AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 19 NUMBER 232

Washington, Wednesday, December 1, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (5) is added to § 6.142 as set out below.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* * * *

(5) Director, Compliance Division.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-9493; Filed, Nov. 30, 1954; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 6.213 as set out below.

§ 6.213 *Department of Justice.* * * *

(c) Field Deputy U. S. Marshals, GS–5, 6, 7, and 8.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-9491; Filed, Nov. 30, 1954; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (q) (6) of § 6.302 is added as set out below.

§ 6.302 *Department of State.* * * *

(q) *Office of the Assistant Secretary for Personnel and Administration.* * * *

(6) One Confidential Assistant to the Assistant Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-9492; Filed, Nov. 30, 1954; 8:50 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.239]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

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

1. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (a) is amended by the deletion of the following posts:

Batman, Turkey.
Bayombong, Philippines.
Bois Dehors, Haiti.
Cuttack, India.
Diyarbakir, Turkey.
Djogjakarta, Indonesia.
El Recreo, Nicaragua.
Erzurum, Turkey.
General Saavedra, Bolivia.
Gwalior, India.
Hirakud Dam, India.
Jimma, Ethiopia.
Loikaw, Burma.
Nilokheri, India.
Pucallpa, Peru.
Sebaco, Nicaragua.
Taunggyi, Burma.

2. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (b) is amended by the deletion of the following posts:

Barce, Libya.
Brazil, all posts in states and territories other than those named under Brazil above except Araraquara, Belo Horizonte, Fazenda

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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 August 5, 1953.

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.

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Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Pocos de Caldas, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador, Bahia), Santos and Sao Paulo.
Cuenca, Ecuador.
Derna, Libya.
Foret de Pins, Haiti.
Garian, Libya.
India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Cuddalore, Cuttack, Gwalior, Hazaribagh, Hirakud Dam, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Nilokheri, Patiala, Patna, Poona, Simla and Trivandrum.
Iran, all posts except Kerman, Kermanshah, Meshed and Tabriz.
Okuma, Okinawa Island, Ryukyus.
Philippines, all posts except Angeles, Baguio City, Bayombong, Cavite (including Sangley Point), Davao and Manila.
Turkey, all posts except Adana, Ankara, Bandirma, Batman, Diyarbakir, Elazig, Erzurum, Iskenderun, Istanbul, Izmir, Kayseri and Konya.
Zavia, Libya.
Zliten, Libya.

3. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (c) is amended by the deletion of the following posts:

Bandirma, Turkey.
Israel, all posts except Haifa and Tel Aviv.
Kayseri, Turkey.
Okinawa Island, Ryukyus, all posts except Okuma.

4. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (d) is amended by the deletion of the following posts:

Chillan, Chile.
Croix Chapeau, France.
Libya, all posts except Barce, Derna, El Aweila, Garian, Misurata, Zavia and Zliten.
Lindholm Island, Denmark.
Pocos de Caldas, Brazil.

5. Effective as of the beginning of the first pay period following July 17, 1954, paragraph (a) is amended by the addition of the following post:

Puli, China.

6. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (a) is amended by the addition of the following post:

Ahwaz, Iran.

7. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.
India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Cuddalore, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Patiala, Patna, Poona, Simla and Trivandrum.
Iran, all posts except Ahwaz, Kerman, Kermanshah, Meshed and Tabriz.
Philippines, all posts except Angeles, Baguio City, Cavite (including Sangley Point), Davao and Manila.
Turkey, all posts except Adana, Ankara, Elazig, Iskenderun, Istanbul, Izmir and Konya.

8. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (c) is amended by the addition of the following posts:

Chillan, Chile.
Israel, all posts except Haifa and Tel Aviv and the Israel-held sector of Jerusalem.
Okinawa Island, Ryukyus, all posts.

9. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (d) is amended by the addition of the following posts:

Libya, all posts except El Aweila and Misurata.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary.

NOVEMBER 22, 1954.

[F. R. Doc. 54-9483; Filed, Nov. 30, 1954; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

SUBPART—1954 TOBACCO LOAN PROGRAM

1954 CROP, KENTUCKY AND TENNESSEE FIRE-CURED TOBACCO, TYPE 23; ADVANCE SCHEDULE

Section 464.617, published November 10, 1954 (19 F. R. 7281), is amended as follows: Delete "38" from column headed "Length 46" for Grade C3D and insert "39".

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

Issued this 26th day of November 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54-9498; Filed, Nov. 30, 1954; 8:51 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amdt. 2]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—ORANGES AND GRAPEFRUIT EXPORT PAYMENT PROGRAM VMX 135a

ELIGIBILITY FOR PAYMENT; PRODUCT SPECIFICATIONS

Section 517.443 (d) and § 517.444 (a) (1) and (3) are hereby respectively amended as follows:

1. Section 517.443 (d) is amended to read as follows:

(d) *Inspection.* Exporters shall furnish, at no expense to the Secretary, certificates of inspection or reinspection, as provided in this subpart, for fresh or processed products exported pursuant to this offer indicating that the product meets the applicable requirements set forth in this section and in § 517.444. Such certificates for fresh fruit shall be issued by representatives of the Federal or Federal-State Inspection Service and for processed products by representatives of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, USDA. Inspection of all concentrated products containing sweetening ingredients or preservatives shall be performed during the process of manufacture and also on the finished product after processing. For fresh oranges and grapefruit the period from date of inspection for standards for export to date of exportation, both dates inclusive, must not exceed ten (10) days, except that for shipments exported from U. S. North Atlantic and Canadian Atlantic Ports such period must not exceed fifteen (15) days, and for processed products the period from date of completion of inspection to date of exportation, both dates inclusive, must not exceed ninety (90) days: *Provided*, That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time of such period: *Provided also*, That the Secretary may, at his discretion, require the exporter to have any lot of fresh oranges or grapefruit reinspected at port of export for standards for export, whenever he has information indicating such lot may not then meet such standards for export. Any fruit found not to meet program requirements will not be eligible for payments under this program.

2. Section 517.444 (a) (1) is amended to read as follows:

(a) *Fresh fruit.* (1) Fresh oranges produced in California and Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided*, That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such oranges shall meet the requirements of Standards for Export, shall be individually wrapped, or packed in containers treated with biphenyl or lined with biphenyl paper, and shall be packed in accordance with the requirements of Standard Pack: *Provided*, That oranges jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled; *And provided further*, That oranges place packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack and fill of container but such containers shall be at least fairly well filled and shall contain at least the count of fruit stamped on the container. As used in this paragraph, "U. S. No. 1,"

"U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for Oranges (Calif. & Ariz.)," effective March 8, 1953.

3. Section 517.444 (a) (3) is amended to read as follows:

(3) Fresh grapefruit produced in California and Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided*, That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such grapefruit shall meet the requirements of Standards for Export, shall be individually wrapped, or packed in containers treated with biphenyl or lined with biphenyl paper, and shall be packed in accordance with the requirements of Standard Pack: *Provided*, That grapefruit jumble packed in fiberboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled: *And provided, further*, That grapefruit place packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack and fill of container but such containers shall be at least fairly well filled and shall contain at least the count of fruit stamped on the container. As used in this paragraph "U. S. No. 1," "U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for grapefruit (California and Arizona)," effective January 9, 1950.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date. This amendment shall be effective November 26, 1954.

Dated this 24th day of November 1954.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 54-9495; Filed, Nov. 30, 1954; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-41]

PART 166—IDENTIFICATION OF VEHICLES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 17th day of November A. D. 1954.

It appearing that the Commission, Division 5, by order of June 11, 1947 in Ex Parte No. MC-41, issued revised rules and regulations respecting identification of motor vehicles;

It further appearing that upon consideration of a petition of the corporations operating under the trade name, The Greyhound Lines, consisting of The Greyhound Corporation (No. MC-1501), Eastern Canadian Greyhound Lines, Ltd. (No. MC-30053), Southwestern Greyhound Lines, Inc. (No. MC-1510), Northeastern Missouri Greyhound Lines, Inc. (No. MC-110129), New England Greyhound Lines, Inc. (No. MC-1517), Central Greyhound Lines, Inc., of New York (No. MC-1520), Atlantic Greyhound Corporation (No. MC-1504), Capital Greyhound Lines (No. MC-1505), Pacific Greyhound Lines (No. MC-1511), Northland Greyhound Lines, Inc. (No. MC-1509), Richmond-Greyhound Lines, Inc. (No. MC-1508), and Pennsylvania Greyhound Lines, Inc. (No. MC-1502), further revision of said rules and regulations appears justified: and good cause appearing therefor:

It is ordered, That Part 166 be, and it is hereby, revised as follows:

Sec.
166.1 Vehicles subject to regulation.
166.2 Method of identification.
166.3 Size, shape and color.
166.4 Vehicles in driveaway service.
166.5 Passenger vehicles.
166.6 Use of identification plates prohibited.

AUTHORITY: §§ 166.1 to 166.6 issued under 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 566, as amended; 49 U. S. C. 324.

§ 166.1 *Vehicles subject to regulation.* Every for-hire motor carrier operating under authority granted pursuant to the Interstate Commerce Act (49 U. S. C., 1 et seq.), shall observe the rules and regulations prescribed in this part respecting each motor vehicle operating under such authority.

§ 166.2 *Method of identification.* There shall be displayed on both sides of each vehicle operated under its own power, either above or in combination, except as otherwise provided in this part respecting vehicles in driveaway service and those used under a continuing interchange or lease arrangement between common carriers of passengers by motor vehicle, the name, or trade name, of the motor carrier under whose authority the vehicle or vehicles is or are being operated, and the certificate, permit, or docket number assigned to such operating authority by the Interstate Commerce Commission. Such certificate, permit, or docket number, or numbers, shall be in the following form: "I. C. C. _____", but shall not include any sub numbers which may have been assigned. If the name of any person other than the operating carrier appears on the vehicle operated under its own power, either alone or in combination, the name of the operating carrier shall be followed by the information required above, and be preceded by the words "operated by". Nothing in the regulations in this part shall prohibit display of such additional identification as is not inconsistent herewith.

§ 166.3 *Size, shape and color.* The display of name and number prescribed in this part shall be in letters and figures in sharp color contrast to the background and be of such size, shape and color as to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is not in motion, and such display shall be kept and maintained in such manner as to remain so legible. If desired, display may be accomplished through use of a removable device so prepared as otherwise to meet the identification and legibility requirements of the regulations in this part.

§ 166.4 *Vehicles in driveaway service.* If a removable device is used on vehicles in driveaway service, it either may be affixed on both sides, or, at the rear of the single driven vehicle. In the cases of a combination driveaway operation the removable device may be affixed on both sides of any one of the units comprising the combination, or at the rear of the rear-most unit of the combination.

§ 166.5 *Passenger vehicles.* Sections 166.1 to 166.4 shall not apply to motor vehicles used in the transportation of passengers by common carriers when such vehicles are used in providing through transportation of passengers, in regular services, over the authorized routes of two or more of such carriers under a continuing interchange or lease of equipment arrangement between such carriers, if the vehicle owner's name and certificate number is displayed thereon in the manner provided in § 166.2, and if there shall have been filed with the office of the District Director or Directors having jurisdiction over such carriers and posted in each terminal and ticket agency on the involved routes a published schedule of the carriers showing clearly the points or places between which each carrier assumes and bears complete control and responsibility for the operation of the interchanged or leased vehicle.

§ 166.6 *Use of identification plates prohibited.* On and after the effective date hereof, identification plates theretofore issued by the Interstate Commerce Commission shall not be displayed on any motor vehicle operating under authority of the Commission, or otherwise.

It is further ordered, That the said order of June 11, 1947, be, and it is hereby, vacated and set aside, effective January 3, 1955, and the current order also shall become effective that date;

And it is further ordered, That a copy of this order be served upon all for-hire motor carriers and that notice hereof be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9478; Filed, Nov. 30, 1954; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

REVISION OF POSTAL REGULATIONS

Effective December 1, 1954, Chapter I of Title 39, Code of Federal Regulations (19 F. R. 6996 et seq.) is revised as set forth below.

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

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Subchapter U—Procedures

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Subchapters A–J—Post Office Services, Domestic

Subchapter A—Introduction

PART 1—WHAT SUBCHAPTERS A–J COVER

§ 1.1 *What Subchapters A–J cover.* Subchapters A–J contain the regulations of the Post Office Department which are intended to assist the users of its domestic services in obtaining the maximum benefits from its personnel and facilities. Thus, include the specified rates for stamps and postage and the restrictions governing their use, the particulars distinguishing the various classes of mails and the conditions entitling the public to the privileges of those classes, the requirements for proper wrapping and mailing of matter to be mailed, an explanation of the collection and delivery services of the Department, and details of the special mail and nonmail facilities of the Department. Notwithstanding any statement contained in this chapter, the burden rests with the mailer to assure that he has complied with the laws enacted by Congress.

(R. S. 161, 396; 5 U. S. C. 22, 369)

PART 2—DOMESTIC MAIL SERVICE

§ 2.1 *Domestic mail service.* Domestic mail means mail transmitted within, among and between the United States and its Territories and possessions. The term "Territories and possessions" includes Baker Island, Canal Zone, Canton Island, Enderbury Island, Guam, Howland Island, Jarvis Island, Johnston Island, Kingman Reef, Midway Islands, Navassa Island, Puerto Rico, American Samoa (Manua, Swain's, and Tutuila Islands), Sand Island, Swan Islands, Trust Territory of the Pacific (Caroline, Mariana, and Marshall Islands), U. S. Virgin Islands (Saint Croix, Saint John, and Saint Thomas), and Wake Island.

(R. S. 161, 396; 5 U. S. C. 22, 369)

PART 3—CONFIDENTIAL TREATMENT OF MAIL

§ 3.1 *Confidential treatment of mail.* Sealed mail while in the custody of the Post Office Department is accorded absolute secrecy. No persons in the Postal Service, except those employed for that purpose in dead-mail offices may break or permit the breaking of the seal of any mailed matter, without a legal warrant, even though it may contain criminal or otherwise unmailable matter, or furnish evidence of the conviction of a crime.

(R. S. 161, 396; 5 U. S. C. 22, 369)

PART 4—INFORMATION ON POSTAL MATTERS

Sec.
4.1 Inquiries.
4.2 General postal publications.
4.3 Confidential matter.
4.4 Available records.

AUTHORITY: §§ 4.1 to 4.4 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 4.1 *Inquiries.* Make all inquiries in regard to mail of your postmaster. If you have good reason to keep the knowledge of your inquiry from your postmaster, address your inquiry to the Post Office Department, Washington 25, D. C.

§ 4.2 *General postal publications—*(a) *The Postal Manual.* (1) The Postal Manual contains the regulations and internal instructions governing the operation of the Postal Service.

(2) Chapter 1 of the Postal Manual contains the regulations governing domestic mail service intended to assist the mailing public in obtaining maximum use of this service.

(3) Chapter 2 contains corresponding regulations governing the International Mail Service.

(4) You may obtain in pamphlet form chapters 1 and 2 from the Superintendent of Documents, Washington 25, D.C., for 65 cents per copy. You may also obtain this edition, together with periodic looseleaf supplements, for approximately 1 year, for $2.

(b) *Directory of post offices.* A directory of post offices is to be issued during 1955. It will replace the directory in Part I of the Postal Guide.

§ 4.3 *Confidential matter.* The following records, documents, and information are confidential, and may not be disclosed by subordinate officers or employees of the Department without authorization:

(a) Reports of Post Office Inspectors.

(b) Records of the Post Office Inspection Service.

(c) Names of post office box holders.

(d) Names and addresses of post office patrons and former patrons, except as provided in § 13.5.

(e) Records regarding mail matter.

(f) Records regarding postal savings accounts.

(g) Records regarding money orders.

§ 4.4 *Available records*—(a) *Formal hearing records.* You may inspect formal records of proceedings in which a hearing has been held or offered if you have a proper interest in them.

(b) *Conditions.* You may inspect all other records of the Department or field service if permitted to do so by the head of a Bureau or Office in the Post Office Department. In making such determinations, the following items will be taken into consideration:

(1) The interest of the person requesting permission to make the inspection.

(2) Whether disclosure of the information contained in the records will violate the privacy of mail matter.

(3) Whether the release of the record will jeopardize future Government access to information.

(4) Whether the release of the record at the time is premature and will improperly affect a pending action.

(5) Whether the disclosure of the record will have the effect of hindering free administrative decisions in the same or similar matters in the future.

(6) Whether the purpose for which the record is sought is prejudicial to the public interest.

(7) Whether the record is already otherwise made public, such as reports of public hearings and conferences, recorded maps, plats and documents, records published for the information of the public, and material of a similar public nature.

(c) *Transfer of records.* All records of the Post Office Department and its field service are the property of the Department. Postmasters and other employees are not authorized to turn over such records to other persons without authorization from the head of a Bureau or Office of the Post Office Department.

(d) *Compliance with subpenas duces tecum.* Postmasters and postal employees will comply with a proper subpena duces tecum issued by a court of record only after consultation with the Post Office Department and authorization from the Department. When employees are authorized to comply with subpenas duces tecum, they will not leave the records themselves with the court but will leave copies prepared for that purpose.

(e) *Compliance with summons.* A postmaster or other postal employee will comply with a summons requiring his appearance in court. He will not testify as to names and addresses of post office patrons, mail matter, postal savings accounts, or money orders unless he is specifically directed to do so by the court after first calling attention of the court to this regulation. In no event will he testify concerning reports of Post Office Inspectors or other records of the Post Office Inspection Service.

(f) *Costs.* The head of any Bureau or Office of the Post Office Department may authorize copies of records which are open to public inspection to be furnished to members of the public at the cost of the person requesting them.

PART 5—COMPLAINTS

§ 5.1 *Complaints.* Make complaints concerning any phase of the Postal Service to your postmaster. If you have good reason to keep the knowledge of your complaint from your postmaster, address your complaint to the Postmaster General, Washington 25, D. C.

(R. S. 161, 396; 5 U. S. C. 22, 369)

PART 6—FRACTIONS

§ 6.1 *Fractions.* In the sale of postage, and the computation of rates, fees, and other charges, any fraction of a stated basic unit is treated as a whole unit, by the following rules:

(a) *Money.* If the stated basic unit is 1 cent, fractions of a cent are treated as a whole cent; if the basic unit is 1½ cents, fractions of 1½ cents are treated as 1½ cents; etc. In the settlement of cash balances payable to the post office, the next highest even-cent amount must be paid. The rule on fractions does not apply to dollars.

(b) *Weight.* Fractions of the stated unit are treated as a whole unit, thus: 3 cents an ounce means 3 cents an ounce or fraction of an ounce; 2 cents each 2 ounces means 2 cents for each 2 ounces or fraction of 2 ounces; 2 cents each half-pound means 2 cents for each half-pound or fraction of a half-pound.

(c) *Length.* Fractions of any stated unit of length—inches, feet, miles, etc.—are treated as a whole unit.

(d) *Time.* Fractions of the stated unit—hours, days, months, quarters, years, etc.—are treated as a whole unit, except that in the computation of post office box rent the rent for the first quarter in which the box is rented is prorated by days.

(R. S. 161, 396; 5 U. S. C. 22, 369)

Subchapter B—How to Wrap and Mail

PART 11—PACKAGES

Sec.
11.1 Adequacy of packaging standards.
11.2 Cartons and boxes.
11.3 Internal protection.
11.4 Outside wrapping (closure).
11.5 Marking on packages.

AUTHORITY: §§ 11.1 to 11.5 issued under R. S. 161, 396, sec. 24, 20 Stat. 361, sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250.

§ 11.1 *Adequacy of packaging standards.* This part contains standards and methods for ordinary packaging and wrapping of parcels. Certain types of items are excluded from the mails unless packaged so as to assure safe transit. For such special packaging regulations, see Part 15 of this chapter.

