requirements.* The prescription-dispensing requirements of section 503 (b) (1) of the act are not necessary for the protection of the public health with respect to the following drugs subject to section 502 (d):

(1) Exempt preparations described in 26 CFR 151.2 and sold as required by 26 CFR 151.180–151.185a.

(2) Drugs containing chlorobutanol, intended for external use only, which do not fall within the meaning of section 503 (b) (1) (B) of the act.

(3) Epinephrine solution, 1 percent, preserved with chlorobutanol.

(4) Drugs containing ephedrine or a salt of ephedrine in combination with any one or more of the derivatives of barbituric acid in which the amount of such derivative of barbituric acid is not more than two-thirds of the amount of ephedrine or ephedrine salt, calculated as ephedrine sulfate.

(f) *Use of prescription legend.* A drug subject to section 503 (b) (1) of the act will be considered misbranded while in interstate commerce and while held for sale after shipment in interstate commerce if its label fails to bear the precise caution legend set forth in section 503 (b) (4). A drug not subject to section 503 (b) (1) will not be regarded as misbranded under the second sentence of section 503 (b) (4) because it bears, in addition to "adequate directions for use," a statement recommending that the user consult a practitioner licensed by law to administer the drug before using it.

It is proposed that these regulations shall be made effective April 26, 1952, except for the requirements of § 1.106 (b) (2) (ii), (iii), and (iv), (c) (2) (ii), (iii), and (iv), and (k) (2) (iv), (v), and (vi), which it is proposed to make effective on April 26, 1953.

Interested persons are invited to submit written comments with respect to this proposed order to the Hearing Clerk, Federal Security Agency, Room 5440, Federal Security Building, Washington 25, D. C., within 30 days from the date of publication in the FEDERAL REGISTER. Any such person desiring an oral hearing with respect to this order is invited to specify the section or sections of these regulations on which the hearing is desired and to outline the evidence he wishes to present.

Dated: January 30, 1952.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 52-1371; Filed, Feb. 4, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 51

JANUARY 29, 1952.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, the following described public lands in the Anchorage, Alaska Land District, for lease and sale:

GIRDWOOD AREA

U. S. Survey No. 3042

FOR HOME SITES

Lots 1 to 10 inclusive,
Lots 74 and 75,
Lots 79 to 88 inclusive.

FOR CABIN SITES

Lots 89 to 104 inclusive.

The above described lands comprise 38 tracts aggregating approximately 80.88 acres.

2. The lands are located at Girdwood, Alaska, approximately 40 miles southeast of Anchorage. Lying in Glacier Creek Valley, the area embraces alluvial fan deposits which support a vegetative cover of Sitka spruce and hemlock. Automobile access to the lands is obtainable from Anchorage via the Anchorage-Seward Highway to Girdwood, thence by Crow Creek Road, which forms the eastern boundary of the tracts. No public facilities are available in the area at the present time. Adequate water for domestic uses may be obtained from wells and sewage disposal may be made by the use of cesspools. The climate is a combination of the temperate climate of south central Alaska and the marine climate of coastal Alaska. The average annual precipitation is about 50 inches.

3. This classification order shall not become effective to change the status of the land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on February 19, 1952. At that time the land shall, subject to valid existing rights, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on February 19, 1952, to close of business on May 19, 1952, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282), as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on January 29, 1952, or thereafter, up to and including 10:00 a. m. on February 19, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on May 20, 1952, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on April 30, 1952, or thereafter, up to and including 10:00 a. m. on May 20, 1952, shall be treated as simultaneously filed.

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

5. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5.00, payable in advance for the entire lease period. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 1.25 acres to approximately 4.36 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

8. All sewage disposal facilities will be located not less than 75 feet from the exterior boundaries of the tract described in the lease: *Provided, however,* That if said tract abuts upon any stream, lake or other body of fresh water, no sewage disposal facility shall be placed within 100 feet of any such water. If the tract described in the lease is located upon sloping lands, lessee should locate any well or sewage disposal facility according to the recommendations of the Alaska Territorial Department of Health.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

HAROLD T. JORGENSON,
Chief, Division of Land Planning.

[F. R. Doc. 52-1448; Filed, Feb. 4, 1952; 8:53 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 48; CORRECTION

JANUARY 29, 1952.