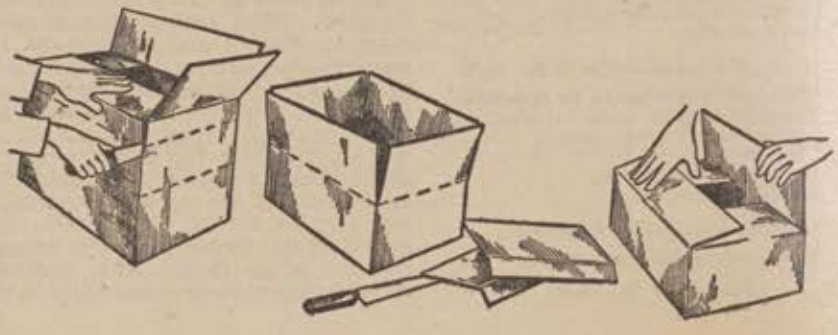
§ 11.2 *Cartons and boxes*—(a) *Types of shipping containers.* Shipping containers must be strong enough to retain and protect their contents from the weight of other mails. Boxes or cartons of the following materials are commonly used: Corrugated or solid fiberboard, kraftboard, chipboard (for small items), fiber mailing tubes with metal ends, metal, and wood. Heavy wrapping paper or burlap or similar cloth may be used for parcels containing unbreakable goods which would not be damaged by the weight of other mails. The strength of carton required will depend on the weight, size, and nature of the article shipped as well as the distance it is to go. Parcels addressed to distant zones receive more handling and therefore require stronger containers than parcels addressed to nearby points.

(b) *Size of container.* The outer shipping container should be the proper size to hold the goods shipped with enough space for cushioning material inside. If the container is too large, the contents are apt to shift while in transit. If it is too small, or if too much is put into it, there will not be enough room for protective internal cushioning. An overstuffed carton may burst in transit.

(c) *Used containers.* You may obtain a good used corrugated fiberboard box at a grocery or drug store. Select one in good rigid condition with the four top flaps intact. If a box of the desired size cannot be found a larger one may be cut down as shown in the following illustration. Bend the four sides over the articles which have been cushioned in the box.

(d) *Chipboard boxes.* Small rigid telescoping chipboard boxes are usually used for small articles such as watches, jewelry, pens, etc.

§ 11.3 *Internal protection*—(a) *Purpose of cushioning.* (1) If a single item is shipped, sufficient cushioning material should surround the item so that it will



be protected from outside impact against the carton in which it is shipped.

(2) If two or more items are shipped in the same carton or box, the cushioning should protect the items from damaging one another, in addition to protecting against outside impact. Each item should be separately wrapped so that no damage will result regardless of the position of the package inside a mail sack.

(b) *Cushioning materials.* (1) Excelsior, flexible corrugated fiberboard, or felt are commonly used to cushion heavy articles. Cellulose materials, cotton, clothing, shredded paper, or tissue paper are used for lighter items. The amount of cushioning needed will depend on size and nature of items mailed.

(2) About 2 inches of cushioning material should be evenly and firmly placed on all sides of the fragile item.

(3) Heavy and lightweight items should not be packed together in the same compartment. Pack them so the heavy item will remain in a fixed position.

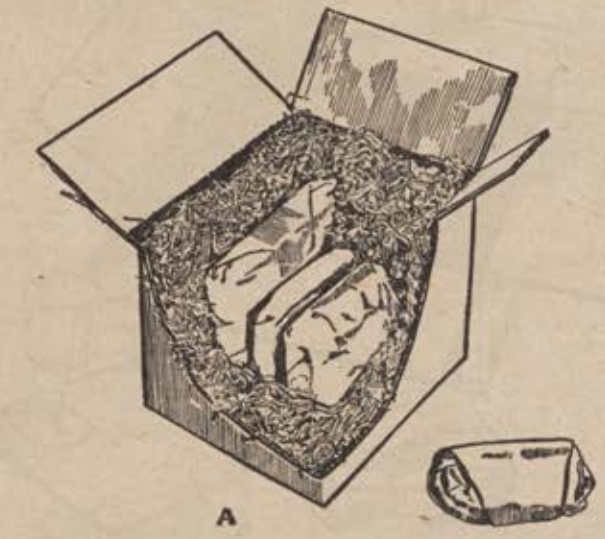
(c) *Chinaware.* (1) The pieces must be individually cushioned.

(2) If shredded paper or excelsior is used, at least 2 inches of either should be placed on all four sides of the box and on top and bottom. Each piece must be properly spaced and cushioned to avoid strain or damage to other pieces. About one-half of an inch cushioning between flat pieces will be adeqate.

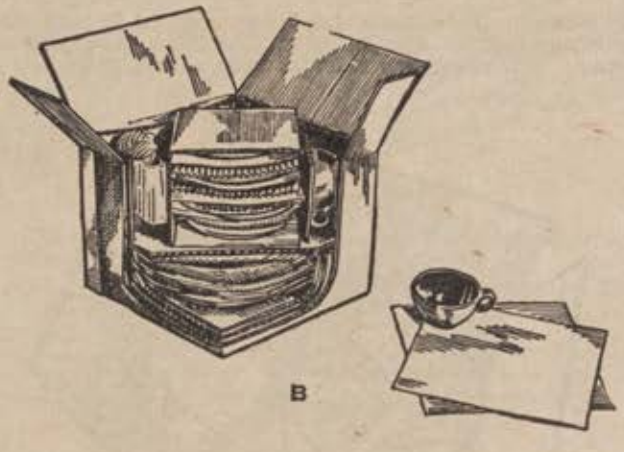
(3) Breakage of one item when packed with soft cushioning material may result in general loosening of other articles in the carton with further damage. If corrugated interior packing, such as trays, pads, partitions, compartments, etc., are used they must be arranged so that individual items do not touch the wall of the shipping carton or each other. Flexible packing pads between each item of the same size may be used in nesting.

(4) The weight of upper compartments should be borne by corrugated packing and not by articles in lower compartments.

(5) Illustration A shows the manner of cushioning several odd shaped items in a parcel while illustration B shows a commercial pack.

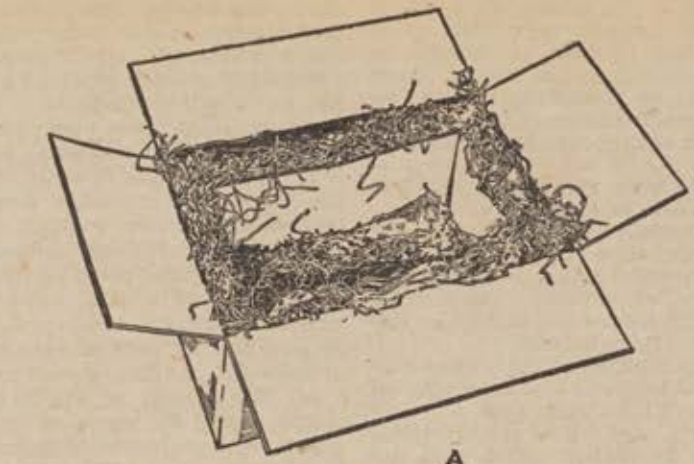


A

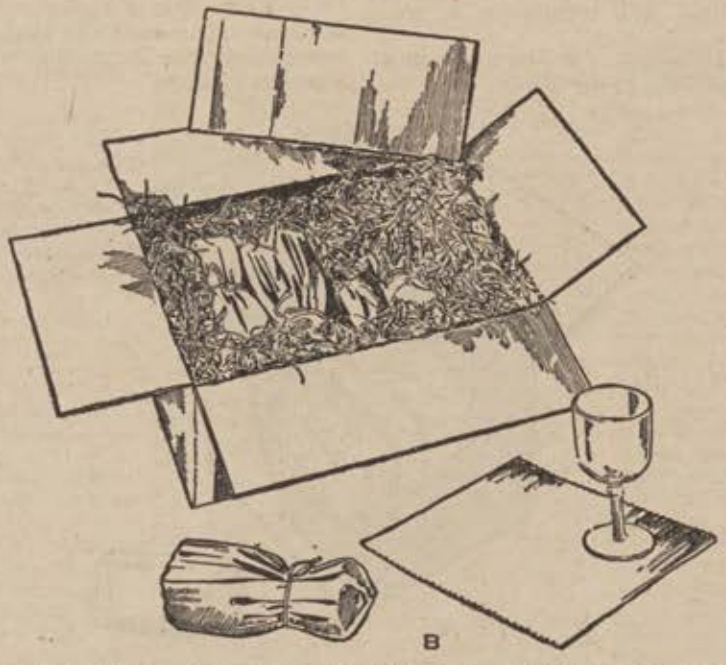


B

(d) *Stemware.* These pieces may be very fragile and in case of faulty manufacture they may be damaged by temperature or climatic changes. See illustrations 11.3 (d) (A) and 11.3 (d) (B) for packing.



A

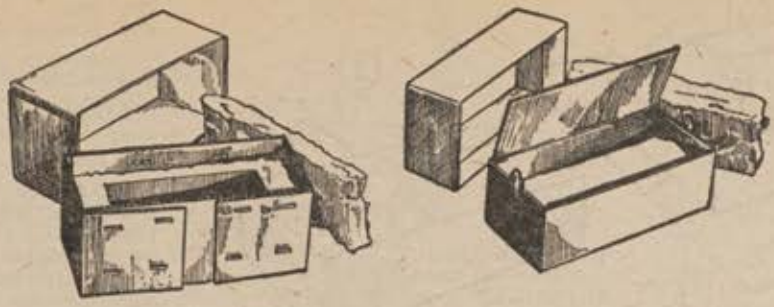


B

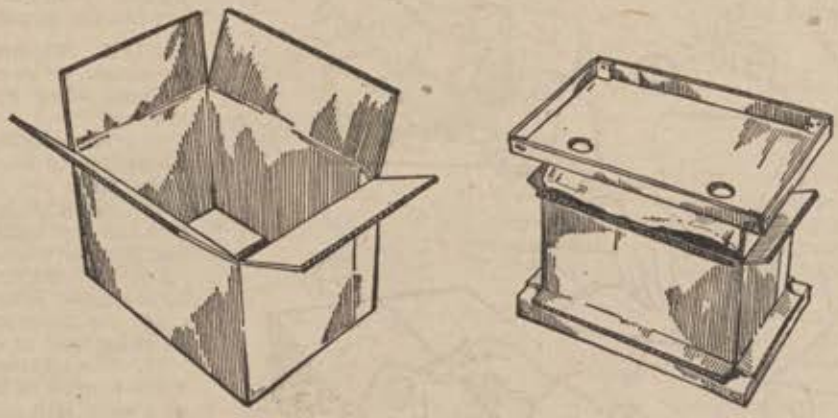
(e) *Framed pictures.* These items should be cushioned on both sides and packed in a strong shipping carton. The following illustration shows one way of packing a framed picture. The newspaper is folded to form rolls which are placed around the picture.



(f) *Optical goods and spectacles.* These items should be cushioned in an exceptionally strong shipping carton as shown in the illustration. The chipboard box shown on the right has a liner of corrugated fiberboard for added strength.



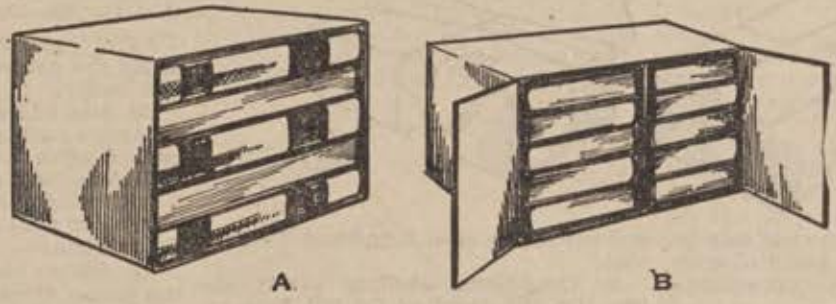
(g) *Radios.* Plastic radio cases are susceptible to damage. The radio should be packed in an inner carton, cushioned within the other by 2 inches of material on all sides, top, and bottom. A commercial package is shown below.



(h) *Books.* (1) Pack single books in corrugated cardboard or padded book bags to protect edges and corners against damage.

(2) The number of books in a carton will vary according to their weight and size. As many as 10 average size, cloth bound books can be shipped together safety. If the books are larger than average, no more than 5 should be packed together.

(3) When 2 to 5 books are shipped together, stagger the way they face, so that the open edge of one book will alternate with the backbone of another. See illustration A. If 6 to 10 average books are packed together, divide them evenly into 2 groups separated by corrugated cardboard. See illustration B.



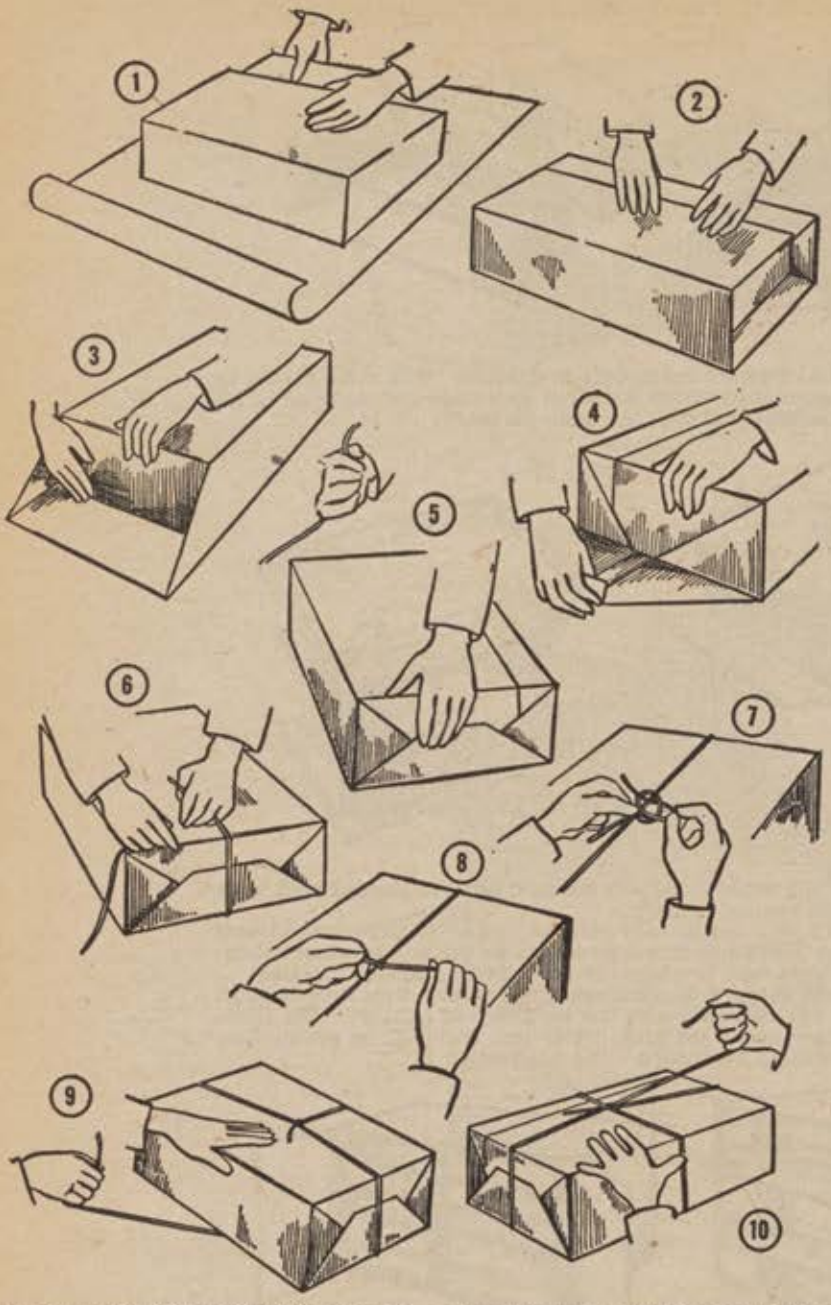
A B

(4) Do not pack books so that the open side of one faces the open side of another. They are apt to interlace and damage each other.

§ 11.4 *Outside wrapping (closure).* (a) Small telescoping chipboard boxes may have metal clasps which fold over and hold the two parts of the box together. Further reinforcement is not required.

(b) Fiberboard cartons may be wrapped and tied with strong twine or rope as shown in the following illustration. This affords the greatest protection to contents. A fiberboard carton in good condition need not be wrapped. The seams

may be taped if desired, to exclude dust, and the box then tied securely. The use of tape alone on large cartons is not recommended.



(c) Dry, nonfragile materials may be wrapped in heavy paper and tied with twine. Thin paper bags are not acceptable.

(d) Articles which are self-contained may be mailed without outside packaging or wrapping. The Post Office Department will not be responsible, however, if the surface or finish of the article becomes marred or damaged.

§ 11.5 *Marking on packages*—(a) *Fragile.* Packages containing articles of a delicate nature such as glass, chinaware, electrical appliances, jewelry, musical instruments and radios, must be marked "Fragile" by the mailer.

(b) *Perishable.* Products which decay quickly, such as fresh meats, fresh fruits, and vegetables, must be marked "Perishable."

(c) *Conditional labeling.* (1) Words like "Do Not Bend or Do Not Fold or Crush" may be used only when content is fully protected with stiffening material.

(2) Words like "Rush or Do Not Delay" may be used only on packages intended for shipment as special delivery or special handling mail.

(d) *Unauthorized labeling.* (1) Labels and markings printed on cartons or on wrappers of parcels or on gummed tape on parcels are not permitted in place of any required label.

(2) Obsolete markings or labels shall be covered or obliterated.

(3) Parcels improperly labeled as to nature of contents are not acceptable.

PART 12—ENVELOPES

Sec.
12.1 Color.
12.2 Quality.
12.3 Size.
12.4 Window envelopes.

AUTHORITY: §§ 12.1 to 12.4 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 12.1 *Color.* Use any light color that does not interfere with legible address and postmark.

§ 12.2 *Quality.* Use paper strong enough to withstand normal handling. Highly glazed paper, or paper with an overall design, is not satisfactory for showing the address and necessary postal endorsements.

§ 12.3 *Size.* Envelopes of standard sizes are more easily and quickly handled. Envelopes less than 2¾ by 4 inches, or larger than 9 by 12 inches, are not recommended.

§ 12.4 *Window envelopes.* Window envelopes, or open panel envelopes, may be used when the following conditions are met:

(a) The window must be parallel with the length of the envelope.

(b) Only one window is permissible.

(c) Nothing but the name, address, and any key number used by the mailer may appear through the window.

(d) The return address must appear in the upper left corner.

(e) No printing is permissible within ⅜ of an inch of the window.

(f) The address disclosed through the window must be on white paper or paper of a very light color.

PART 13—ADDRESSES

Sec.
13.1 General information.
13.2 Arrangement of address.
13.3 Where to put handling instructions.
13.4 Simplified address.
13.5 Correction of mailing list addresses.
13.6 Delivery zones.

AUTHORITY: §§ 13.1 to 13.6 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 13.1 *General information.* (a) Write the names and addresses clearly and legibly.

(b) Mail addressed to letter-carrier offices must include the street and number, or post office box number, except mail with simplified addresses. (See § 13.4.)