Alaska Small Tract Classification Order No. 48 of January 16, 1952, which appeared in the FEDERAL REGISTER under the date of January 23, 1952, is hereby amended by inserting in paragraph 6, after the word "period" at the end of the second sentence, the following: "The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20 payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease."

HAROLD T. JORGENSON,
Chief, Division of Land Planning.

[F. R. Doc. 52-1447; Filed, Feb. 4, 1952; 8:53 a. m.]

ALASKA

REVOCATION OF AIR NAVIGATION SITE WITHDRAWAL NO. 138, IN PART

JANUARY 25, 1952.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to § 2.22 (a) (2), of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 138, dated March 28, 1940, covering certain public lands in the vicinity of Ninilchik, Alaska, is hereby revoked as to the following described lands:

SEWARD MERIDIAN

T. 1 S., R. 14 W., Section 34, W½NE¼SW¼, SE¼SW¼

The area described contains 60 acres.

The lands released by this order from the Air Navigation Site Withdrawal shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by the Chief, Division of Land Planning, Bureau of Land Management, Region VII, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 91-day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-1362; Filed, Feb. 4, 1952; 8:45 a. m.]

ALASKA

NOTICE OF FILING OF PLATS OF SURVEY

JANUARY 28, 1952.

Notice is given that the plats of original survey of the following described lands, accepted July 12, 1951, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

SEWARD MERIDIAN

T. 12 N., R. 2 W. Section 6.
T. 12 N., R. 3W. Sections 11, 12, 13, 14, 23, 24, 25, 26, 34, 35, 36.

The above described lands aggregate 7639.06 acres.

Of the lands described above, sections 11 and 12, T. 12 N., R. 3 W., are subject to the withdrawal created by Public Land Order No. 5 of June 26, 1942, and reserved for military purposes.

The lands are located ten to thirteen miles southeast of the City of Anchorage, Alaska. The topographic features of the area consist entirely of glacial deposits of till, sand, and gravel and vary in shape and extent from narrow ridges and stream cut terraces to bench lands of the foothills of the Chugach Range. The timber cover is predominantly a birch-spruce-aspen association with some large cottonwoods occupying the valley bottom lands. The soils are generally stony and very shallow and are not suited for more than limited small scale farming and gardening.

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

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of Sept. 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

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

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

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

GEORGE A. LINGO,
Manager.

[F. R. Doc. 52-1363; Filed, Feb. 4, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 3556]

MISSOURI

LOAN ANNOUNCEMENT

DECEMBER 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 42X Caldwell	$1,535,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-1375; Filed, Feb. 4, 1952; 8:47 a. m.]

[Administrative Order 3557]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 21, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 33T Daviess	$500,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-1376; Filed, Feb. 4, 1952; 8:47 a. m.]

[Administrative Order 3558]

ILLINOIS

LOAN ANNOUNCEMENT

DECEMBER 26, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 45K Clinton	$177,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-1377; Filed, Feb. 4, 1952; 8:47 a. m.]

[Administrative Order 3559]

NORTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 26, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 36E Mountrail	$110,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-1378; Filed, Feb. 4, 1952; 8:47 a. m.]

[Administrative Order 3560]

TENNESSEE

LOAN ANNOUNCEMENT

DECEMBER 28, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 31G McNairy	$325,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-1379; Filed, Feb. 4, 1952; 8:47 a. m.]

[Administrative Order 3561]

ALASKA

LOAN ANNOUNCEMENT

DECEMBER 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alaska 8D, E Chugach	$1,000,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-1380; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3562]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 124G Schleicher	$154,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-1381; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3563]

COLORADO

LOAN ANNOUNCEMENT

JANUARY 5, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 37N Douglas	$465,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-1382; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3564]

MINNESOTA

LOAN ANNOUNCEMENT

JANUARY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 12N St. Louis	$565,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1383; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3565]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 36V Audrain	$253,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1384; Filed, Feb. 4, 1952 8:48 a. m.]

[Administrative Order 3566]

NEW JERSEY

LOAN ANNOUNCEMENT

JANUARY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Jersey 4M Monmouth	$120,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1385; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3567]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 8, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 23AF Caldwell	$1,770,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1386; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3568]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 8, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 60C Ripley	$100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1387; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3569]

TEXAS

LOAN ANNOUNCEMENT

JANUARY 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 84R Hall	$50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1388; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3570]

TEXAS

LOAN ANNOUNCEMENT

JANUARY 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 87W Karnes	$250,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1389; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3571]

VIRGINIA

LOAN ANNOUNCEMENT

JANUARY 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Virginia 49E Tangier	$33,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1390; Filed, Feb. 4, 1952; 8:48 a. m.]

[Administrative Order 3572]

KANSAS

LOAN ANNOUNCEMENT

JANUARY 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 15S Dickinson	$185,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1391; Filed, Feb. 4, 1952; 8:49 a. m.]

[Administrative Order T-92]

ALABAMA

LOAN ANNOUNCEMENT

DECEMBER 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Leeds Telephone Co., Inc., Alabama 509-A	$348,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-1392; Filed, Feb. 4, 1952; 8:49 a. m.]

[Administrative Order T-93]

WISCONSIN

LOAN ANNOUNCEMENT

DECEMBER 21, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Chequamegon Telephone Cooperative, Inc., Wisconsin 513-A	$425,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-1393; Filed, Feb. 4, 1952; 8:49 a. m.]

[Administrative Order T-94]

ALABAMA

LOAN ANNOUNCEMENT

DECEMBER 21, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Hope Telephone Cooperative, Alabama 524-A	$115,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-1394; Filed, Feb. 4, 1952; 8:49 a. m.]

[Administrative Order T-95]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 21, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
E. N. M. R. Telephone Cooperative, New Mexico 504-B	$220,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-1395; Filed, Feb. 4, 1952; 8:49 a. m.]

[Administrative Order T-96]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 21, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mason County Telephone Co., Kentucky 510-A	$360,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-1396; Filed, Feb. 4, 1952; 8:49 a. m.]

[Administrative Order T-97]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 27, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
W E G Dial Telephone, Inc., Kansas 513-A	$400,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-1397; Filed, Feb. 4, 1952; 8:49 a. m.]

[Administrative Order T-98]

LOUISIANA

LOAN ANNOUNCEMENT

DECEMBER 28, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Breaux Bridge Telephone Co., Inc., Louisiana 511-A	$253,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-1398; Filed, Feb. 4, 1952; 8:49 a. m.]

[Administrative Order T-99]

FLORIDA

LOAN ANNOUNCEMENT

DECEMBER 28, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Molino Telephone Co., Florida 503-A	$50,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-1399; Filed, Feb. 4, 1952; 8:49 a. m.]

[Administrative Order T-100]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Home Telephone Co., South Carolina 514-A	$141,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-1400; Filed, Feb. 4, 1952; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-251]

ACCIDENT OCCURRING NEAR FAIRBANKS, ALASKA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-68963, which occurred near Fairbanks, Alaska, on December 30, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, February 6, 1952, at 9:00 a. m., local time, in the Cortez Room, Alameda Hotel, Central and Broadway Streets, Alameda, California.

Dated at Washington, D. C., January 30, 1952.

[SEAL] EVERETT S. BOSWORTH,
Presiding Officer.

[F. R. Doc. 52-1430; Filed, Feb. 4, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1878]

MARTIN WUNDERLICH AND LEE AIKIN

NOTICE OF APPLICATION

JANUARY 30, 1952.

Take notice that on January 21, 1952, Martin Wunderlich and Lee Aikin, as individuals, applied jointly for an order of the Commission pursuant to section 7 of the Natural Gas Act, permitting and approving transfer by them to Lone Star Gas Company of certain facilities of United Gas Pipe Line Company (United) included in the Wichita Falls District of United, all as more fully described in the application which is on file with the Commission and open to public inspection.

By its order of January 8, 1952, the Commission granted a certificate of public convenience and necessity to said Applicants authorizing them to acquire from United and operate said facilities, subject to the condition, among others, that they file an application for an order of the Commission authorizing them to transfer said facilities to Lone Star Gas Company, pursuant to contracts of November 1, 1951, between Applicants and Lone Star Gas Company. This application is filed in pursuance of said requirement of the Commission's order of January 8, 1952.