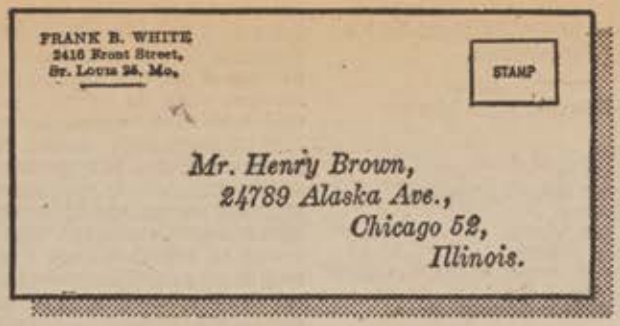
(c) Include the postal delivery zone number on mail addressed to cities using that system.

(d) Matter bearing dual addresses or the names of more than one post office in the return address or in the recipient's address is not acceptable for mailing.

(e) Matter bearing instructions to return to *Point of Mailing* (postmark) is not acceptable for mailing.

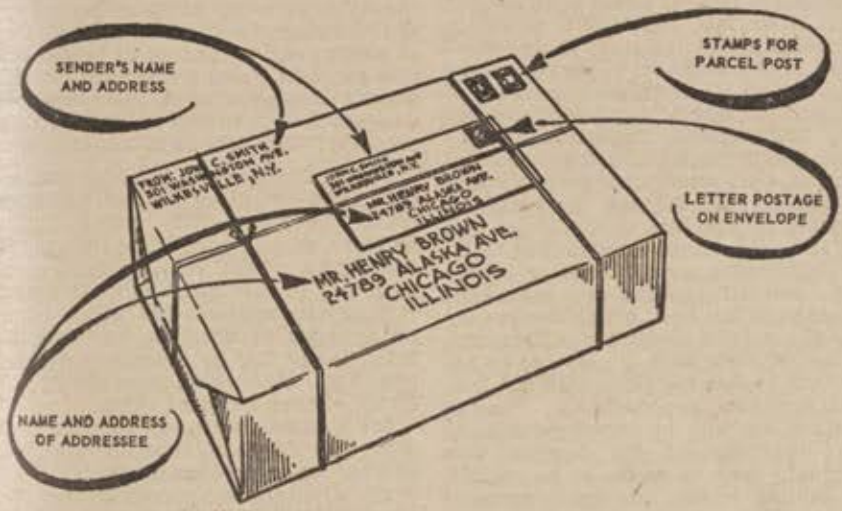
(f) Section 16.1 (c) for special instructions on addressing second-class mail.

§ 13.2 *Arrangement of address.* (a) The proper place for the address is in the lower right portion of the address side; the postage (stamps or meter stamps or permit imprints) in the upper right corner; and the return address of the sender in the upper left corner.



(b) Leave enough space on the address side of all mail for necessary directions or endorsements, and the postage stamps and postmarking. Leave at least 3½ inches of clear space, from top to bottom, at the right end of the address side of envelopes, folders, or labels. On large envelopes or mailing pieces leave a clear rectangular space of not less than 5 by 3 inches for the address, stamps, postmarks, etc.

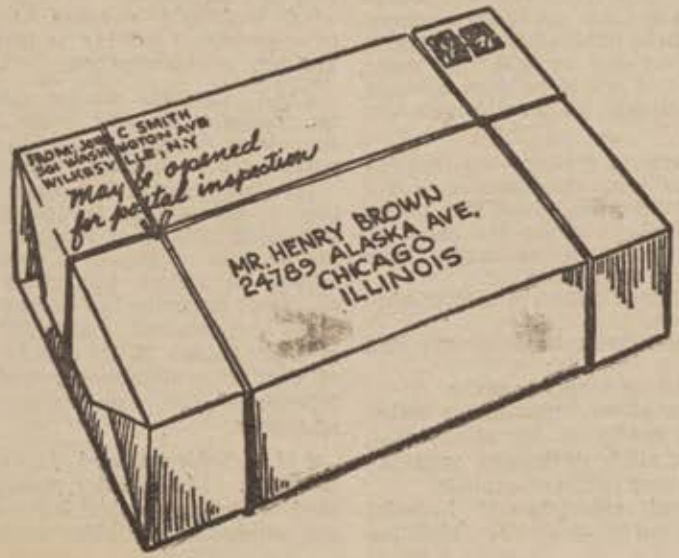
(c) Illustration of how to fix a first-class letter on a parcel:



§ 13.3 *Where to put handling instructions*—(a) *Pledge to pay return or forwarding postage (or both).* Below the return address of the sender. (Only on second-, third- and fourth-class matter.)

(b) *Form 3547 requested (notice of new address).* Printed in lower left corner. (Only on third- and fourth-class matter.)

(c) *Authority to open.* In the upper left corner below the return address (and pledge). This authorization must be placed on all sealed parcels prepaid at the third- or fourth-class rates of postage (except miscellaneous printed matter weighing less than 8 ounces, which may not be mailed sealed at the third-class rate). The authorization may be handwritten, typewritten, handstamped, printed, or put on by any other method.



§ 13.4 *Simplified address*—(a) *Style.* Where general distribution of mail is desired for all patrons, a simplified address is permitted provided each piece is addressed in one of the following styles:

(1) Rural or Star-Route Boxholder.
(2) Post Office Boxholder.
(3) Patron (or Householder), Letter Carrier Route.
(4) Postal Patron. (This style may be used instead of styles (1), (2), or (3).)
(5) Residential Patron.
(6) Business Patron.

(b) *Post office address.* Any of the styles shown in paragraph (a) of this section may be followed by the name of the post office and State, or by the word "Local."

(c) *"Occupant" mail.* To address mail to a specific street number without addressing the occupant by name, the following style may be used:

Occupant

(Street and Number)

(Post Office and State, or Local)

(d) *Preparation requirements.* (1) You must tie all pieces for the same post office, so far as practicable, in packages of 50 and attach a facing slip showing the distribution desired, such as: rural route, letter carrier, post office boxholder, etc. If the pieces are put up in quantities other than 50 for each separation, the number of pieces must be shown on the facing slip.

(2) If selective distribution is desired, a sufficient number of pieces must be presented to cover the route or routes selected and the route numbers must be shown on the facing slips.

(3) Postage at the proper rate must be fully prepaid by a method that does not require cancellation: by permit imprints, meter stamps, or by means of precanceled stamps, precanceled stamped envelopes, or precanceled postal cards.

(4) Designations such as "Farmer," "Food Buyer," "Voter," etc., are not permitted.

(e) *Number of patrons.* Upon request, postmasters will furnish without charge the number of patrons served, as follows:

(1) Route numbers, and number of residential and business patrons on each carrier-delivery route. If you furnish the boundary lines of a territory where you want mail delivered, this information will be furnished for the whole of each route serving that territory.

(2) Number of post office boxholder patrons.

(3) Route numbers, and number of patrons on each rural and star route.

§ 13.5 *Correction of mailing list addresses*—(a) *Service available.* Mailing lists will be corrected but not compiled. Mailing lists submitted by departments of State governments, municipalities, religious, fraternal and recognized charitable organizations, and mailing lists used by concerns for the solicitation of business by mail, will be corrected as frequently as requested at the expense of the owners of the lists.

(b) *Charge.* The charge is 25 cents for a list of less than 25 names and 1 cent per name for lists of 25 or more names, payable in advance by cash or money order, including return postage. Lists used by Members of Congress and Federal agencies are corrected without charge.

(c) *Method of submission.* Lists should be submitted on cards, one name to a card. Cards should be approximately the size and quality of a postal card. The owner's name should appear in the upper left corner of each card. Lists should be submitted by mail only, except in the case of local firms presenting large lists for correction.

(d) *Type of corrections made.* Names to which mail cannot be delivered or forwarded will be crossed off; incorrect house, rural, or post office box numbers will be corrected; initials will be corrected where apparently the name is known to the owner of the list; and the head of the family will be indicated, if known, when two or more names are shown for the same address. New addresses for patrons who have moved will be furnished when permanent forwarding orders are on file. New names will not be added to a list.

(e) *"Occupant" mailing lists.* Lists for mail addressed to "Occupant" at a street address will be corrected by indicating on each card the information, as far as applicable, set forth in paragraph (d) of this section. Numbers representing incorrect street addresses will be crossed off, but no numbers will be added to the cards or any numbers changed. Numbers representing addresses of business houses will be indicated by writing "Business" opposite the number. Numbers served by rural route will be indicated by the word "Rural." Numbers not shown on the mailing lists and to which delivery can be effected will not be added to the lists. The cards will be separated by routes and arranged in the order of delivery before being returned to the owner. Each carrier will place a card on top of those for his route showing (1) the number of possible deliveries to business patrons, and (2) the number of all other possible deliveries on the route.

§ 13.6 *Delivery Zones*—(a) *Description.* Delivery zones are numbered units, based on carrier-station areas, into which the total delivery area of large post offices is divided to speed mail sorting and delivery. The number should be written immediately after, and on the same line as, the name of the post office. (See § 13.2 (a).)

(b) *Notification of correspondents.* Patrons of delivery-zone offices should notify their correspondents of their delivery-zone numbers, and include the zone numbers in their letterheads and return addresses.

(c) *Mailing lists.* Mailing lists covering delivery-zone post offices may be sent to those offices who have the zone numbers added without charge. Include return postage.

(d) *Zone directories.* Postal Delivery Zone Directories may be obtained free from the postmasters of delivery-zone post offices.

(e) *List of Zone offices.* A list of delivery-zone post offices is published in the *Directory of Post Offices.*

PART 14—NONMAILABLE MATTER

Sec.
14.1 Introduction.
14.2 Harmful matter.
14.3 Obscene and indecent matter.
14.4 Libelous matter.
14.5 Lotteries and frauds.
14.6 Intoxicating liquors.
14.7 Disloyalty and threats to the President.
14.8 Copyright violations.
14.9 Certain foreign communications.

AUTHORITY: §§ 14.1 to 14.9 issued under R. S. 161, 396, sec. 1, 62 Stat. 740, 763, 768, 769, 781, 782, sec. 15, 20 Stat. 359, secs. 3, 4, 25 Stat 873, 874; 5 U. S. C. 22, 369, 18 U. S. C. 871, 1302, 1461, 1463, 1716, 1717, 1718, 39 U. S. C. 227, 255, 256.

§ 14.1 *Introduction*—(a) *Description.* Nonmailable matter includes all matter which is by law, regulation, or treaty stipulation prohibited from being transmitted in the mails or which cannot be forwarded to its destination bacause of illegible, incorrect or insufficient address.

(b) *Applicability.* The harmful or objectionable things identified or described in this part are some of the matter which may not be sent through the mails, as a matter of absolute prohibition. See Part 15 of this chapter for matter mailable only under special rules or conditions. Notwithstanding any statement contained in this part, which covers only some of the items prohibited in the mails, the burden rests with the mailer to assure that he has complied with the law.

(c) *Penalties for violation.* Severe penalties, by fine or imprisonment, or both, are provided for persons who knowingly mail or cause to be mailed, any matter which has been declared nonmailable under law.

(d) *Nonconformity with postal regulations.* Regardless of its nature, matter may not be mailed in any form if done in violation of postal regulations for such reasons as failure to pay postage, improper size or weight, improper permits, improper addresses, etc.

(e) *Responsibility of sender.* If you are in doubt as to whether any matter is properly mailable, you should ask the postmaster. Even though the Post Office Department has not expressly declared any matter to be nonmailable, the sender of such matter may be held fully liable for violation of law if he does actually send nonmailable matter through the mails.

§ 14.2 *Harmful matter*—(a) *General provisions of law.* Any articles, compositions, or materials, which may kill or injure another, or injure the mails or other property, are nonmailable. This includes but is not limited to:

(1) All kinds of poison or matter containing poison.

(2) All poisonous animals, insects, and reptiles.

(3) All disease germs or scabs.

(4) All explosives, inflammable material, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode.

(b) *General examples of harmful matter.* Harmful matter includes, among others, that which is likely to destroy, deface, or otherwise damage the contents of the mail bags or harm the person of anyone engaged in the postal service, such as caustic poisons (acids and alkalies), oxidizing materials, or highly flammable solids; or which are likely under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing; explosives or containers previously used for shipping high explosives having a liquid ingredient (such as dynamite), ammunition; fireworks; highly flammable liquids or substances; radioactive materials; matches; or articles exhaling a bad odor.

(c) *Acceptability if properly packed.* When authorized by the Postmaster General, various of the articles specified in this part as being nonmailable may be sent through the mails if they conform to special regulations as to preparation and packaging and if they are not outwardly dangerous, or of their own force dangerous or injurious to life, health, or property. See Part 15 of this chapter.

§ 14.3 *Obscene and indecent matter*—(a) *Lewd or filthy matter.* Obscene, lewd, lascivious, or filthy publications or writings, or mail containing information concerning where, how, or from whom such may be obtained, and matter which is otherwise mailable but which has on its wrapper or envelope any indecent, lewd, lascivious, or obscene writing or printing. Any mail containing any filthy, vile, or indecent thing.

(b) *Contraceptive and abortive materials.* (1) Anything intended to prevent conception or produce abortion.

(2) Anything advertised or described so as to lead another to use it for preventing conception or producing abortion.

(3) Any written or printed matter giving information as to how to obtain any article or to use any means for preventing conception or producing an abortion.

(4) Any other written or printed matter intended to induce, or incite to, the prevention of conception or the production of abortion.

(c) *Inciting to violence.* Any matter of a character tending to incite arson, murder, or assassination.

§ 14.4 *Libelous matter.* Any matter otherwise mailable which has upon its outside wrapper or envelope, or any postal card or post card carrying on it:

(a) Any libelous, scurrilous, defamatory, or threatening language, whether written or printed, or which by its manner or style of display is obviously intended to reflect injuriously on the character or conduct of another, or

(b) Any language asking for payment of a bill, which by its manner or style of display is defamatory and reflects injuriously on the character of addressee.

§ 14.5 *Lotteries and frauds*—(a) *Lotteries.* (1) Any letter, package, postal card or circular concerning any lottery, gift enterprise, or similar scheme offer-

ing prizes dependent in whole or in part on lot or chance.

(2) Any lottery ticket or part thereof or substitute.

(3) Any form of payment for a lottery ticket or share.

(4) Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of a lottery or similar enterprise, or any list of prizes awarded in such an enterprise.

(b) *Fishing contest exception.* Paragraph (a) of this section does not apply to any fishing contest not conducted for profit wherein prizes are awarded for the species, size, weight, or quality of fish caught by contestants in any bona fide fishing or recreational event.

(c) *Fraudulent enterprises.* Anything mailed in pursuance of any scheme for obtaining money or property of any kind through the mails, by means of false or fraudulent pretenses, representations, or promises.

(d) *Fictitious matter.* Any matter addressed to a person using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, through the mails, any business scheme or device in violation of law. The recipient must appear at the post office of receipt and be identified. If the addressee fails to appear and be identified, after notification, or if the fictitious character of such mail is established to the satisfaction of the Postmaster General, it is forwarded to the dead letter office as fictitious matter or otherwise disposed of as the Postmaster General directs.

§ 14.6 *Intoxicating liquors.* (a) Spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind containing more than 3.2 percent of alcohol by weight.

(b) Intoxicating liquors containing not more than 3.2 percent of alcohol by weight when addressed to a Territory or district of the United States, the laws of which prohibit the manufacture or sale therein of alcoholic beverages of that content.

(c) Beer, lager beer, ale, porter, wine or other liquors, regardless of alcoholic content, when mailed to Indian wards anywhere or into any Indian reservation.

§ 14.7 *Disloyalty and threats to the President.* (a) Any letter, publication, or thing containing any matter advocating or urging treason, insurrection or forcible resistance to any law of the United States.

(b) Any letter or other matter containing any threat to take the life of, or to inflict bodily harm upon, the President of the United States.

§ 14.8 *Copyright violations.* Publications which violate copyrights granted by the United States.

§ 14.9 *Certain foreign communications.* (a) Matter addressed to foreign countries, posted in violation of law or treaty stipulations.

(b) Matter of any kind giving or offering to give information concerning procurement of a divorce in a foreign country and designed to solicit business in connection with such procurement.

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

Sec.
15.1 Legal restrictions.
15.2 Adequacy of preparation and packaging.
15.3 Perishable matter.
15.4 Shipments under Federal regulations.
15.5 Concealable firearms.
15.6 Identification and marking.
15.7 Airmail.

AUTHORITY: §§ 15.1 to 15.7 issued under R. S. 161, 396, sec. 1, 62 Stat. 781, as amended, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250.

§ 15.1 *Legal restrictions*—(a) *Harmful matter.* (1) Certain items which are barred from the mails, as set forth in Part 14 may be mailed if prepared and packaged in accordance with the regulations in this part. These are items which are not outwardly or of their own force dangerous or injurious to life, health, or property.

(2) Notwithstanding any statement contained in this part, which covers generally some of the more common situations, the burden rests with the mailer to assure that he has complied with the law and that anything shipped by him has been properly prepared and packaged. The ordinary test of adequate preparation and packaging is whether the contents of a parcel are safely perserved under ordinary hazards of mail handling and transportation.

(3) Products, materials and devices are created or modified with such frequency that the Post Office Department is unable to issue general rulings in advance to govern adequate preparation and packaging. Any mailer may, however, request the Post Office Department, in advance, for a specific ruling as to mailability of his item. The request should be addressed to the local postmaster, who will forward it to the Bureau of Post Office Operations, Mail Classification Division, Washington 25, D. C.

(b) *Applicability of other laws.* (1) Although not unmailable, as defined in Part 14 of this chapter, certain other items may be mailed only if they comply with applicable Federal laws and regulations.

(2) Any special conditions or limitations placed on transportation or movement of certain things shall govern admissibility to the United States mails, when imposed under law by the U. S. Department of the Treasury; U. S. Department of Agriculture; U. S. Department of Commerce; U. S. Department of Health, Education, and Welfare; Interstate Commerce Commission; or any other Federal department or agency possessing legal jurisdiction.

(c) *Penalties.* Severe penalties of fine or imprisonment, or both, are provided by law, for anyone who knowingly deposits for mailing or delivery, or causes to be mailed or delivered, anything declared nonmailable under law. Failure to comply with the regulations of the Postmaster General, prescribed in this part, as to matter otherwise nonmailable, constitutes a violation of law.

§ 15.2 *Adequacy of preparation and packaging*—(a) *General nature of precautions required.* (1) The restrictions against mailing of harmful matter, from which relief is granted by this part, are intended to prevent damage or harm to postal and transportation personnel, to prevent damage or destruction of other mail and of property, to avoid obnoxious odors, and to prevent the spread of disease and infection. Special preparation and packaging are required to protect against such contingencies.

(2) Basic precautions, covered generally in this section, relate to the inner containers holding the harmful matter, internal cushioning and protection, and exterior packaging and marking.

(b) *Liquids (noninflammable) and powders.* (1) Precautions to take in the case of liquids generally, pastes, salves, ink powders, pepper, snuff or other pulverized materials are against damage to mails and property from leakage and against caustic, irritant, toxic or soiling effect on mail handling personnel.

(2) Containers shall meet any applicable Interstate Commerce Commission or other Federal specifications. Closures must effectively seal the contents against leakage. Friction tops must be fastened so that they will not come off under impact. This may be done by soldering, clips, or otherwise.

CROSS REFERENCE: For shipping container specifications issued by the Interstate Commerce Commission, see 49 CFR Part 78.

(3) Containers of liquids made of glass or other breakable material must be packaged to withstand handling enroute. The container shall be cushioned inside the carton to absorb shock and impact. Where feasible, absorbent material shall be used, to take up all the liquid in case of breakage.

(4) Poisons for scientific use, which are not outwardly or of their own force dangerous or injurious to life, health or property, may be shipped between manufacturers, dealers, bona fide research or experimental scientific laboratories and employees of the Federal, state or local governments who have official use for such poisons. Any such employee must be designated by the head of his agency to receive or send such poisons. The preparation and packaging of such poisonous articles shall be under the same conditions as apply to other articles covered by this part.