Applicants request that their application be heard under the shortened procedure provided by the Commission's rules. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of February 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1408; Filed, Feb. 4, 1952; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

DISPOSITION OF QUARTZ CRYSTAL BLANKS HELD IN NATIONAL STOCK PILE

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 596, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of 6,500,000 pieces of so-called "B. T. cut" quartz crystal blanks now held in the National Stock Pile. The material to be disposed of is no longer needed in the Stock Pile because of a revised determination by the Munitions Board, dated September 5, 1951, that B. T. cut quartz crystal blanks are no longer strategic and critical materials within the purview of the above act.

The revised determination of the Munitions Board has been made because of impending obsolescence of quartz crystals of the B. T. cut, which will shortly have no further usefulness for use in time of war. Quartz crystals, once finished to a B. T. cut, cannot be cut to other specifications and can be used only in equipment designed to use B. T. cut crystal blanks. Present designs of equipment for military use require crystals of other than B. T. cut. While approximately half of the current production of crystal units for military departments is B. T. cut for use as replacements and new frequency assignments for existing equipment, the obsolescence of this equipment is proceeding to such an extent that within two years the need for B. T. cut quartz crystals will be less than 10 percent of military requirements and thereafter will cease entirely.

In view of the above, it is proposed to transfer the 6,500,000 pieces of B. T. cut quartz crystal blanks now in the Stock Pile to the Signal Corps, Department of the Army, which is charged with all procurement of quartz crystal units for the Armed Services. The material will be transferred during the period August 1, 1952, through December 31, 1952, at its then current estimated value. It is anticipated that the proposed transfer will have no disruptive effect on the market for quartz crystals, but will, by reducing current military requirements for crystals, make a corresponding quantity of raw crystals available for acquisition for the Stock Pile.

Disposition of the 6,500,000 quartz crystal blanks as outlined above has been proposed in order to avoid an expensive and costly waste by obsolescence of a

material already the subject of acute shortages.

Dated: January 30, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-1444; Filed, Feb. 4, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26751]

PHOSPHATE ROCK FROM FLORIDA TO CHICAGO HEIGHTS AND JOLIET, ILL.

APPLICATION FOR RELIEF

JANUARY 31, 1952.

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

Filed by: R. G. Raasch, Agent, for carriers parties to ACL RR. tariff I. C. C. No. B-3232 and SAL RR. tariff I. C. C. No. A-8153.

Commodities involved: Phosphate rock, slush and floats, and soft phosphate, carloads.

From: Florida mines.

To: Chicago Heights and Joliet, Ill.

Grounds for relief: Circuitous routes.

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

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1401; Filed, Feb. 4, 1952; 8:50 a. m.]

[4th Sec. Application 26752]

LIME FROM EDEN, WIS., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 31, 1952.

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. A-3883.

Commodities involved: Common lime, lump, crushed, pulverized, or hydrated, carloads.

From: Eden, Wis.

To: Points in southern territory.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3883, Supp. 20.

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. 52-1402; Filed, Feb. 4, 1952; 8:50 a. m.]

[4th Sec. Application 26753]

LESS-THAN-CARLOAD CLASS AND COMMODITY RATES IN THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 31, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for Beaver, Meade and Englewood Railroad Company, Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad Company of Texas, and Illinois Central Railroad Company.

Commodities involved: Class and commodity rates, less-than-carload and any quantity, also volume lots.

Between: Points in Oklahoma, Louisiana, and Texas, including Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3977, Supp. 5.

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. 52-1403; Filed, Feb. 4, 1952; 8:50 a. m.]

[4th Sec. Application 26754]

LESS-THAN-CARLOAD CLASS AND COMMODITY RATES IN THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 31, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for Beaver, Meade and Englewood Railroad Company, Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad Company of Texas, and Illinois Central Railroad Company.

Commodities involved: Class and commodity rates, less-than-carload and any quantity, also volume lots.

Between: Points in Oklahoma, Louisiana and Texas, including Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3977, Supp. 5.

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. 52-1404; Filed, Feb. 4, 1952; 8:50 a. m.]

[4th Sec. Application 26755]

BRICK FROM CHICAGO, ILL., TO THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 31, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3586.

Commodities involved: Brick and related articles, carloads.

From: Chicago, Ill.

To: Points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3586, Supp. 118.

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. 52-1405; Filed, Feb. 4, 1952; 8:50 a. m.]

[4th Sec. Application 26756]

MOTOR-RAIL-MOTOR RATES BETWEEN PROVIDENCE, R. I., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

JANUARY 31, 1952.