(c) *Combustible and gaseous.* (1) In addition to precautions specified in paragraph (b) of this section, containers of inflammable liquids must have sufficient air space to allow for vapor expansion under variations. This is to guard against bursting from internal pressure.

(2) Safety matches of a strike-only-on-box or book variety may be mailed provided they are insulated adequately with aluminum foil, asbestos or other fire retardant material. Strike-anywhere matches may not be mailed.

(3) Compressed gas containers shall be of metal or nonshattering steel types, as required by the Interstate Commerce Commission or other Federal agencies. In addition to being cushioned to absorb shock, containers with release mechanisms shall be protected against damage or accidental discharge in transit.

(d) *Radioactive materials.* In addition to special packaging precautions, as prescribed in this part, a package containing radioactive materials must not emit from its exterior any significant alpha, beta, or neutron radiations and the gamma radiation at any surface of the package must be less than 10 milliroentgens for 24 hours.

(e) *Sharp edges and firearms.* (1) Sharp pointed or sharp edged instruments such as knives, tools, icepicks, razor blades, etc., shall be wrapped to protect their points and edges from cutting through the outer carton in which they are shipped.

(2) Rifles or shotguns are mailable if they are not loaded. The mailer may be required by the post office clerk to establish this to the clerk's satisfaction either by opening the parcel or by giving him a written statement certifying that the gun is unloaded.

§ 15.3 *Perishable matter*—(a) *Time factor.* Live animals that are otherwise mailable, and perishable foods and game may not be sent through the mails unless there is sufficient time in ordinary transit for them, after mailing, to reach their destinations in good condition. Certain perishable foods may be shipped at the sender's risk, provided they are not subject to rapid decay and the generating of obnoxious odors. Airmail, special handling or special delivery services are advisable.

(b) *Highly perishable food and game.* (1) Crates, boxes, baskets or other containers used to ship highly perishable goods should be so constructed as to protect the contents and to prevent their escape.

(2) Berries, fruits, and vegetables are not mailable unless presented in dry condition.

(3) Water ice used as a refrigerant must be packed as though it were a liquid, in accordance with § 15.2 (b). Dry ice (carbon dioxide solid) is acceptable when wrapped securely in heavy paper. Dry ice must not be packed in glass, metal or other air-tight containers. Sufficient insulation is necessary if a fiberboard box is used, in order to prevent condensation and wetting of the shipping carton.

(c) *Live day-old poultry.* Live day-old chicks, ducks, geese, guinea fowl and turkeys are acceptable in the continental surface mails under the following conditions:

(1) They must be presented for mailing in the original unopened hatchery box from the hatchery of origin.

(2) The date and hour of hatching must be noted on the box by a representative of the hatchery who has personal knowledge thereof (in the case of c. o. d. shipments made by a hatchery for the accounts of others the name or initials and address of the hatchery, or the post office box number and address of the hatchery shall be prominently shown in connection with this requirement).

(3) They must not be over 24 hours old.

(4) The box must be properly ventilated and of proper construction and strength to bear safe transmission in the mails. (These boxes may be stacked 10 high in cars.)

(5) They can be delivered to the addressee within 60 hours of the time of hatching regardless of whether the addressee resides in town or on a rural or star route.

(6) They must be mailed sufficiently early in the week to avoid receipt at the office of address, in case of missed connections, on a Sunday, national holiday or on the afternoon preceding a Sunday or holiday.

(7) Shipments shall not be forwarded to the addressee from the office of original address nor returned to sender if delivery cannot be made to either the addressee or sender within 60 hours of the time of hatching. Shipments that are delayed beyond the 60-hour limit by washouts, snow blockades, wrecks, and the like, will be disposed of by postmasters in accordance with instructions in subparagraph (8) of this paragraph.

(8) If a shipment cannot be returned to the sender, it will be sold to the best advantage possible and the amount realized therefrom, less a commission of 10 percent, but in no case less than 15 cents, transmitted to the sender with a statement of the facts in the case. Sale will not be made to the addressee except under the conditions set forth in subparagraph (9) of this paragraph.

(9) If a shipment is received at the office of address and it is not promptly accepted by the addressee, it will be held for delivery until the expiration of the 60-hour period from the time of hatching, if there is a possibility that delivery may be made within that period. If, at the expiration of the 60-hour period, the shipment has not been accepted, it will be sold. Such shipments will not be sold to the original addressee unless paid for in full. If the parcel is sent collect-on-delivery, the c. o. d. charges plus the money order fee will show the minimum amount which may be accepted from the addressee, which is the amount that would have been collected from the addressee had the parcel been accepted when originally offered for delivery. If the parcel is sent as ordinary or insured mail and the price is not known to the postmaster, the addressee will not be permitted to buy the chicks after refusing to accept them.

(10) Boxes of day-old poultry of approximately the same size which are securely fastened together to prevent their becoming separated in transit may be accepted for mailing as a single parcel provided such parcel does not exceed 100 inches in length and girth combined. Three regular size boxes would exceed the 100-inch limit.

(11) Day-old poultry originally shipped by air express or air cargo and then presented for mailing must be in first-class condition and be prepared in accordance with subparagraphs (1) to (6) of this paragraph. They must not be over 24 hours old at time of mailing.

(12) The shipments must bear special delivery or special handling postage in addition to regular postage.

(13) Day-old poultry vaccinated with Newcastle Disease (live virus) are nonmailable.

(14) Each box should bear, in addition to the address label on top, another address label on the side, or the narrow end, if the box is rectangular in shape, to eliminate unnecessary handling when boxes are stacked.

§ 15.4 *Shipments under Federal regulations*—(a) *Nursery shipments*—(1) *Nursery stock, etc.* Nursery stock, including all field grown florists' stock, trees, shrubs, vines, cuttings, grafts, cions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots, may be admitted to the mails only when accompanied with a certificate from a State or Government inspector to the effect that the nursery or premises from which such stock is shipped has been inspected within a year and found free from injurious insects and plant diseases, and the parcel containing such stock is plainly marked to show the nature of the contents and the name and address of the sender.

(2) *Plant quarantines applying to the continental United States.* When any State or area is quarantined by order of the Secretary of Agriculture, under authority of the Plant Quarantine Act, or by an authorized State plant pest official cooperating with the Secretary of Agriculture, on account of a plant disease or insect infestation, the mailing of plants, plant products, or other articles covered by such quarantine or regulatory order from such State or area into or through any State or area is subject to the restrictions imposed by such order.

CROSS REFERENCE: For quarantine regulations of the U. S. Department of Agriculture, see 7 CFR Chapter III.

(3) *Preparation and packaging.* The wettable packing material and the roots or butts of the plants must be wrapped or boxed in a waterproof material heavy enough to withstand safe transmission in the mails without leakage or loss of packing material. The term "waterproof material" means a tar-centered paper or kraft paper waxed on one side or a kraft paper with a waxed or tarred paper liner or plastic wrap. If a box is used, it must have a similar lining to prevent leakage or loss of contents and to insure retaining a moisture content for the roots of the plants without weakening the box. The tops of all bundles must be wrapped with a covering of paper, straw or similar material to protect the plant from injury and drying out and if the plant has thorns or other pointed projections, the wrapper shall be punctureproof to avoid injury to postal employees handling such bundles.

(b) *Meats and meat products.* Meats and meat products may be sent through the mails only if they conform with regulations of the U. S. Department of Agriculture under Federal statutes. Required certificates shall be filed.

CROSS REFERENCE: For regulations with respect to meat and meat products issued by the U. S. Department of Agriculture, see 9 CFR Chapter I.

(c) *Dead wild animals.* The dead bodies, or parts thereof, of any wild

animals, wild birds or their eggs, are acceptable for mailing only when they have been lawfully killed or taken and their shipment is not prohibited by law of the United States or of the State, Territory, district or foreign country or subdivision thereof in which killed or taken or offered for shipment. Mailing of fresh game is also subject to requirements of § 15.3.

(d) *Furs, hides, skins or pelts.* (1) Parcels containing furs, hides, skins or pelts of wild animals are mailable when properly dried or cured; have no offensive odor; and are plainly marked, labeled or tagged on the outside with the names and addresses of the shipper and the addressee together with such other endorsement, if any, as may be required by the game laws of the State, Territory, or district in which mailed. Hides and pelts shall be wrapped when necessary to prevent damage to other mails.

(2) Furs mailed from Alaska are subject to rules of the Alaska Game Commission. Each package in which game animals, game birds, land fur-bearing animals, or parts thereof are transported shall have clearly and conspicuously marked on the outside an accurate statement of each kind of game animals, game birds, land fur-bearing animals, or parts thereof in the parcel; and if the package contains skins of beavers or marten, the serial number of the Commission's seal attached thereto shall also be similarly marked on the package.

CROSS REFERENCE: For regulations of the Alaska Game Commission, see 50 CFR Chapter II.

(e) *Insects.* (1) Queen bees and honey bees are acceptable in the continental surface mails and queen bees (only) in air mails when shipped in accordance with Federal and State regulations to assure that they are free of disease. They must bear special delivery or special handling postage.

(2) Other live, nonpoisonous and nondisease conveying insects, may be sent through the mails when properly prepared and packaged and when shipped in accordance with regulations of the U. S. Department of Agriculture.

§ 15.5 *Concealable firearms*—(a) *When mailable.* Unloaded pistols, revolvers and other firearms capable of being concealed on a person are mailable only to:

(1) Officers of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Organized Reserve Corps.

(2) Officers of the National Guard or militia of a State, Territory, or district.

(3) Officers of the United States or of a State, Territory, or district whose official duty is to serve warrants of arrest or commitment.

(4) Officers and employees of enforcement agencies of the United States.

(5) Watchmen engaged in guarding the property of the United States, a State, Territory, or district.

(6) Purchasing agent or other designated member of agencies employing officers and employees included in (3) and (4).

(7) Employees of the Postal Service.

(8) Manufacturers of firearms or bona fide dealers therein, from one to the other, or by any person in categories (1) through (6) in customary trade shipments.

(b) *Filing affidavits.* An affidavit of the addressee shall be filed with the postmaster by the sender or his agent at the time of mailing setting forth that he is qualified to receive the firearm under the particular category (1) through (6) of paragraph (a) of this section and that the firearm is intended for his official duty use. The affidavit shall bear a certificate stating that the firearms are for the use of the addressee, for his official duty, signed by one of the following as appropriate:

(1) For officers of Armed Services a certificate signed by his commanding officer.

(2) For officers and employees of enforcement agencies, a certificate signed by the head of the agency employing the addressee to perform the official duty in connection with which the firearm is to be used.

(3) For watchmen a certificate signed by the chief clerk of the department, bureau or independent branch of the Government of either the United States, the State, Territory or district by which such watchman is employed.

(4) For the purchasing agent or other designated member of enforcement agencies, a certificate signed by the head of such agency, that the firearms are to be used by officers and employees included in paragraph (a) (3) and (4) of this section.

A qualified manufacturer or bona fide dealer need not file an affidavit but must file with the postmaster a statement signed by the sender that he is a manufacturer of firearms or that he is a bona fide dealer therein and that the parcels are customary trade shipments or certain other articles for repair or replacement of parts and that to the best of his knowledge or belief the addressees are manufacturers of firearms or bona fide dealers therein. If satisfied that the sender is as stated by him the postmaster shall accept the parcel for mailing.

(c) *Marking of parcels.* The parcel shall be plainly marked by the sender with the word "FIREARMS" in bold, block letters, one inch high and of corresponding width. The particular class of persons to which the addressee belongs, as specified in categories (1) through (7) of paragraph (a) of this section, shall be indicated by stating underneath the word firearms "for Army officer" or "for manufacturer" or "for bona fide dealer," etc. as the case may be.

(d) *Identification of addressee.* The postmaster at the office of delivery shall require the addressee of any parcel covered by this section to call at the post office and establish his identity to the satisfaction of the postmaster. The parcel may then be delivered after the addressee signs a receipt which shall be filed by the postmaster for not less than 3 years. Before delivery to an addressee who is a manufacturer of firearms or bona fide dealer therein, the postmaster shall satisfy himself that the addressee is actually such manufacturer or dealer.

(e) *Official shipments.* Without regard to the provisions of paragraphs (a) through (d) of this section, firearms may be accepted for mailing when offered by authorized agent of the Federal Government for shipment to any qualified addressee as listed in categories (1) through (6) of paragraph (a) of this section. The parcels shall bear plainly written or printed the official title and address of the sender together with the words "official shipment." The postmaster shall satisfy himself as to the identity of the addressee before making delivery.

(f) *Federal Bureau of Investigation.* Firearms addressed to the Federal Bureau of Investigation, or its Director, may be accepted for mailing without regard to the provisions of paragraphs (b) and (d) of this section.

§ 15.6 *Identification and marking*—(a) *Identification of contents.* The identity or nature of contents of anything mailed under any of the provisions of this part shall be stated plainly on the outside of the parcel, as a condition of mailing.

(b) *Identification of sender and addressee.* The full name and address of both the sender and the addressee shall be written in ink, rubber-stamped or pasted on the outside of any package whose mailing is covered by this part.

(c) *Labels.* Any labels required under Federal law or under any regulations issued by any Federal agencies pursuant to Federal law shall be pasted to the outside of the parcel.

§ 15.7 *Airmail.* Any matter acceptable in the domestic surface mails may be sent by airmail, except:

(a) Anything susceptible to damage, or which may be rendered harmful by changes in temperature or atmospheric pressures and not protected against the effects of such changes.

(b) Permanent magnetic materials with unconfined fields.

(c) Safety matches.

(d) Matter specifically excluded by appropriate Federal agencies from air shipment.

PART 16—BULK MAILINGS

Sec.
16.1 Second class publications.
16.2 Third class mailings.

AUTHORITY: §§ 16.1 and 16.2 issued under R. S. 161, 396, secs. 5, 6, 18 Stat. 232, 233, as amended, secs. 304, 309, 42 Stat. 24, 25, sec. 203, 62 Stat. 1262, sec. 3, 65 Stat. 673; 5 U. S. C. 22, 369, 39 U. S. C. 283, 285, 290a-1.

§ 16.1 *Second class publications*—(a) *Folding.* (1) Fold publications to a size not larger than 9 by 12 inches when practicable.

(2) Newspapers and light magazines should be folded to the size of an eighth of a newspaper page, or about 5 by 12 inches.

(b) *Wrapping.* (1) Use white or other light-colored paper for wrapping. Do not use old newspapers.

(2) Use wrappers that may be removed and replaced without destroying the wrappers or enclosures.

(3) Envelopes used as wrappers must show in the upper left corner of the address side the name and address of the publication and in the upper right corner a notice of entry.

(4) Heavy magazines should be wrapped singly. The singly wrapped

copies for each office should be tied in bundles and each bundle addressed to the post office. The twine and paper used should be strong enough for the size and weight of the bundle.

(c) *Addressing.* (1) All publications should be addressed in a legible hand or plain type not smaller than 10 point.

(2) When several unwrapped copies for subscribers at the same post office are sent under one wrapper, each copy should bear the name and address of the subscriber.

(3) The name of the post office and State should be the most prominent part of the address.

(4) Write or print addresses with black ink or ink of some other strongly contrasting color. Addresses should not be written in pencil.

(5) Use white or other light-colored paper for address strips.

(6) When the address is placed on the wrapper it should appear on the flat side; never on the fold.

(7) Individually addressed, unfolded periodicals mailed in bundles without separate wrappers should have the addresses placed upside down in the lower right corner of the front cover page. An alternate position on periodicals is lengthwise along the bound edge, near the top of the publication.

(8) Individually addressed, unwrapped, folded newspapers and periodicals mailed in bundles to a post office should have the addresses in the upper left corner of the publication when grasped with the right hand along the folded edge.

(d) *Mailing*—(1) *Place of mailing.* Publications must be brought for mailing to the post office, or such other place as may be designated by the postmaster, except that when the publisher delivers the copies at his own expense and risk to other post offices or elsewhere, the copies need not be presented for mailing if deposits to cover the postage are maintained.

(2) *How prepared.* The copies must be enclosed in mail sacks, or other suitable receptacles, and shall be separated to routes, States, and cities, in such manner as may be prescribed by the Department. The sacks or bundles must be marked to show the route, State, or city and State, and also the zone when the copies are required to be separated by zones.

(3) *Copies of previous and current issues combined.* When a reasonable number of copies of previous issues are included in a mailing of a current issue, they may be accepted and charged with postage on the basis of the percentages of advertisements and nonadvertisements contained in the current issue, the issue forming the bulk of the mailing presented being regarded as the current issue.

(4) *Copies for same Post Office.* Individually addressed copies of a publication intended for subscribers at the same post office must, if there are more than 5, be securely wrapped or tied in 1 package; or, if there are more than 30 pieces and weighing 15 pounds or more, be placed in a separate sack addressed to such office. Sacks containing less than that amount of mail (except bulky matter) shall not be made up, except where a direct sack is necessary materially to advance the mail, but the mail must be securely tied in bundles, properly labeled, and be included in sacks with other mail.

(5) *Copies for APO's.* Single copies addressed to Army-Air Force post offices must be enclosed in wrappers or envelopes. When more than one copy is addressed to one APO, the copies must be securely tied in a bundle. When the copies addressed to one APO will fill at least one-half of a sack, a direct sack must be made up. Direct sacks will not be opened at postal concentration centers.

(e) *Statement and copy filed with mailings*—(1) *Copy marked to show advertising.* The publisher must file with the postmaster a copy of each issue. The advertisements in the copy must be marked by the publisher in such manner that they may be verified when necessary.

(2) *Definition of advertisements.* The term "advertisements" includes display, classified, and all other forms of advertisements, and all editorials or other reading matter for the publication of which money or other valuable consideration is paid, accepted, or promised. When the publisher is not compensated for the publication of editorial or other reading matter, such matter will take the rate of postage for other than advertising. Articles, items, and notices in the form of reading matter inserted in accordance with a custom or understanding that a "reader" is to be given the advertiser or his products in the publication in which the display advertisement appears are advertising. When a newspaper or periodical advertises its own services or issues, or any other business of the publisher, in the form of either display advertisements, or editorial or reading matter, this is advertising and will be charged the advertising mailing rate.

(3) *Statement showing number of copies mailed.* When postage is to be computed on the bulk weight of one issue as provided for by paragraph (f) (1), the publisher must file with the first mailing of each issue a statement on Form 3542 showing the number of copies included in each zone or other separation necessary for computing the postage, and the average weight per copy as determined in the manner prescribed by paragraph (f) (2). When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by paragraph (f) (3), the statement must be filed with the first mailing of the last issue mailed each month and must show the average number of copies of each issue included in each separation, the weight of one sheet, and the combined weight of one copy from each issue as determined in the manner prescribed by paragraph (f) (4). The publisher must determine the average number of copies by dividing the total number of copies mailed during the month by the total number of issues mailed. The dates of issue and the dates of mailing must be indicated by entering in the spaces provided on Form 3542 only the first and last dates.

(4) *Endorsements on marked copy and Form 3542.* The total advertising and nonadvertising portions must be determined by column inches, square inches, pages, or by any other recognized units of measure. The publisher must show by endorsement on the first page of the copy the total units of the advertising space and the total units of nonadvertising space and the percentage of each. When postage is to be computed on the bulk weight of one issue as provided for by paragraph (f) (1), the percentage of advertising endorsed on the marked copy must be entered on Form 3542. When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by paragraph (f) (3), the percentage of advertising to be entered on Form 3542 must be obtained as follows:

(i) Keep a record of the number of units of advertising space and the number of units of nonadvertising space in each issue.

(ii) Add the advertising units in each issue to determine the total advertising units in all of the issues.

(iii) Add the nonadvertising units in each issue to determine the total nonadvertising units in all of the issues.