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: The New York, New Haven and Hartford Railroad Company and J. A. Garvey Transportation, Inc.

Commodities involved: All commodities.

Between: Providence, R. I., and Harlem River, N. Y.

Grounds for relief: Competition with motor 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. 52-1406; Filed, Feb. 4, 1952; 8:50 a. m.]

[4th Sec. Application 26757]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

JANUARY 31, 1952.

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: The New York, New Haven and Hartford Railroad Company and Spear Trucking Company.

Commodities involved: All commodities.

Between: Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor 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. 52-1407; Filed, Feb. 4, 1952; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 35]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

FEBRUARY 4, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Trona, California, area. (The area consists of Trona Township, including the towns of Trona and West End, San Bernardino County, California.)

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-1514; Filed, Feb. 4, 1952; 10:27 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1367-7-1381]

AMERICAN CAN CO. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JANUARY 30, 1952.

In the matter of applications by the Los Angeles Stock Exchange for unlisted trading privileges in American Can Company, common stock, $25 par value, 7-1367; Anderson-Prichard Oil Corporation, common stock, $10 par value, 7-1368; Capital Airlines, Inc., common stock, $1 par value, 7-1369; The Chicago Corporation, common stock, $1 par value, 7-1370; The Erie Railroad Company, common stock, no par value, 7-1371; General Telephone Corporation, common stock, $20 par value, 7-1372; Grumman Aircraft Engineering Corporation, capital stock, $1 par value, 7-1373; Gulf Oil Corporation, capital stock, $25 par value, 7-1374; The National Supply Company, common stock, $10 par value, 7-1375; Chas. Pfizer & Company, Inc., common stock, $1 par value, 7-1376; Phillips Petroleum Company, common stock, No par value, 7-1377; Remington Rand, Inc., common stock, $0.50 par value, 7-1378; The Standard Oil Company of Ohio, common stock, $10 par value, 7-1379; Virginia Carolina Chemical Corporation, common stock, no par value, 7-1380; The Youngstown Sheet and Tube Company, common stock, no par value, 7-1381.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 14, 1952, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

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

[F. R. Doc. 52-1368; Filed, Feb. 4, 1952; 8:46 a. m.]

[File No. 70-2767]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

SUPPLEMENTAL ORDER WITH RESPECT TO COMPETITIVE BIDDING RESULTS ON BONDS

JANUARY 30, 1952.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly-owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), having filed a joint application - declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10 and 12 thereof and Rule U-50 of the rules and regulations promulgated thereunder with respect to the issuance and sale by United of $50,000,000 principal amount of First Mortgage and Collateral Trust Bonds ___ percent series, due 1972, pursuant to the competitive bidding requirements of Rule U-50 and certain other related transactions; and

The Commission by order dated January 16, 1952, having granted said application and permitted said declaration to become effective, forthwith, subject to the condition that the proposed issuance and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the fees and expenses to be paid in connection with the proposed transactions; and

A further amendment to the said application-declaration having been filed on January 30, 1952, setting forth the action taken by United to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids the following bids for the bonds have been received:

Bidding group	Coupon rate	Price to company percent of principal amount	Cost to company
	Percent		
Halsey, Stuart & Co., Inc.	3½	101.52999	$8,394
The First Boston Corp....			
Harriman, Ripley & Co., Inc....	3½	101.199	3,417
Goldman, Sachs & Co....			
Morgan Stanley & Co....			
White, Weld & Co....	3½	101.05	8,427
Equitable Securities Corp.			

Said amendment to the application-declaration also setting forth that United has accepted the bid of the group headed by Halsey, Stuart & Co., Inc., as shown above, and that said bonds will be offered for sale to the public at 102.17 percent of the principal amount thereof plus accrued interest from February 1, 1952, to the date of delivery, resulting in an underwriters' spread of .64001 percent of the principal amount of said bonds; and

The Commission having considered the record as further developed, and finding no reason for the imposition of terms and conditions with respect to the results of competitive bidding, and also being of the view that the reservation of jurisdiction heretofore made with respect to the fees and expenses should be continued until the record with respect to these matters shall have been completed:

It is ordered, That jurisdiction heretofore reserved with respect to the results of competitive bidding be, and the same hereby is, released and that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to continuation of the reservation of jurisdiction heretofore made with respect to the fees and expenses.