(iv) Add the advertising and nonadvertising units to determine the total units in all of the issues.

(v) Divide the total advertising units by the total units.

When the advertising exceeds 5 percent of the total space, all of the advertising must be used in computing the percent of the advertising portion, none of the advertising being exempt from the zone rates.

(5) *Payment of advertising rates on reading portion.* A publisher may, if he so desires, pay postage at the advertising zone rates on both the advertising and nonadvertising portions instead of marking a copy of each issue to show the advertising and nonadvertising portions. When the advertising exceeds 75 percent, the copies filed must have endorsed on the first page by the publisher the words "Advertising over 75 percent." When the advertising does not exceed 75 percent, the copies must have endorsed on the first page by the publisher the words "Advertising not over 75 percent." The entire weight must be entered on receipt Form 3539 in the column provided for the advertising portion. The words "Over 75 percent" or "Not over 75 percent" according to whether the copies do or do not contain over 75 percent advertising must be entered on Form 3539 and Form 3542. The word "Waived" must be written in the space provided for the weight of the reading portion on receipt Form 3539.

(6) *Statement of news agent.* When a news agent presents for mailing second-class matter subject to the zone rates of postage, he must submit to the postmaster a statement showing the percent of the space in such matter devoted to advertisements and the percent devoted to other than advertisements. Publishers should furnish this information to news agents purchasing copies of their publications in order that such

agents may be able to prepare the statements required.

(f) *Weighing and collection of postage*—(1) *Procedure for determining bulk weight of one issue.* When postage is to be computed on the bulk weight of one issue, the postmaster will obtain such weight by multiplying the total number of copies of the issue mailed by the average weight of one copy. The number of copies of a single issue mailed will be obtained from the statement on Form 3542 required by paragraph (e) (3). The average weight of one copy will also be obtained from the statement on Form 3542 and must be determined by the publisher as prescribed in paragraph (f) (2).

(2) *How to determine average weight per copy of one issue.* The average weight per copy must include the wrapping and binding materials and must be obtained by the publisher as follows:

(i) Count a reasonable number of copies selected in such a manner for test purposes that when wrapped and bundled they will bear a proper ratio to the total number of copies to be mailed individually wrapped and wrapped and bundled for mailing.

(ii) Weigh in bulk the copies which have been counted, after they are wrapped and bundled for mailing.

(iii) Divide the bulk weight of the test copies by the number of test copies to obtain the average weight per copy in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(3) *How to determine bulk weight.* When publications are regularly printed on sheets of uniform weight, postmasters are not required to compute the postage on the bulk weight of each issue. Postage on such publications may be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month. The postmaster will obtain the total bulk weight by multiplying the average number of copies mailed by the combined weight of one copy from each issue. The average number of copies of each issue mailed during the month will be obtained from the statement of Form 3542 and must be determined by the publisher in the manner prescribed by 126.153. The combined weight of one copy from each issue will also be obtained from the statement of Form 3542 and must be determined by the publisher in the manner prescribed by paragraph (f) (4).

(4) *How to determine combined weight during a calendar month.* The combined weight of one copy from each issue mailed during a calendar month must include the wrapping and binding materials and must be obtained by the publisher as follows:

(i) Determine by the method prescribed in paragraph (f) (2) the average weight of one copy of any one issue selected by the postmaster for testing and verifying during the month.

(ii) Divide the average weight of one copy by the number of sheets in the copy to determine the weight of one sheet in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(iii) Select one copy of each of the issues mailed during the month and count the sheets in all of the selected copies to determine the total number of sheets in the selected copies.

(iv) Multiply the total number of sheets in the selected copies by the weight of one sheet.

(5) *Verification by postmasters of weights and number of copies.* The average weight per copy obtained by the publisher in the manner prescribed by paragraph (f) (2) for use either in computing postage on the bulk weight of a single issue, or in determining the weight of one sheet as provided for by 126.164, must be verified by the postmaster by weighing, or by supervising the weighing of, a representative number of copies of the issue. If the average weight per copy is used for determining the weight of one sheet, the postmaster must also verify the computation by which the publisher determines the weight of one sheet. At the end of each calendar month, when postage is computed on the total bulk weight of all issues mailed during the month, the postmaster must verify the combined weight of one copy from each issue by counting the sheets in the copies filed under the provisions of paragraph (e) (1) and multiplying the total by the previously verified weight of one sheet furnished by the publisher on Form 3542. If there is reason at any time to doubt the accuracy of the number of copies reported on Form 3542, sufficient weighings must be made to resolve the doubt.

(6) *Prepayment of postage at time of mailings or by advance deposits.* The postage on all second-class matter must be collected in money before the matter is dispatched. Postmasters may receive from publishers deposits of money sufficient to pay for as many mailings as desired. Receipt Form 3544 will be issued for the deposits.

(7) *Receipt Form 3539.* The postmaster will issue to the publisher receipts on Form 3539 for the postage charged at the second-class rates and for mailings accepted free of postage within the county of publication. When postage has been computed on the bulk weight of one issue, the mailings and postage must be entered in Form 3543. If the publisher requests a receipt, it must be issued immediately. If a receipt is not requested for each issue, the postmaster must, at the end of each calendar month, total the mailings and postage for the month on the next line on Form 3543 and issue only one receipt on Form 3539 using these totals. When postage is computed at the end of each calendar month on the total bulk weight of all issues mailed during a calendar month, only the total mailings and postage for the month computed from Form 3542 shall be entered in Forms 3543 and 3539.

(8) *How to show dates of issue and mailing.* When a number of consecutive issues are covered by one Form 3539 or Form 3542, or by one entry in Form 3543, the dates of issue and the dates of mailing must be indicated by entering the first and last dates in the appropriate spaces and columns.

§ 16.2 *Third class mailings*—(a) *Mailing statement.* Complete and submit with each mailing:

(1) Mailing statement, Form 3602, for mail with permit imprints; or

(2) Mailing statement, Form 3602–PC, for mail bearing precanceled stamps or meter stamps.

(b) *Preparation of mailing.* Sort, face and tie bulk mail into packages both lengthwise and crosswise with twine strong enough to withstand handling in the mails (a breakingpoint of 10 pounds or more will qualify). Labels should be large enough to cover the address on the exposed piece of mail and to keep the label from sliding out from under the twine. Prepare packages as follows:

(1) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), face all addresses one way, except the last. Reverse the last piece to expose its address on the outside of the package. Do not label direct packages.

(2) *State package.* After direct-package pieces are removed, if there are 10 or more pieces remaining for any one State, face all addresses one way and tie the pieces into a package. Cover the top address with a label bearing the name of the State.

(3) *Mixed packages.* If there are less than 10 pieces per State (for instance, 6 for Delaware, 8 for Maryland, 5 for Virginia), face all addresses one way and tie the pieces into a package. Cover the top address with a label bearing the words "mixed states."

(c) *Prepayment required.* All third-class mail must be fully prepaid at the appropriate rate before dispatch from the office of mailing.

Subchapter C—Mail Classification and Rates

PART 21—FIRST CLASS

Sec.
21.1 Rates.
21.2 Classification.
21.3 Weight and size limits.
21.4 Payment of postage.
21.5 Mail sent by members of the U. S. Armed Forces.
21.6 Ship letters.

AUTHORITY: §§ 21.1 to 21.6 issued under R. S. 161, 396, 3896, 3913, secs. 7–9, 24, 32, 20 Stat. 358, 361, 362, as amended, sec. 5, 41 Stat. 583, as amended, sec. 2, 45 Stat. 940, sec. 1, 65 Stat. 672; 5 U. S. C. 22, 369, 39 U. S. C. 221, 222, 250, 271, 273, 280, 298, 303, 356, 358.

§ 21.1 *Rates.*

Kind of Mail and Rate

All first-class mail except postal and post cards and drop letters: 3 cents per ounce.

Drop letters: 2 cents per ounce.

Single postal cards and post cards: 2 cents each.

Double postal cards and post cards (reply portion of double post card does not have to bear postage when originally mailed): 4 cents (2 cents each portion).

Business reply cards: 3 cents each, collected when delivered.

Mail enclosed in business reply envelopes: 3 cents per ounce plus 1 cent per piece, collected when delivered.

§ 21.2 *Classification*—(a) *Description.* (1) First-class mail includes:

(i) Letters.

(ii) Postal and post cards.

(iii) All matter wholly or partly in writing, except authorized additions to second-, third-, and fourth-class mail.

(iv) Matter sealed or closed against inspection.

(2) The term "letters" includes all letters whether they are old or have previously passed through the mail, sent singly or in packages. Exception: Packages of letters, bills, and statements prepared at a central office of a concern that provides service at some other place, each bearing proper postage at the first-class rate and mailed to the post office at that place for local delivery, and packages of letters remailed unopened to the same addressee, may be sent at other than the first-class rate of postage.

(3) Two or more persons or firms, or a person acting as the agent of two or more persons or firms, may not mail in one envelope to a mutual customer the bills, statements of account, or other letters of the persons or firms. No two firms that are distinct entities may send their letters in one envelope even though they are affiliated or jointly owned.

(4) Applications for automobile, drivers', and other licenses are "letters" when sent for the purpose of obtaining a license. The application of each individual or company constitutes a separate letter. Applications of various persons may not be mailed in one package by a compensated representative of the applicants unless the package is endorsed on the outside to show the number of applications enclosed and enough postage is paid to cover the first-class rate on each application. Agents of the licensing authority may receive applications and forward them to any other office in a package with postage paid at the first-class rate computed on the bulk weight of the package.

(5) Drop letters are letters mailed for local delivery at post offices where free delivery by carrier is not established and that are not collected or delivered by rural or star-route carriers.

(6) Postal cards are sold by the post office at the postage value represented by the postage stamp printed on the card.

(7) Post cards are manufactured by private concerns and must conform to the following specifications:

(i) *Size.* Not larger than 3⅜ by 5⅜ inches, nor smaller than 2¾ by 4 inches.

(ii) *Material.* An unfolded piece of cardboard of approximately the quality and weight of a postal card. Thickness not less than 0.0085 or more than 0.0095 of an inch, and the cardboard to be uniform in thickness and as near 0.0090 as possible.

(iii) *Color.* Any light color that does not interfere with legible address and postmark.

These specifications apply to single post cards and each part of double post cards.

(8) Written matter includes:

(i) Handwritten or typewritten matter (including identical copies prepared by automatic typewriter), and manifold or carbon copies of such matter.

(ii) Imitations or reproductions of handwritten or typewritten matter, unless mailed at a point designated by the postmaster in a minimum quantity of 20 identical unsealed copies.

(iii) Manuscript or typewritten copy, except when accompanied by related proof sheets.

(iv) Autograph albums containing writing.

(v) Notebooks or blank books containing written or typewritten entries or stenographic or shorthand notes.

(vi) Blank printed forms filled out in writing or with amounts due, signatures, or other writing such as notices, certificates, receipts, and checks either canceled or uncanceled.

(vii) Printed price lists containing written figures changing individual items.

(viii) Bills or statements of account produced by any photographic or mechanical process, unless presented in a minimum quantity of 20 identical unsealed copies.

(ix) Printed cards or letters bearing a written date, where the date is not the date of the card but gives information as to when something will occur or has occurred.

(x) Printed cards or coupons that, by having a signature attached, are converted into personal communications, such as receipts and orders. (This does not apply to Christmas or similar printed greeting cards.)

(xi) Punched tabulating cards that convey information, unless presented in a minimum quantity of 20 identically punched cards.

(xii) Identical communications entirely in print, excepting the name of the sender, sent by several persons to the same addressee.

(9) Sealed matter includes mail of any class so wrapped as not to be easily examined except third- or fourth-class matter sealed subject to postal inspection. (See §§ 24.8 and 25.7 of this chapter.)

(b) *Use of postal and post cards.* (1) Double postal and post cards are two attached cards, one of which is to be detached by the receiver and returned through the mail as a reply. The following rules apply to double cards:

(i) Double cards must be folded before mailing and the first half detached when the reply half is mailed for return. If the first half is not detached when the reply half is mailed for return, the card is subject to the letter rate of postage.

(ii) The reply portion of a double card must be used for reply purposes only; it must not be used to convey a message to the original addressee of the double card, to cover up the message on the original portion, or to send statements of account.

(iii) Double cards must be prepared so that the address on the reply portion is on the inside when the double card is mailed.

(iv) Plain stickers or seals or a single wire stitch may be used to fasten the edges, provided they are so fixed that the inner folds of the cards can be readily examined.

(v) Enclosures are prohibited.

(2) Additions to postal cards and post cards are limited to the following:

(i) The face of the card may be divided by a vertical line, the left half of the card to be used for the message and the right half for the address only.

(ii) The message on a single card, or on the first portion of a double card, may consist of advertising, illustrations, or any kind of writing, and may occupy the space to the left of the vertical line and the entire back of the card.

(iii) Very thin sheets of paper may be attached to the card, provided they are completely stuck to it.

(3) Post cards not conforming with prescribed specifications and bearing a message wholly or partly in writing or the words "Post Card" or "Private Mailing Card" are charged the letter rate. If entirely in print and without the words "Post Card" or "Private Mailing Card," they are charged the third-class rate.

(4) Cards enclosed in envelopes, transparent or not, are charged the letter rate, if sealed; if unsealed, they are charged according to the character of the message. Stamps on matter enclosed in envelopes do not count as postage.

(c) *Business reply cards, envelopes, and labels.* (1) A business reply card or envelope is a card or envelope prepared for use in replying to the permit holder who distributes them.

(2) A business reply label is a label cut from a newspaper or other publication, or a gummed label, to be stuck on plain envelopes or cards for return to the addressee.

(3) Postage is collected on all types of business reply mail when it is returned to the original distributor. Postage is computed at the first-class rate plus 1 cent for each piece. (See § 21.1.)

(4) A permit to distribute business reply mail is required. Business Reply Permit Application, Form 3614, must be filed at the post office where the mail will be returned. There is no charge for the permit. If business reply cards or envelopes are distributed from a central office to be returned to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all.

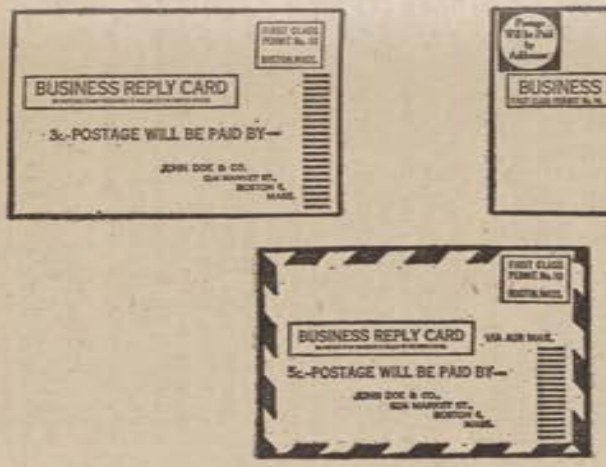
(5) Business reply cards, envelopes, and labels may be distributed:

(i) In any quantity for return by surface or air mail. (See § 26.1 of this chapter for airmail rate.)

(ii) To any post office in the United States and its Territories and possessions, including military post offices overseas; except in the Canal Zone, where they may not be returned without prepayment of postage. They should not be sent to any foreign country.

(iii) In any manner except by depositing in receptacles provided by patrons for receipt of mail. Examples: Renewal form inserted between magazine pages; label printed in newspaper; envelope enclosed with other mail.

(6) Specifications for business reply cards and envelopes are printed on the Permit, Form 3616. The three approved forms are illustrated below:



(7) The use of business reply cards and envelopes is restricted as follows:

(i) May be used to transmit communications only.

(ii) May not be attached to parcels either to carry messages or to serve as address tags or labels without prepayment of postage.

(iii) May not be used to return parcels without prepayment of postage on both the business reply piece and the parcel.

(8) The distributor guarantees payment on delivery of postage on returned business reply cards or envelopes. Any concern distributing business reply cards or envelopes under one permit for return to its branches or dealers, guarantees to pay postage on any returns refused by any authorized addressee.

§ 21.3 *Weight and size limits*—(a) *Weight.* Maximum limits same as for fourth-class mail. (See § 25.3 (a) of this chapter.)

(b) *Size.* No limit.

§ 21.4 *Payment of postage*—(a) *Method.* Postage may be paid by:

(1) Adhesive stamps.

(2) Stamped cards or envelopes.

(3) Metered stamps.

(4) Permit imprints.

(b) *Insufficient prepayment.* First-class mail on which one full rate of postage has been paid is dispatched to its destination, and any unpaid portion is collected on delivery. (One full rate is the amount specified in § 21.1 for the particular type of mail involved.) If the postage is short-paid no more than one full rate, only the deficient postage is charged; if short-paid more than one full rate, the deficient postage plus 1 cent for each short-paid ounce is collected on delivery.

§ 21.5 *Mail sent by members of the U. S. Armed Forces.* Letters sent by soldiers, sailors, airmen, and marines in the United States military service located in the United States or other places where United States domestic mail service operates, addressed to places in the United States, may be dispatched for collection on delivery, under the following conditions:

(a) The address side of the letter must be marked "Soldier's Letter", "Airman's Letter", "Sailor's Letter", or "Marine's Letter", as appropriate.

(b) Under the marking, the letter must bear the signature and official designation, either with facsimile handstamp or in writing, of a commissioned officer to whose command the soldier or airman belongs, or of a surgeon or chaplain at a hospital where he is; and in the Navy and Marine service of a commissioned officer attached to the vessel on which the member is serving, or an officer commanding a hospital or detachment ashore where he is.

(c) Postage, at single rate, is collected on delivery. (See § 27.7 for free mail for certain members of the Armed Forces.)

§ 21.6 *Ship letters*—(a) *Vessels not regular mail carriers.* Letters for delivery in the United States, carried by vessels not regularly employed in carrying the mail, are charged double rate of postage, to cover the fee paid to the vessel. The postage may be collected at the office of delivery or prepaid with United States postage stamps.

(b) *Vessels operating over post road.* Letters and packages carried from one port to another in the United States over a water route that is wholly a post road by law, in a private ship or vessel, are charged single rate of postage. If part of the water route is not a post road, double rates of postage are charged.

(c) *Delivery by the master of a vessel.* Wholly unpaid printed matter delivered to the post office by the master of a vessel arriving from a foreign port and not regularly engaged in carrying mail, is charged with double the third-class rate of domestic postage, to be collected on delivery, and dispatched to its destination.

PART 22—SECOND CLASS

Sec.

22.1 Second-class rates.
22.2 Qualifications for second-class privileges.
22.3 Applications for second-class privileges.
22.4 What may be mailed at the second-class rates.
22.5 Second-class mailing privilege for news agent.
22.6 Sworn ownership and circulation statements.
22.7 Marking of paid reading matter.
22.8 Cancellation of second-class privileges.

AUTHORITY: §§ 22.1 to 22.8 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 22.1 *Second-class rates*—(a) *Within the county of publication.* (1) For delivery at office of mailing having city or village letter-carrier service (and for delivery at publishers' headquarters office except when second-class zone rates are higher):

(i) By carrier:

Weekly newspapers (minimum ⅛ cent per copy): 1 cent per pound.

Newspapers issued more often than weekly: 1 cent per copy.

Periodicals (all publications issued less frequently than weekly): Copies weighing 2 ounces or less: 1 cent per copy. Copies weighing over 2 ounces, any weight: 2 cents per copy.

(ii) Through post-office boxes or general delivery, and for delivery by rural or star-route carriers (minimum ⅛ cent per copy): 1 cent per pound.

(2) For delivery at offices having city or village letter-carrier service other than the office of mailing (minimum ⅛ cent per copy): 1 cent per pound.