By the Commission.

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

[F. R. Doc. 52-1369; Filed, Feb. 4, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region VII, Redelegation of Authority 10, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII

REDELEGATION OF AUTHORITY TO ADJUST CEILING PRICES UNDER CPR 34

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority 28, Amendment 1, dated January 9, 1952 (17 F. R. 330), this Amendment 1 to Redelegation of Authority 10 (17 F. R. 171), is hereby issued:

Redelegation of Authority 10 is amended by adding a new paragraph to read as follows:

Authority under section 20 (a) of Ceiling Price Regulation 34, as amended. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region VII, to adjust ceiling prices under the provisions of section 20 (a) of Ceiling Price Regulation 34, as amended.

This redelegation of authority is effective February 1, 1952.

MICHAEL J. HOWLETT, *Director of Regional Office No. VII.*

JANUARY 31, 1952.

[F. R. Doc. 52-1443; Filed, Jan. 31, 1952; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43 Special Order 1, Amdt. 2]

NORTH STAR WOOLEN MILL CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 1 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for wool blankets, manufactured or distributed by North Star Woolen Mill Co., and having the brand name "North Star."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 7, 1952.

Amendatory provisions. Special Order 1 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "In the manufacturer's or distributor's application dated February 28, 1951," insert the words "as supplemented and amended by its applications dated March 2, 1951, July 5, 1951 and January 7, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated January 7, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than February 25, 1952.

Effective date. This amendment shall become effective January 31, 1952.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

JANUARY 31, 1952.

[F. R. Doc. 52-1410; Filed, Jan. 31, 1952; 12:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 33, Amdt. 2]

HICKOK MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 33 under section 43, Ceiling Price

Regulation 7, established retail ceiling prices for men's and boys' belts and buckles, suspenders, wallets and jewelry; men's garters, traveling kits and brief cases, manufactured or distributed by Hickok Manufacturing Co., and having the brand name "Hickok".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 3, 1951.

Amendatory provisions. Special Order 33 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1 (a), after the words "in the manufacturer's or distributor's application dated March 7, 1951," insert the words "as supplemented and amended by its applications dated March 21, 1951, April 5, 1951, August 27, 1951, September 26, 1951 and December 3, 1951."

2. Insert following paragraph 1 (a) now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated December 3, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than February 25, 1952.

Effective date. This amendment shall become effective January 31, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 31, 1952.

[F. R. Doc. 52-1411; Filed, Jan. 31, 1952; 12:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 37, Amdt. 2]

SIMMONS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 37 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for springs, mattresses, sofa-beds, living room furniture, studio couches and studios divans, manufactured or distributed by Simmons Company, and having the brand name "Simmons."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated November 8, 1951 and November 29, 1951.

Amendatory provisions. Special Order 37 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's or distributor's application dated March 15, 1951," insert the words "as supplemented and amended by its applications dated March 22, 1951, June 18, 1951, August 24, 1951, November 8, 1951 and November 29, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental applications dated November 8, 1951 and November 29, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than February 25, 1952.

Effective date. This amendment shall become effective January 31, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 31, 1952.

[F. R. Doc. 52-1412; Filed, Jan. 31, 1952; 12:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 178, Amdt. 1]

MABS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 178 establishes new retail ceiling prices for certain of the applicant's branded articles. These new retail ceiling prices are listed in paragraph 1 of the special order and marked with an asterisk. The ceiling prices established prior to this amendment and still in effect are listed without an asterisk.

The Director has determined, on the basis of information available to him, that the retail ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 178 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

1. The following ceiling prices are established for sales by any seller at retail of women's lastex swimsuits, panty girdles, and girdles; children's lastex swimsuits and underpanties, manufactured or distributed by Mabs, Inc., having the brand name "Mabs of Hollywood" and described in the manufacturer's application dated March 16, 1951, and supplemented and amended by the manufacturer's application dated August 3, 1951.

The ceiling prices listed below which are marked with an asterisk shall become effective on receipt of a copy of this order by the retailer, but in no event later than 30 days after the effective date of this order. Ceiling prices not marked with an asterisk are effective upon the effective date of this order. Sales may, of course, be made below the retail ceiling prices.

The selling prices to retailers listed below are subject to terms of 8/10 E. O. M.