(3) For delivery at all offices including office of mailing not having city or village letter-carrier service:

(i) If publication is printed in whole or in part in the county, one copy to each subscriber residing within the county: Free.

(ii) If publication is not printed in whole or in part in the county (minimum ⅛ cent per copy): 1 cent per pound.

(b) *Outside the county of publication*—(1) *All publications, except those accepted at the special rate.* (i) Reading portion (also advertising portion when it does not exceed 5 percent of the total space): 1½ cents per pound, plus 30 percent (minimum ⅛ cent per copy).

(ii) Advertising portion, when it exceeds 5 percent of the total space, and single sheets or portions of sheets sent to advertisers to prove the insertion of advertisements:

First and second zone	1½ cents per pound.	Plus 30 percent; Minimum ⅛ cent per copy.
Third zone	2 cents per pound.	
Fourth zone	3 cents per pound.	
Fifth zone	4 cents per pound.	
Sixth zone	5 cents per pound.	
Seventh zone	6 cents per pound.	
Eighth zone	7 cents per pound.	

(iii) When the total weight of any one edition or issue of a publication mailed to any one zone does not exceed 1 pound: 1¢ for each zone to which a mailing is made.

(iv) The 30 percent additional charge to total postage does not apply to any religious, educational, or scientific publication designed specifically for use in school classrooms or in religious instruction classes.

(2) *Special rate publications.* Issued by religious, educational, scientific, phil-

anthropic, agricultural, labor, veterans, or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, when specifically authorized by the Department: Reading and advertising portions combined: 1½ cents per pound (minimum ⅛ cent per copy).

(c) *Transient rate.*

1. Copies mailed by public. 2. Sample copies in excess of 10 percent allowance. 3. Copies to persons not included in list of subscribers.	2 cents for first 2 ounces; 1 cent each additional 2 ounces or fraction thereof, or the fourth-class rate, whichever is lower.

(d) *Second-class rates to other countries*—(1) *Canada.* Daily newspapers issued as frequently as six times a week:

(i) Reading portion: 1½ cents per pound, plus 30 percent (minimum ⅛ cent per copy).

(ii) Advertising portion: 7 cents per pound, plus 30 percent (minimum ⅛ cent per copy).

Publications issued less frequently than six times a week, including copies of Sunday issues of daily newspapers to subscribers who do not subscribe to the weekday issues: 1 cent for each 4 ounces or fraction of 4 ounces.

(2) *PUAS countries.* Copies addressed to countries subject to the Postal Union of the Americas and Spain: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexica, Morocco (Spanish Zone), Nicaragua, Panama, Paraguay, Peru, Philippines, El Salvador, Spain (including the Balearic Islands, Canary Islands and Spanish Offices in Northern Africa), Spanish Guinea, Spanish West Africa, Uruguay, and Venezuela:

(i) Reading portion: 1½ cents per pound, plus 30 percent; add 33⅓ percent to total (minimum ⅛ cent per copy).

(ii) Advertising portion: 7 cents per pound, plus 30 percent; add 33⅓ percent to total (minimum ⅛ cent per copy).

(iii) Special rate publications: 1½ cents per pound; plus 33⅓ percent (minimum ⅛ cent per copy).

(iv) The words "Postage Paid" must be placed, preferably by printing, in the upper right corner of the address side of the envelopes or wrappers in which the copies are mailed to these countries. The words shall be boxed or underscored with a heavy line. When a number of individually addressed copies are mailed in one envelope or wrapper addressed to one place, each copy must bear this inscription in order that the copies will not be treated as unpaid and rated with postage due upon their arrival at the country of address.

(3) *Other countries.* For countries other than those listed in paragraph (d) (1) and (2), the rate is 2 cents for the first 2 ounces and 1½ cents for each additional 2 ounces.

(5) *Bulk weight.* The pound rates are computed on the bulk weight of the mailings of each issue.

(6) *Who pays.* Postage at the transient rate must be paid on all copies mailed by the general public. Only publishers and registered news agents may mail at the other second-class rates.

§ 22.2 *Qualifications for second-class privileges*—(a) *What may qualify*—(1) *Mailable publications.* You may mail only newspapers and other periodical publications at the second-class rates. The copies may not contain obscene, treasonable, lottery, or other kinds of material that would cause them to be nonmailable under the provisions of Part 14 of this chapter.

(2) *With or without general advertising.* All publications that meet the basic qualifications explained in paragraph (b) of this section may carry general advertising. The publications of the institutions and societies specifically named in paragraph (c) of this section must meet all the basic qualifications except the requirement of a paid subscription list. They are excused from having a paid list only when they do not carry general advertising. Those which carry general advertising must have a paid list.

(b) *Basic qualifications*—(1) *Regular issuance.* Publishers must determine the number of issues they will publish each year and adopt a statement of frequency that will show at what regular intervals the issues will appear. Examples of statements of frequency are:

Daily.
Weekly.
Monthly.
Quarterly.
Monthly except during July and August.
Semiweekly.
Biweekly.
Semimonthly.
Weekly during school year.
Four times a year in January, February, October, and November.

A publication may not be published under a frequency that provides for less than four issues each year. Issues must be published regularly as called for by the statement of frequency. Publishers may change the number of issues scheduled, and adopt a new statement of frequency by filing an application for second-class reentry. (See § 22.3 (d).)

(2) *Issuance at known office.* Publications must be issued and mailed at a known office or place of publication. A known office or place of publication is a public office where the business of the publication is transacted during the usual business hours. The office must be maintained at the place where second-class mail privileges are originally authorized. Offices for the transaction of business may be maintained at more than one place, but mailings may be accepted at the second-class pound rates only at the post offices where original or additional mail privileges have been authorized.

(3) *Preparation.* Publications must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding. They may not be produced by the stencil, mimeograph, or hectograph process or in imitation of typewriting.

(4) *Contents.* Publications must be originated and published for the purpose of disseminating information of a public character, or they must be devoted to literature, the sciences, art, or some special industry.

(5) *List of subscribers.* Publications must have a list of persons who have subscribed by paying or promising to pay for copies to be received during a stated time. When news agents purchase copies for resale or receive copies on consignment for sale, only the persons who buy copies from the news agents may be included in the subscription list.

(6) *Advertising publications.* Publications designed primarily for advertising purposes may not qualify for second-class privileges. They include:

(i) Those having advertising in excess of 75 percent in more than one-half of their issues during any 12-month period.

(ii) Those owned or controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

(iii) Those that consist principally of advertising and editorial write-ups of the advertisers.

(iv) Those that consist principally of advertising and that have only a token list of subscribers, the circulation being mainly free.

(v) Those that have only a token list of subscribers and that print advertisements free for advertisers who pay for copies to be sent to a list of persons furnished by the advertisers.

(vi) Those published under a license from individuals or institutions and that feature other businesses of the licensor.

(7) *Free circulation publications.* Publications designed primarily for free circulation may not qualify for second-class privileges. Publications that are not circulated principally to a list of subscribers are considered to be designed for free circulation. All copies printed and circulated either by mail or by the publishers' carriers, and at the second-class pound rates or the transient rate, are considered in determining whether a publication is designed for free circulation.

(8) *Nominal rate publications.* Publications designed primarily for circulation at nominal rates may not qualify for second-class privileges. They include those for which subscriptions are sold:

(i) At a token subscription price that is so low that it cannot be considered a material consideration.

(ii) At a reduction to the subscriber, under a premium offer or any other arrangements, of more than 50 percent of the regular advertised annual subscription price. The value of a premium is considered to be its actual cost to the publisher, the recognized retail value, or the represented value, whichever is highest.

(c) *Publications of institutions and societies.* (1) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising and not under any con-

ditions the advertising of other persons, institutions, or concerns: By a regularly incorporated institution of learning, a regularly established State institution of learning supported in whole or in part by public taxation, including bulletins issued by State boards of health, State conservation and fish and game agencies or departments, and State boards or departments of public charities and corrections.

(2) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising: By or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having an actual membership of not less than 1,000 persons, or of a trades-union; or as the publications of strictly professional, literary, historical, or scientific societies.

These publications may also contain advertising of other persons, institutions, or concerns, under the following conditions:

(i) The publication must not be designed or published primarily for advertising purposes.

(ii) The publication must be originated and published to further the objects and purposes of the society.

(iii) The circulation must be limited to copies mailed to members who pay either as a part of their dues or assessments, or otherwise, not less than 50 percent of the regular subscription price; to other actual subscribers; to exchanges; and 10 percent of such circulation as sample copies.

(iv) When members pay for their subscriptions as a part of their dues or assessments, individual subscriptions or receipts are not required.

(3) Periodical publications issued by State departments of agriculture may not contain advertising and must be published for the purpose of furthering the objects of the departments.

(4) Foreign newspapers and periodicals must be of the same general character as those classified as second-class in the United States, and must not violate any copyright granted by the United States.

(d) *Identification statements in copies.* Copies of publications must be identified as second-class mail by having the following items printed on one of the first five pages in a position where they may be easily located by postal employees and other interested persons:

(1) Name of publication: The name of the publication must be shown on the front in a position and in a style and size of type that will make it clearly distinguishable from the name of the publisher or other items on the front.

(2) Date of issue.

(3) Statement of frequency.

(4) Issue number: The copies of each issue must be numbered consecutively. The consecutive numbering of published issues may not be broken by assigning numbers to issues unavoidably omitted.

(5) Subscription price if the publication has one.

(6) Name of known office or place of publication, including street and number when there is letter-carrier service, must be printed in a position or in a style and isze of type or with a designation that will make it clearly distinguishable from the names of other offices of the publication. When there is not a post office at the place where published, the name of the post office where mailed must be shown as the office or place of publication.

(7) Notice of second-class entry reading: Second-class mail privileges authorized at _____.

(8) Notice of pending application, when copies are mailed under a temporary permit, reading: Application for second-class mail privileges is pending at _____.

§ 22.3 *Applications for second-class privileges*—(a) *Applications for publications and news agents that do not have second-class privileges.* An application must be filed by the publisher before a publication may be mailed at the second-class rates. Two copies of the issue described in the application must also be filed. If the publication is printed in a foreign language, a brief translation of the contents of the copies must be furnished. A synopsis of each article and advertisement is usually sufficient. News agents must file applications before they may mail second-class publications at the second-class rates. Copies of all application forms may be obtained from local postmasters. The headings on the forms describe what information must be furnished by publishers and news agents. Use the following forms:

(1) File application Form 3501 for second-class mail privileges for a publication that meets the basic qualifications at the post office of the place where the known place of publication is located.

(2) File application Form 3501–B for second-class mail privileges for a publication of an institution or society that does not meet the basic qualifications at the post office of the place where the known place of publication is located.

(3) File application Form 3501–A for permission to mail foreign publications in the United States at the post office at which the copies are to be mailed.

(4) File application Form 3501–C for registry of a person or firm as a news agent with the privilege of mailing second-class publications at the post office where mailings are to be made.

(b) *Temporary acceptance after application has been filed.* While an application is pending, mailings of a publication may be made by either publishers or news agents under a temporary permit. The postmaster will issue the permit on Form 3503. Money must be deposited with the postmaster to cover postage at third- or fourth-class rates on the mailings. If second-class privileges are authorized, postage at the second-class rates will be deducted from the deposits, and the balance will be returned to the publisher or news agent. If second-class mail privileges are not authorized, postage at third- or fourth-class rates will be deducted from the deposits, and the balance, if any, will be returned to the publisher or news agent.

(c) *Applications for publications that have second-class privileges.* After a publication has obtained second-class mail privileges, applications may be filed for the following additional privileges:

(1) Publishers of newspapers or periodicals of nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations may file applications by letter to the postmaster for the special rate. They must also submit evidence to establish their nonprofit status.

(2) Publishers of religious, educational, or scientific publications designed for use in school classrooms or in religious instruction classes may file applications by letter to the postmaster for exemption from the 30 percent increase in rates applicable to other publications, showing that their publications are of this character and for the uses stated.

(3) If a publisher desires to mail copies at another office in addition to the one where he has second-class mail privileges, he may file a written application stating the approximate number and weight of copies to be mailed at the additional office, and the territory to be served. A form is not provided for this kind of application. The application must be filed at the office where the second-class mail privileges were originally obtained. If the additional entry is authorized, all copies for delivery at the original office must be mailed there, and all copies for delivery at the additional office must be mailed at that office.

(4) An application to deliver copies of a second-class publication at the publishers' expense and risk to other post offices or elsewhere may be filed by the publisher at the office where the publication has second-class mail privileges. A form is not provided for this kind of application.

(d) *Reentry because of change in name, frequency, or location.* When the name or frequency is changed, an application for reentry must be filed on Form 3510 at the post office of original entry, accompanied by two copies of the publication showing the new name or frequency. When the location is changed, an application for reentry must be filed on Form 3510 at the new office, accompanied by two copies of the publication showing the name of the new office as the known office or place of publication. Copies of Form 3510 may be obtained from local postmasters.

(e) *Fees.* The fees to accompany applications for second-class original entry, reentry, or additional entry, or for registration as a news agent, are:

Kind	*Amount*
Original entry—circulation not more than 2,000	$25
Original entry—circulation 2,001 to 5,000	50
Original entry—circulation 5,001 and over	100
News-agent registry	20
Reentry because of change in title, frequency of issue, office of publication, or other reasons	10
Additional entry	10

If an application for original second-class entry is denied, one-half of the fee is returned to the publisher.

§ 22.4 *What may be mailed at the second-class rates*—(a) *Complete copies.* Copies of the regular issues containing all of the pages may be mailed at the second-class rates. Incomplete copies having pages or portions of pages removed must be charged with postage at the third- or fourth-class rates.

(b) *Editions or issues.* The following kinds of extra or special editions or issues may be mailed at the second-class rates:

(1) Extra issues or editions issued for the purpose of communicating addftional news and information received too late for insertion in the regular edition and not for advertising purposes.

(2) Separate editions of the issues of a second-class publication. Separate publications will not be accepted as editions.

(3) Special issues containing annual reports, directories, lists, and similar text but the copies may not be distinguished from the regular issues by bearing designations which indicate they are annuals, directories, catalogs, yearbooks, or other types of separate publications. The regular annual subscription price must include the copies of the special issues.

(c) *Back numbers and reprints.* The following kinds of back numbers and reprints may be mailed at the second-class rates:

(1) Unbound copies of back numbers as long as entry is in effect.

(2) Unbound reprint copies of daily publications printed within one week after the date of issue.

(3) Unbound reprint copies of other than daily publications printed before the next issue is printed.

Other reprints and bound back numbers are charged with postage at the third- or fourth-class rates.

(d) *Supplements.* (1) Issues may include supplements subject to the following conditions:

(i) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(ii) A supplement must bear the title of the publication preceded by the words "Supplement to" and the date of the regular issue.

(iii) Supplements must be folded and mailed with the regular issue.

(2) Enclosures that may be accepted as supplements include:

(i) Legal notices such as statutes, ordinances, proceedings of public boards or conventions, tax rates, and delinquent tax lists, required by law to be published, may be mailed as supplements even though the publisher is paid for printing the notices.

(ii) Maps, diagrams, and illustrations that form a necessary part of a publication may be either loose or attached and need not bear the words "Supplement to."

(3) Enclosures that may not be accepted as supplements include:

(i) Independent publications entirely distinct from and independent of the regular issue and complete in themselves.

(ii) Circulars, handbills, posters, and other third-class mail.

(iii) Advertising pages, or pages containing advertising and nonadvertising, issued by or for advertisers.

(e) *Parts or sections.* (1) The regular pages of publications may be prepared in parts or sections. Enclosures prohibited as supplements may not be prepared as parts or sections.

(2) Each part or section must show the title of the publication.

(3) The number of parts or sections in which the issue is published must be stated on the first page of the first part or section.

(4) Publishers must pay at a rate that is not nominal for parts or sections produced by others. The parts or sections may not be issued by or for advertisers. Publishers must submit to the Bureau of Post Office Operations, Division of Mail Classification, contracts entered into with producers of parts or sections.

(f) *Copies not paid for by the addressee*—(1) *Sample copies.* (i) Complete copies of regular issues or editions may be mailed as samples at the second-class pound rates.

(ii) Samples may be mailed at any time during a calendar year to the extent of 10 percent of the total estimated weight of copies to be mailed to subscribers during the calendar year.

(iii) The words "Sample Copy" must be shown on the address side of the envelopes or wrappers or the outside cover of unwrapped copies.

(iv) Samples may not be accepted free of postage under the free-in-county mailing privilege.

(v) The transient second-class rate must be paid on samples mailed in excess of the 10 percent limit.

(vi) Copies mailed for advertising purposes under arrangements with advertisers or others and copies mailed by a publisher acting as an agent for an advertiser may not be mailed as samples.

(2) *Copies paid for by advertisers.* Copies paid for by advertisers or others for advertising purposes, may be mailed only at the transient second-class rate. When copies are being furnished free to the addressees, publishers may be required to inform the postmaster the purpose for sending the copies, the amount that the publisher received for the copies, and whether the purchaser is an advertiser.

(3) *Copies paid for as gifts.* A minor portion of the subscription list may consist of persons whose subscriptions were paid for as gifts. Subscriptions paid for by advertisers or other interested persons to promote their own interests are not gift subscriptions.

(4) *Exchange copies.* A minor portion of the subscription list may consist of publishers to whom exchange copies are sent, one copy for another.

(5) *Expired subscriptions.* Copies will be accepted at the pound rates of postage for a period of 6 months after a subscription has expired, if the publisher attempts during the 6 months to obtain payment or a promise to pay for a renewal. Postage at the transient second-class rate will be charged on copies sent after 6 months to persons who have not renewed.

(6) *Advertisers' proof copies.* One complete copy of each issue may be mailed at the pound rates to each advertiser in the issue to prove that the advertisements have been printed.

(g) *Advertiser's proof sheets.* Single sheets or portions of sheets sent to an advertiser or his agent as proof of insertion of an advertisement must be enclosed in unsealed envelopes or wrappers bearing in the upper left corner the printed inscription "Advertiser's proof copy" and in the upper right corner a notice of second-class entry.

(h) *Enclosures, additions, and novelty pages*—(1) *Enclosures.* Bills, receipts, and orders for subscriptions may be enclosed either loose or bound in. No other enclosures are permitted. They may show only the name of the publication, place where published, subscription price, and the amount of the subscription due. They may be prepared in the following ways:

(i) They may be either printed or written.

(ii) They may be printed on cards and envelopes including business replies, and may be arranged with coin receptacles.

(iii) They may be prepared as combination forms for two or more second-class publications issued by the same publishers.

(2) *Additions.* Additions consist of words that may be added to the copies after they are printed or that may be placed on the envelopes or wrappers in which the copies are mailed. Only the following additions may be made:

(i) Name and address of the person to whom copies are sent.

(ii) Index figures of subscription book, either printed or written.

(iii) Printed title of publication and place of its publication.

(iv) Printed or written name and address without addition of advertisement of the publisher or sender, or both.

(v) Written or printed words or figures, or both, indicating the date on which the subscription will end.

(vi) Correction of any typographical error.

(vii) A mark, except by written or printed words, to designate a word or passage to which it is desired to call attention.

(viii) The words "Sample Copy" when the copies are sent as samples.

(ix) The words "Marked Copy" when the copies contain a marked item or article.

(x) A pledge to pay forwarding or return postage on copies undeliverable as addressed.

(xi) The number of copies enclosed may be shown on the wrapper or face of a package.

(3) *Novelty pages.* Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Blank sheets may not be carried as pages. The total number of novelty pages in the copies may constitute only a minor portion of the total pages. An excessive use of novelty pages may give a publication

the characteristics, both as to format and purpose, of books, catalogs, or other third- or fourth-class mail. The following kinds of pages are examples of novelty pages that may be included in second-class publications:

(i) Printed pages bearing words, perforations, or symbols indicating they are for detachment.