WOMEN'S SWIMWEAR

Selling price to retailers (per dozen):	*Ceiling price at retail (per unit)*
$81.00	$11.95
$93.00	12.95
$105.00	14.95
$117.00	16.95
$129.00	18.95
$141.00	19.95
$159.00	22.95
$177.00	25.00
$207.00	29.95

WOMEN'S FOUNDATION GARMENTS

$24.00	$3.50
$36.00	5.00
$42.00	6.50
$45.00	6.95
$48.00	7.50
$54.00	*8.50
$66.00	10.00
$78.00	*12.50
$177.00	25.00

TEEN AGE SHEER UNDERPANTS

$18.00	$2.50
$21.00	2.95
$24.00	3.50
$27.00	3.95
$36.00	5.00

TEEN AGE SWIMWEAR

$27.00	$3.95
$36.00	[1] 5.00
$48.00	6.95
$63.00	8.95
$69.00	9.95
$75.00 through $81.00	10.95
$87.00 through $93.00	[2] 12.95
$99.00	13.95
$105.00	14.95
$123.00	16.95

[1] Teen age swimwear having the style number 86-B in the manufacturer's application dated March 16, 1951, so long as it has a manufacturer's selling price of $36.00 per dozen, shall have a ceiling price at retail of $4.95 per unit, and the manufacturer's selling price shall carry terms of 8/10 E. O. M.

[2] Teen age swimwear having the style numbers 805T-S, 3515-T, 3518-T, 7515-T, 4515-T, 7518-T, 4518-T, in the manufacturer's application dated March 16, 1951, so long as it has a manufacturer's selling price of $87.00 per dozen, shall have a ceiling price at retail of $11.95 per unit, and the manufacturer's selling price shall carry terms of 8/10 E. O. M.

2. Delete paragraph 4 of the special order and substitute therefor the following:

4. Within 15 days after the effective date of this special order the supplier 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 supplier 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 issued prior to the date of the delivery.

Within 15 days after the effective date of any subsequent amendment to this special order, the supplier 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 supplier had delivered

any article the sale of which is affected in any manner by the amendment.

Effective date. This amendment shall become effective January 31, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 31, 1952.

[F. R. Doc. 52-1414; Filed, Jan. 31, 1952; 12:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 196, Amdt. 3]

MANHATTAN SHIRT CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 196, issued on July 25, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for men's shirts, pajamas, underwear, handkerchiefs, swimwear, basque shirts, shorts and neckwear manufactured by The Manhattan Shirt Company, 444 Madison Avenue, New York 22, New York, having the brand names "Manhattan" and "Mansco." The Manhattan Shirt Company has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 15, 1952 and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style, or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 196 issued on July 25, 1951 under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 3 and substituting the following new paragraph 3:

3 (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, The Manhattan Shirt Company prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article 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 $_____

(b) With respect to articles manufactured on and after March 15, 1952, and delivered prior to June 30, 1952, The Manhattan Shirt Company must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. _____

(c) The Manhattan Shirt Company must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by The Manhattan Shirt Company, determine the ceiling price for each such article and mark or tag it in accordance with the provisions of Section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before March 25, 1952, The Manhattan Shirt Co. certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective January 31, 1952.

MICHAEL V. DISALLE
Director of Price Stabilization.

JANUARY 31, 1952.

[F. R. Doc. 52-1413; Filed, Jan. 31, 1952; 12:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 764, Amdt. 1]

EKCO PRODUCTS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 764 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for cutlery, kitchen tools, kitchen utensils and cleaner, manufactured or distributed by Ekco Products Company, and having the brand names "Ekconomic", "Ekco", "Ekcoware", "Ekcoline", "Diamond Silversmiths" and "Lusto".

This amendment establishes new retail ceiling prices for certain of the applicants branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated December 27, 1951 and December 28, 1951.

Amendatory provisions. Special Order 764 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's or distributor's application dated October 9, 1951," insert the words "as supplemented and amended by its applications dated December 5, 1951, December 27, 1951 and December 28, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental applications dated December 27, 1951 and December 28, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 4, 1952.

Effective date. This amendment shall become effective January 31, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 31, 1952.

[F. R. Doc. 52-1417; Filed, Jan. 31, 1952; 12:20 p. m.]