(ii) Pages having printed pictures for cutting out.

(iii) Printed pages having blank spaces for writing or marking in.

(iv) Pages having printed illustrations pasted to them.

(v) Pages with coupons or application or order forms occupying not more than one-half of the page.

(i) *Advertisements.* All advertising pages in periodicals must be permanently attached. The pages may be die-cut or deckle-edged, and prepared for folding out horizontally, vertically, or both. Different advertisements may occupy the same space in different copies of the same issue.

§ 22.5 *Second-class mailing privilege for news agents*—(a) *Definition.* News agents are persons or concerns engaged in selling two or more second-class publications published by more than one publisher.

(b) *Information required from news agents.* News agents must furnish postmasters evidence that copies of publications offered for mailing are entitled to second-class postage rates, and that they are sent to actual subscribers or to other news agents for the purpose of sale. A printed notice of second-class entry in the copies is sufficient evidence that a publication is entitled to be mailed at second-class rates. The addresses on bulk packages must show that the packages are sent to other news agents.

(c) *Remailing without payment of postage.* A news agent may not remove packages of copies from a post office, write an address on each copy, and return them to the office for dispatch or delivery without paying additional postage, except when the publication is entitled to free-in-county mail privileges.

(d) *When subject to transient second class rates.* Unsold copies returned to publishers or other news agents, or copies sent to other news agents except for purpose of sale, or to persons not having subscriptions with the news agent, are subject to the transient second-class rate.

(e) *Return of portions of unsold publications.* The head or small portions of publications returned to publishers to show that copies have not been sold are subject to postage at third- or fourth-class rates according to weight.

§ 22.6 *Sworn ownership and circulation statements*—(a) *Filing and publishing.* The editor, publisher, business manager, or owner must file, in duplicate, not later than October 1 of each year on Form 3526 a sworn statement showing the ownership and management of their publication. The statement must be published in the second issue of the publication printed next after the statement has been filed. Copies of Form 3526 are furnished by the local postmaster. The two copies of Form 3526 and one copy of the issue in which the statement is published must be filed with the postmaster at the office where the publication has original second-class mail privileges.

(b) *Circulation.* Statements filed by daily, weekly, semiweekly, and triweekly publications must show the average number of copies of each issue sold or distributed to paid subscribers during the preceding 12 months.

(c) *Exemptions.* Religious, fraternal, temperance, scientific, or other similar publications are not required to file ownership, management, and circulation statements. Publishers may be required by the postmaster to furnish evidence that their publications are entitled to exemption.

(d) *Failure to file and publish statement.* A publication may be denied the privileges of second-class mail if the publisher fails to file and publish a statement within 10 days after he has been notified by registered letter that he has not filed and published a statement.

§ 22.7 *Marking of paid reading matter.* Editorial or other reading matter for the publication of which money or other valuable consideration is paid, accepted, or promised must be plainly marked "advertisement". Failure to do this will subject the editor or publisher upon conviction in any court having jurisdiction to a fine of not less than $50 nor more than $500.

§ 22.8 *Cancellation of second-class privileges.* (a) Second-class mail privileges may not be suspended or annulled until a hearing has been granted to the parties interested.

(b) Before revocation, annulment, or suspension of any second-class entry, the Bureau of Post Office Operations, Mail Classification Division, will fully advise the publisher of the facts that may warrant such action. The publisher will be given an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable specified time limit.

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

Sec.
23.1 Rates.
23.2 Permits.
23.3 Identification statements.
23.4 Filing of marked copy.
23.5 Enclosures.

AUTHORITY: §§ 23.1 to 23.5 issued under R. S. 161, 396, sec. 203, 62 Stat. 1262; 5 U. S. C. 22, 369, 39 U. S. C. 291b.

§ 23.1 *Rates.*

Copies not over 8 ounces: 10 cents per pound, minimum 1 cent per piece.

Copies over 8 ounces: 11 cents per pound.

§ 23.2 *Permits*—(a) *Qualifications.* Publications must:

(1) Contain at least 24 pages.

(2) Contain at least 25 percent nonadvertising.

(3) Be issued at regular intervals of four or more times a year.

(4) Be circulated free or mainly free.

(5) Not be owned and controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

(b) *Applications.* Apply by letter to the postmaster at the office where mailings are to be made. A form is not provided for this kind of application. State the name of the publication, frequency of issue, where published, and the name of the publisher. Submit two copies of the issue published nearest to the date of application.

(c) *Deposits to cover postage.* While an application is pending, deposits in money to cover postage on mailings at the third- or fourth-class rates may be made by the publisher. The excess deposits will be returned if a permit is issued.

§ 23.3 *Identification statements.* The following items must be printed on one of the first five pages of each copy, in a position where they may be easily located by postal employees and other interested persons:

(a) Name of the publication on the front.

(b) Date of issue.

(c) Frequency of issue.

(d) Address of publisher.

(e) Subscription price, if the publication has one.

(f) Notice of authority for acceptance, reading: "Accepted as controlled circulation publication at _____."

(g) Notice of pending application when copies are mailed under deposits of money, reading: "Application for acceptance as controlled circulation publication pending at _____."

A notice must be printed or handstamped on the envelopes or wrappers in which copies are mailed, reading: "Accepted as controlled circulation publication at _____."

§ 23.4 *Filing of marked copy.* A copy of each issue, with at least 25 percent of the nonadvertising marked by the publisher so that it may be verified, must be filed with the postmaster at the time of mailing. The percentage of nonadvertising must be written on the first page of the copy. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified, or editorial style.

§ 23.5 *Enclosures.* Enclosures are not permitted.

PART 24—THIRD CLASS

Sec.
24.1 Rates.
24.2 Classification.
24.3 Weight and size limitations.
24.4 Payment of postage.
24.5 Nonprofit organizations.
24.6 Permissible additions.
24.7 Permissible enclosures.
24.8 Sealing.

AUTHORITY: §§ 24.1 to 24.8 issued under R. S. 161, 369, sec. 8, 20 Stat. 358, as amended, sec. 1, 25 Stat. 1, as amended, sec. 5, 41 Stat. 583, as amended, sec. 206, 43 Stat. 1067, as amended, 46 Stat. 526, secs. 2, 3, 65 Stat. 672, 673; 5 U. S. C. 22, 369, 39 U. S. C. 221, 221a, 235, 249, 289a, 290a–1, 291a.

§ 24.1 *Rates.*

Kind of mail	Rate	
	Single	Bulk mailings
Books and catalogs, having 24 pages or more (at least 22 of which are printed); seeds, cuttings, bulbs, roots, cions, and plants.	2 cents first 2 ounces, 1½ cents each additional 2 ounces or fraction of 2 ounces; authorized nonprofit organizations: 1½ cents for each 2 ounces or fraction.	10 cents each pound or fraction; 1½ cents minimum charge per piece except 1 cent for authorized nonprofit organizations.
Circulars and other printed matter, merchandise.	2 cents first 2 ounces; 1 cent each additional ounce or fraction of an ounce.	14 cents each pound or fraction; 1½ cents minimum charge per piece except 1 cent for authorized nonprofit organizations.
Any article of odd size or form	3 cents minimum per piece (applicable only when regular charge does not exceed 3 cents.)	
Hotel and steamship room keys (mailed uncovered).		5 cents each 2 ounces.
Transient copies of Congressional Record mailed at Washington, D. C.		1 cent per copy (unsealed).

§ 24.2 *Classification*—(a) *Description.* The following articles are included in third-class mail:

(1) Books and catalogs of 24 pages or more with at least 22 printed pages; and seeds, cuttings, bulbs, roots, cions, and plants.

(2) Circulars and other printed matter; proof sheets and corrected proof sheets with related manuscript copy; bills or statements of account produced by any photographic or mechanical process when presented in 20 or more identical copies; merchandise; and unsealed letters for the blind in point print or raised characters, or on sound reproducing records.

(3) Hotel and steamship room keys with metal or fiber tags stamped with the name and post office address of the hotel or steamship of origin and instructions that the key be returned.

(4) Transient copies of the Congressional Record mailed only at Washington, D. C.

(5) All other matter within the weight limitation (8 ounces) not included in the first or second class.

(b) *Application of rates.* The rates in § 24.1 are applied as follows:

(1) The single rate is applied to each piece according to its weight.

(2) The bulk rate is applied to mailings of separately addressed identical pieces in quantities of not less than 20 pounds, or of not less than 200 pieces. Postage is computed at pound rates on the entire bulk mailed at one time, except that in no case shall less than the minimum charge per piece be paid. The annual bulk mailing fee must be paid at or before the first mailing each year. (See Part 16 of this chapter and § 24.4 for other conditions governing acceptance of bulk mailings.)

(3) The minimum charge for pieces of odd size or form applies to all articles (mailed singly or in bulk) exceeding 9 inches in width or 12 inches in length, or less than 2¾ inches in width or 4 inches in length; round, cylindrical, or other irregular-shaped pieces, and those with contents forming a hump or which are otherwise so uneven as to prevent stacking or tying in packages; also articles in bags or addressed by means of tags.

§ 24.3 *Weight and size limitations*—(a) *Weight.* The weight of each addressed piece may not exceed 8 ounces, except letters for the blind. (See Part 28 of this chapter.)

(b) *Size.* No limit.

§ 24.4 *Payment of postage*—(a) *Single-piece mailings.* Mailers of third-class mail at other than bulk rates may:

(1) Use any method of paying postage.

(2) Mail any number of pieces at one time.

Authorized nonprofit organizations which mail books and catalogs, seeds, cuttings, bulbs, roots, cions, and plants at the special single piece rate for these articles must mark the articles "Nonprofit Organization" or "Nonprofit Org." in the upper right corner adjacent to the postage and show the complete name and address of the organization in the upper left corner of the mail.

(b) *Bulk mailings.* To mail at bulk rates:

(1) A permit to use one of the methods of paying postage must be obtained.

(2) A fee of $10 each calendar year is required. Lettershops must pay a fee of $10 for each customer for whom mailings are made, unless the customer pays it. A receipt on Form 3603 is issued for each fee paid.

(3) Postage must be prepaid:

(i) By meter stamps.

(ii) By precanceled stamps or precanceled stamped envelopes.

(iii) In cash for mail with permit imprints.

(4) As part of the meter stamp or permit imprint, or adjacent to such stamp or imprint or the precanceled stamp:

(i) Mailers other than nonprofit organizations must print the words "Bulk Rate."

(ii) Authorized nonprofit organizations mailing at special bulk rates must print the words "Nonprofit Organization" or "Nonprofit Org." and show the complete name and address of the organization in the upper left corner of the mail.

See Part 16 of this chapter for instructions on mailing third-class mail in bulk.

§ 24.5 *Nonprofit organizations*—(a) *Types.* Religious, educational, scientific, philanthropic, agricultural, labor, veterans', and fraternal organizations or associations not organized for profit and none of the net income of which benefits any private stockholder or individual may mail at the special rates shown in § 24.1.

(b) *Applications.* A nonprofit organization must submit to the Bureau of Post Office Operations, Mail Classification Division, through the postmaster, an application on Form 3624, with evidence of its eligibility. The application will be approved or denied by the Department, and the applicant notified through the postmaster.

(c) *Temporary mailings.* Until final action is taken on the application, postage paid on the mailings may be at the special rates provided the mailer deposits with the postmaster an amount sufficient to cover the additional postage at the higher rates. This deposit will be returned to the mailer if the application is approved. If the application is denied, the deposit will not be returned.

§ 24.6 *Permissible additions.* The following are permissible additions on third-class matter and its covers or labels:

(a) Manuscript dedication or inscription not in the nature of personal correspondence.

(b) Marks to call attention to any word or passage in text.

(c) Corrections of typographical errors in:

(1) *Circulars or printed matter.* Handwritten or typewritten changes in the body of a circular are limited to corrections of actual typographical errors.

(2) *Proof sheets.* Corrections in proof sheets include corrections of typographical and other errors, alterations of text, insertion of new text, marginal instructions to the printer, and rewrites of part if necessary for correction. Corrections should be on margins or attached to the manuscript. Do not enclose manuscript of another article.

(d) Any printed matter mailable as third class.

(e) Hand-stamped imprints, except when the added matter is in itself personal or converts the original matter to a personal communication. In the latter case, however, the mailing at one time at the post office window or other depository designated by the postmaster of not less than 20 identical, unsealed copies will be sufficient evidence of impersonal character to entitle such matter to the third-class rate.

(f) All additions permitted for fourth-class mail. (See § 25.5 of this chapter.)

§ 24.7 *Permissible enclosures*—(a) *Books and catalogs.* Loose enclosures relating exclusively to the book or catalog they accompany may be enclosed and mailed at the book and catalog rate. Loose enclosures are restricted to:

(1) Single reply envelope or reply post card, or both.

(2) Single order form.

(3) Printed circular of a single sheet not larger, when unfolded, than the size of the book or catalog it accompanies.

(4) If no other circular is enclosed, a printed price list listing only articles featured in the catalog and showing only the same prices and discounts as the catalog.

(5) An invoice, same as for fourth-class mail. (See § 25.5 (b) (3) of this chapter.)

Samples of cloth or other merchandise cannot be enclosed, either loose or attached. If circular and other printed matter is attached to a book or catalog, it does not have to conform to the conditions for loose enclosures. Attached

means pasted along the entire bound edge of, or fastened with at least two stitches or stapled to, securely enough to form an integral part of, the book or catalog.

(b) *All other third-class matter.* The following may be enclosed with articles mailed as third class at other than the book or catalog rate:

(1) An invoice, same as fourth-class mail. (See § 25.5 (b) (3) of this chapter.)

(2) Second class matter, if combined weight does not exceed 8 ounces.

Circulars and advertisements of other persons or firms that are printed or manufactured elsewhere and turned over to a mailer may not be inserted and mailed with his own mail at bulk rates but are subject to the single piece rates.

§ 24.8 *Sealing.* (a) Merchandise, sound reproducing records, books, catalogs, seeds, cuttings, bulbs, roots, cions, and plants may be sealed provided the mail is marked to permit postal inspection as required in § 13.3 (c) of this chapter.

(b) Circulars, other printed matter, and all other articles mentioned in § 24.2 (a) except in paragraph (a) of this section may not be sealed. When these articles are sealed they are subject to the first-class rate.

(c) Envelopes having one small spot of gum to hold a loose flap are accepted as unsealed. The words "Pull Out for Postal Inspection" must be printed on, or adjacent to, the loose flap and must be entirely exposed when the envelope is ready for mailing. The closing outside flap that folds over the loose flap must not be gummed on the surface touching the loose flap.

PART 25—FOURTH CLASS

Sec.
25.1 Rates.
25.2 Classification.
25.3 Weight and size limits.
25.4 Payment of postage.
25.5 Written additions.
25.6 Enclosures.
25.7 Sealing.
25.8 Place of mailing.
25.9 Nonprofit organizations.

AUTHORITY: §§ 25.1 to 25.9 issued under R. S. 22, 396, 3879, secs. 7, 24, 20 Stat. 361, as amended, sec. 1, 25 Stat. 1, as amended, 29 Stat. 282, as amended, sec. 207, 43 Stat. 1067, as amended, sec. 204, 62 Stat. 1262.

§ 25.1 *Rates*—(a) *Fourth class (parcel post) zone rates.*

Weight over 8 ounces and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
		Up to 150 miles	150 to 300 miles	300 to 600 miles	600 to 1,000 miles	1,000 to 1,400 miles	1,400 to 1,800 miles	Over 1,800 miles
Over 8 ounces to—								
1 pound	$0.18	$0.23	$0.23	$0.24	$0.26	$0.28	$0.30	$0.32
2 pounds	.20	.27	.29	.31	.36	.40	.46	.51
3 pounds	.21	.31	.34	.38	.45	.52	.61	.69
4 pounds	.23	.35	.39	.45	.54	.64	.76	.87
5 pounds	.24	.39	.44	.52	.63	.76	.91	1.05
6 pounds	.26	.43	.49	.59	.73	.88	1.06	1.23
7 pounds	.27	.47	.54	.66	.82	1.00	1.22	1.41
8 pounds	.29	.51	.60	.73	.91	1.12	1.37	1.59
9 pounds	.30	.55	.65	.80	1.00	1.24	1.52	1.77
10 pounds	.32	.59	.70	.87	1.10	1.36	1.67	1.95
11 pounds	.33	.63	.75	.93	1.19	1.48	1.82	2.13
12 pounds	.34	.67	.80	1.00	1.28	1.60	1.98	2.31
13 pounds	.36	.71	.85	1.07	1.37	1.72	2.13	2.49
14 pounds	.37	.75	.90	1.14	1.47	1.84	2.28	2.67
15 pounds	.39	.79	.96	1.21	1.56	1.96	2.43	2.85
16 pounds	.40	.83	1.01	1.28	1.65	2.08	2.58	3.03
17 pounds	.42	.87	1.06	1.35	1.74	2.20	2.74	3.21
18 pounds	.43	.91	1.11	1.42	1.84	2.32	2.89	3.39
19 pounds	.45	.95	1.16	1.49	1.93	2.44	3.04	3.57
20 pounds	.46	.99	1.21	1.56	2.02	2.56	3.19	3.75

Weight not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
		Up to 150 miles	150 to 300 miles	300 to 600 miles	600 to 1,000 miles	1,000 to 1,400 miles	1,400 to 1,800 miles	Over 1,800 miles
Over 8 ounces to—								
21 pounds	$0.47	$1.02	$1.26	$1.62	$2.11	$2.67	$3.34	$3.93
22 pounds	.49	1.06	1.32	1.69	2.21	2.79	3.50	4.12
23 pounds	.50	1.10	1.37	1.76	2.30	2.91	3.65	4.30
24 pounds	.52	1.14	1.42	1.83	2.39	3.03	3.80	4.48
25 pounds	.53	1.18	1.47	1.90	2.48	3.15	3.95	4.66
26 pounds	.55	1.22	1.52	1.97	2.58	3.27	4.10	4.84
27 pounds	.56	1.26	1.57	2.04	2.67	3.39	4.26	5.02
28 pounds	.58	1.30	1.63	2.11	2.76	3.51	4.41	5.20
29 pounds	.59	1.34	1.68	2.18	2.85	3.63	4.56	5.38
30 pounds	.61	1.38	1.73	2.25	2.95	3.75	4.71	5.56
31 pounds	.62	1.42	1.78	2.31	3.04	3.87	4.86	5.74
32 pounds	.63	1.46	1.83	2.38	3.13	3.99	5.02	5.92
33 pounds	.65	1.50	1.88	2.45	3.22	4.11	5.17	6.10
34 pounds	.66	1.54	1.93	2.52	3.32	4.23	5.32	6.28
35 pounds	.68	1.58	1.99	2.59	3.41	4.35	5.47	6.46
36 pounds	.69	1.62	2.04	2.66	3.50	4.47	5.62	6.64
37 pounds	.71	1.66	2.09	2.73	3.59	4.59	5.78	6.82
38 pounds	.72	1.70	2.14	2.80	3.69	4.71	5.93	7.00
39 pounds	.74	1.74	2.19	2.87	3.78	4.83	6.08	7.18
40 pounds	.75	1.78	2.24	2.94	3.87	4.95	6.23	7.36
41 pounds	.76	1.81	2.29	3.00	3.96	5.06	6.38	7.54
42 pounds	.78	1.85	2.35	3.07	4.05	5.18	6.54	7.73
43 pounds	.79	1.89	2.40	3.14	4.15	5.30	6.69	7.91
44 pounds	.81	1.93	2.45	3.21	4.24	5.42	6.84	8.09
45 pounds	.82	1.97	2.50	3.28	4.33	5.54	6.99	8.27
46 pounds	.84	2.01	2.55	3.35	4.43	5.66	7.14	8.45
47 pounds	.85	2.05	2.60	3.42	4.52	5.78	7.30	8.63
48 pounds	.87	2.09	2.66	3.49	4.61	5.90	7.45	8.81
49 pounds	.88	2.13	2.71	3.56	4.70	6.02	7.60	8.99
50 pounds	.90	2.17	2.76	3.63	4.80	6.14	7.75	9.17
51 pounds	.91	2.21	2.81	3.69	4.89	6.26	7.90	9.35
52 pounds	.92	2.25	2.86	3.76	4.98	6.38	8.06	9.53
53 pounds	.94	2.29	2.91	3.83	5.07	6.50	8.21	9.71
54 pounds	.95	2.33	2.96	3.90	5.17	6.62	8.36	9.89
55 pounds	.97	2.37	3.02	3.97	5.26	6.74	8.51	10.07
56 pounds	.98	2.41	3.07	4.04	5.35	6.86	8.66	10.25
57 pounds	1.00	2.45	3.12	4.11	5.44	6.98	8.82	10.43
58 pounds	1.01	2.49	3.17	4.18	5.54	7.10	8.97	10.61
59 pounds	1.03	2.53	3.22	4.25	5.63	7.22	9.12	10.79
60 pounds	1.04	2.57	3.27	4.32	5.72	7.34	9.27	10.97
61 pounds	1.05	2.60	3.32	4.38	5.81	7.45	9.42	11.15
62 pounds	1.07	2.64	3.38	4.45	5.91	7.57	9.58	11.34
63 pounds	1.08	2.68	3.43	4.52	6.00	7.69	9.73	11.52
64 pounds	1.10	2.72	3.48	4.59	6.09	7.81	9.88	11.70
65 pounds	1.11	2.76	3.53	4.66	6.18	7.93	10.03	11.88
66 pounds	1.13	2.80	3.58	4.73	6.28	8.05	10.18	12.06
67 pounds	1.14	2.84	3.63	4.80	6.37	8.17	10.34	12.24
68 pounds	1.16	2.88	3.69	4.87	6.46	8.29	10.49	12.42
69 pounds	1.17	2.92	3.74	4.94	6.55	8.41	10.64	12.60
70 pounds	1.19	2.96	2.79	5.01	6.65	8.53	10.79	12.78

EXCEPTIONS

a. In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate is the same as for the third zone.

b. Parcels weighing less than 10 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10 pound parcel for the zone to which addressed.

c. For catalogs weighing up to 10 pounds, see paragraph (b) of this section.

d. For books and library books, see paragraphs (c) and (d) of this section.

e. For 16-millimeter films, 16-millimeter film catalogs and related materials, see paragraphs (c) and (d) of this section.

f. Gold mailed within Alaska or from Alaska to the United States and possessions: 2 cents each ounce or fraction, regardless of distance.

(b) *Catalogs and similar printed advertising matter.*

Weight over 8 ounces and not exceeding—	Zone							
	Local	First and second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1 pound	12	13	14	15	17	18	19	20
1½ pounds	13	14½	16	17½	20½	22	24	26
2 pounds	13½	16	18	20	23½	26	29	32
2½ pounds	14½	17½	20	22½	27	30	34	38
3 pounds	15	19	22	25	30	34	39	44
3½ pounds	16	20½	24	27½	33½	38	44	50
4 pounds	16½	22	26	30	36½	42	49	56
4½ pounds	17½	23½	28	32½	40	46	54	62
5 pounds	18	25	30	35	43	50	59	68
5½ pounds	19	26½	32	37½	46½	54	64	74
6 pounds	19½	28	34	40	49½	58	69	80
6½ pounds	20½	29½	36	42½	53	62	74	86
7 pounds	21	31	38	45	56	66	79	92
7½ pounds	22	32½	40	47½	59½	70	84	98
8 pounds	22½	34	42	50	62½	74	89	104
8½ pounds	23½	35½	44	52½	66	78	94	110
9 pounds	24	37	46	55	69	82	99	116
9½ pounds	25	38½	48	57½	72½	86	104	122
10 pounds	25½	40	50	60	75½	90	109	128

EXCEPTION: In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate shall be the same as for the third zone.

(c) *Books; and 16-millimeter films and 16-millimeter film catalogs.*

Kind of mail	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
	Cents	*Cents*
Books; and 16-millimeter films and 16-millimeter film catalogs (rate applies for films and catalogs except when mailed to commercial theaters)	8	4

(d) *Library books, 16-millimeter films, 61-millimeter film catalogs and related materials.* (These rates are restricted to public libraries and certain nonprofit organizations and associations.) (See § 25.9.)

Kind of mail	Rate (these rates are applicable only in the local zone, and zones 1, 2, and 3, or to any zone in the State where mailed)	
	First	Each additional pound or fraction
	Cents	*Cents*
Library books; and 16-millimeter films, filmstrips, transparencies and slides, microfilms, sound recordings and catalogs of such materials (rate restricted to mailings by or to certain organizations. See § 25.2 (a) (5).)	4	1

§ 25.2 *Classification*—(a) *Description.* (1) Fourth-class mail includes merchandise, printed matter, mailable live animals, and all other matter not included in the first-, second-, or third-class.

(2) Zone rates in § 25.1 (a) are applicable to all fourth-class mail, except that the items described in § 25.1 (b), (c), and (d) may be mailed at the special rates shown in those paragraphs if desired.

(3) Catalogs and similar printed advertising matter in bound form, having 24 or more pages, at least 22 of which are printed, weighing more than 8 ounces but not exceeding 10 pounds, and individually addressed, may be mailed at the zone rates in § 25.1 (b).

(4) Books of 24 pages or more, at least 22 of which are printed, permanently bound for preservation and consisting wholly of reading matter or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books; 16-millimeter films, which must be positive prints in final form for viewing; and 16-millimeter film catalogs of 24 pages or more, at least 22 of which are printed, may be mailed at the rates in § 25.1 (c), except that films and film catalogs mailed at this rate may not be sent to commercial theaters.

(5) The rates in § 25.1 (d) are for:

(i) Library books consisting wholly of reading matter and containing no advertising other than incidental announcements of books, when sent by public libraries, organizations, and associations as a service to county or other unit libraries, or as a loan to readers, or when returned by the latter libraries or readers to the public libraries, organizations, or associations.

(ii) 16-millimeter films, filmstrips, transparencies and slides, microfilms, all of which must be positive prints in final form for viewing; sound recordings and catalogs of such materials having 24 or more pages, at least 22 of which are printed, when sent to or from schools, colleges, universities, or public libraries, and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations.

(b) *Application of rates.* (1) The rates in § 25.1 (a) and (b) are applied on the basis of weight of the individual piece and zone (or distance) to which mailed.

(2) There are eight parcel post zones, determined as follows:

(i) The United States is divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. These units of area, each designated by a number, form the basis of the eight zones.

(ii) The zones are based on distance in a straight line between the center of a unit and the nearest point within any other unit. If any part of a unit falls within the prescribed distance, all of that unit is considered to be within the same zone. Distances used to determine zones are shown at the top of the columns in the rate charts in § 25.1 (a).

(iii) Each unit of area is numbered and post offices located within the unit are assigned unit zone numbers which are listed opposite the names of the post offices shown in the *Directory of Post Offices*. A zone key has been prepared for each unit of area showing in numerical order the zones in which all other units are located in relation thereto. The same zone key is used at all post offices located in any one unit of area.

(iv) To ascertain the parcel post zone of a particular post office consult the *Directory of Post Offices* for the name of the post office to which the parcel is to be mailed. At the right of the name is the number of the parcel post unit in which that post office is located. This number (or the group of numbers including it) must then be found in the parcel post zone key for the office from which the parcel is to be mailed. The figure in the column opposite the line on the zone key containing the unit zone number of the post office of address is the parcel post zone.

(v) The method described is also used for zoning purposes within Alaska, Hawaii, Puerto Rico, and the Virgin Islands. A *Directory of Post Offices* may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. A zone key for the unit in which your office is located will be furnished free on request to the postmaster.

(3) The rates in § 25.1 (c) and (d) are computed on the basis of the weight of the piece regardless of the zone to which addressed.

(4) The local rate in § 25.1 (a) and (b) applies to parcels mailed at any post office for local delivery at that office; at any city letter-carrier office or at any point within its delivery limits for delivery by carriers from that office; at any office from which a rural route starts for delivery on the same route; and on a rural route for delivery at the office from which the route starts or on any rural route starting from that office.

(5) Gold coin, gold bullion, and gold dust, between any two points in Alaska, or between any point in Alaska and any point in the United States or its possessions, are charged the rate in § 25.1 (a), footnote *f*. The gold must be enclosed in sealed packages not exceeding 50 pounds in weight and sent by registered mail.

§ 25.3 *Weight and size limits*—(a) *Weight.* The weight of an addressed piece must exceed 8 ounces, but not more than the following limits:

(1) Parcels mailed at a first-class post office in the continental United States for delivery at another first-class post office in the continental United States are limited to 40 pounds when addressed for delivery in the local, first, and second zone; and to 20 pounds when addressed

to the third through the eighth zones; except that parcels mailed on or addressed for delivery on a rural or star route, or parcels containing baby poultry, nursery stock, agricultural commodities, books, and Braille-writers and other appliances for the blind, are subject to the limit set forth in subparagraph (2) of this paragraph. (The term "agricultural commodities" includes any product grown or produced incident to an agricultural activity on a farm or in a garden, orchard, nursery, or forest, but does not include manufactured products of such commodities.) Parcels containing such articles must be marked to show the nature of the contents, unless such information can be ascertained by outward examination of the parcel.

(2) Parcels mailed at or to any second-, third-, or fourth-class post office; to or from any rural or star route; to or from any Army-Air Force or Fleet Post Office; or to, from, or between any territory or possession of the United States, including the Canal Zone and Trust Territory of the Pacific Islands, must not exceed 70 pounds.

(3) When more than 200 pounds of parcel post, other than perishable matter, is offered for mailing by one sender to one addressee on the same day and the delivery to destination will involve transportation over a star route, the shipment will not be accepted unless the postmaster obtains special permission from the Assistant Postmaster General, Bureau of Transportation.

(b) *Size.* Parcels mailed at a first-class post office in the continental United States, for delivery at another first-class post office in the continental United States, and subject to the limits of weight shown in paragraph (a) (1) of this section must not exceed 72 inches length and girth combined. All other parcels are limited to 100 inches in length and girth combined. To compute the size of a parcel:

(1) Measure the longest side to get the length.

(2) Measure the distance around the parcel at its thickest part to get the girth.

(3) Add the length and the girth.

Two or more packages may be mailed as a single parcel if they are about the same size or shape or if they are parts of one article. They must be securely wrapped or fastened together and must not, together, exceed the weight or size limit.

§ 25.4 *Payment of postage.* Mailers of fourth-class articles may use any method of paying postage.

§ 25.5 *Written additions—(a) Required.* (1) The return address of the sender must be shown on all fourth-class mail.

(2) Parcels containing baby poultry, live plants, trees, shrubs, agricultural commodities, books, and Braille-writers and other appliances for the blind, mailed at a first-class post office addressed for delivery at another first-class post office, and that exceed the weight limits in § 25.3 (a) (1) or a size limit of 72 inches in length and girth combined, must be marked to show the type of contents. If contents are readily identifiable by outward examination, no marking is required.

(3) Catalogs mailed at the rates in § 25.1 (b) must be marked "Catalogs."

(4) Books and 16-millimeter film and 16-millimeter film catalogs mailed at the rates in § 25.1 (c) must be marked "Book."

(5) Library books, 16-millimeter films, filmstrips, sound recordings, and other articles mailed at the rates in § 25.1 (d) must be marked "Library book."

(6) Marks specified in Part 11 of this chapter to show nature of contents or service desired must be added.

(b) *Permissible.* The following written additions, which may be placed on the cover tag, or label attached to the parcel, or on an article within the parcel, are permitted for all fourth-class mail. (Sufficient space must be provided on the address side for address, return card, postage, and postal endorsements.)

(1) Marks, numbers, name, or letters descriptive of contents.

(2) "Please do not open until Christmas", "Merry Christmas", "Happy Birthday", "With Best Wishes," and similar inscriptions.

(3) An invoice or similar document for descriptive purposes only, enclosed, or placed in an envelope (marked "Invoice Enclosed") attached to the outside, showing any or all of the following:

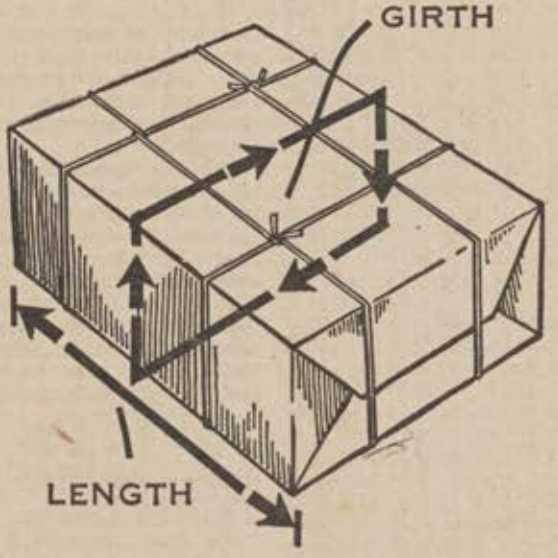
(i) Names and addresses of sender and addressee.

(ii) Names and quantities of articles enclosed.

(iii) Description of articles enclosed, including price, tax, style, stock number, size, and quality; and if defective, nature of defect.

(iv) Order or file number, date of order, date and manner of shipment, shipping weight, and postage paid.

(v) Initials or name of packer or checker.



§ 25.6 *Enclosures—(a) Catalogs.* Catalogs mailed at the rates in § 25.1 (b) may have any or all of the following enclosures, provided the loose enclosures form only an incidental portion of contents:

(1) Order forms, reply envelopes, and circulars.

(2) One each of a printed blotter, illustrated display sheet, poster, dealer's card, or similar printed advertising matter.

(b) *Books.* The following may be enclosed with books mailed at the rates in § 25.1 (c):

(1) Reply envelope or post card, or single order form, and single sheet not larger than the book page, relating exclusively to the book with which it is enclosed.

(2) Incidental announcements of books, appearing in book pages or as loose circulars.

(3) An invoice.

§ 25.7 *Sealing.* Fourth-class mail must be wrapped or packaged so that it can be easily examined. If sealed, the wrapper or cover shall be marked in accordance with § 13.3 (c) of this chapter.

§ 25.8 *Place of mailing.* (a) Fourth-class articles may be mailed at a post office, branch, or station, or handed to a rural or star route carrier. They may not be mailed at railway post office cars.

(b) Parcels exceeding the limits of size and weight for articles mailed at first-class post offices that originate in and are prepared in cities or towns served by first-class post offices may not be diverted to other post offices or to a rural or star route carrier for mailing.

§ 25.9 *Nonprofit organizations.* Rates in § 25.1 (d) are restricted to mailings mailed by or addressed to non-profit organizations or associations as follows:

(a) *Library books.* A public library, organization, or association desiring to mail books to county or other unit libraries or as a loan to readers, or to have such books returned, at the rate in § 25.1 (d), must first submit to the postmaster at the office where the books will be mailed, a request for such privilege together with satisfactory evidence, such as its articles of incorporation, constitution, or by-laws, to establish that it is not organized for profit and that none of its net income benefits any private stockholder or individual. Books will not be accepted for mailing at the library book rate until the request has been approved. No permit is required to return

books to organizations that are authorized to mail at this special rate.

(b) *16-millimeter films, filmstrips, etc.* Each parcel containing 16-millimeter films, filmstrips, and the related material listed in § 25.1 (d), must show in the address or the return address the name of a nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organization or association. No permit is required.

PART 26—AIRMAIL

Sec.
26.1 Rates.
26.2 Classification.
26.3 Weight and size limits.
26.4 Payment of postage.
26.5 Additions and enclosures.
26.6 Marking, sealing, and depositing.

AUTHORITY: §§ 26.1 to 26.6 issued under R. S. 161, 396, sec. 2, 60 Stat. 1062, secs. 1, 201, 62 Stat. 1097, 1261; 5 U. S. C. 22, 369, 39 U. S. C. 462a, 463a, 475.

§ 26.1 *Rates.*

Weight	Rate	
8 ounces or less.	Air postal or post cards.	4 cents each.
	Business reply air cards.	5 cents each, collected when delivered.
	Letters and packages.	6 cents an ounce.
	Airmail in business reply envelopes.	6 cents an ounce, plus 1 cent per piece, collected when delivered.

Weight over 8 ounces and not exceeding—	Rate					
	Zones 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1 pound	$0.60	$0.65	$0.70	$0.75	$0.75	$0.80
2 pounds	1.08	1.15	1.26	1.39	1.47	1.60
3 pounds	1.56	1.65	1.82	2.03	2.19	2.40
4 pounds	2.04	2.15	2.38	2.67	2.91	3.20
5 pounds	2.52	2.65	2.94	3.31	3.63	4.00
6 pounds	3.00	3.15	3.50	3.95	4.35	4.80
7 pounds	3.48	3.65	4.06	4.59	5.07	5.60
8 pounds	3.96	4.15	4.62	5.23	5.79	6.40
9 pounds	4.44	4.65	5.18	5.87	6.51	7.20
10 pounds	4.92	5.15	5.74	6.51	7.23	8.00
11 pounds	5.40	5.65	6.30	7.15	7.95	8.80
12 pounds	5.88	6.15	6.86	7.79	8.67	9.60
13 pounds	6.36	6.65	7.42	8.43	9.39	10.40
14 pounds	6.84	7.15	7.98	9.07	10.11	11.20
15 pounds	7.32	7.65	8.54	9.71	10.83	12.00
16 pounds	7.80	8.15	9.10	10.35	11.55	12.80
17 pounds	8.28	8.65	9.66	10.99	12.27	13.60
18 pounds	8.76	9.15	10.22	11.63	12.99	14.40
19 pounds	9.24	9.65	10.78	12.27	13.71	15.20
20 pounds	9.72	10.15	11.34	12.91	14.43	16.00
21 pounds	10.20	10.65	11.90	13.55	15.15	16.80
22 pounds	10.68	11.15	12.46	14.19	15.87	17.60
23 pounds	11.16	11.65	13.02	14.83	16.59	18.40
24 pounds	11.64	12.15	13.58	15.47	17.31	19.20
25 pounds	12.12	12.65	14.14	16.11	18.03	20.00
26 pounds	12.60	13.15	14.70	16.75	18.75	20.80
27 pounds	13.08	13.65	15.26	17.39	19.47	21.60
28 pounds	13.56	14.15	15.82	18.03	20.19	22.40
29 pounds	14.04	14.65	16.38	18.67	20.91	23.20
30 pounds	14.52	15.15	16.94	19.31	21.63	24.00
31 pounds	15.00	15.65	17.50	19.95	22.35	24.80
32 pounds	15.48	16.15	18.06	20.59	23.07	25.60
33 pounds	15.96	16.65	18.62	21.23	23.79	26.40
34 pounds	16.44	17.15	19.18	21.87	24.51	27.20
35 pounds	16.92	17.65	19.74	22.51	25.23	28.00
36 pounds	17.40	18.15	20.30	23.15	25.95	28.80
37 pounds	17.88	18.65	20.86	23.79	26.67	29.60
38 pounds	18.36	19.15	21.42	24.43	27.39	30.40
39 pounds	18.84	19.65	21.98	25.07	28.11	31.20
40 pounds	19.32	20.15	22.54	25.71	28.83	32.00
41 pounds	19.80	20.65	23.10	26.35	29.55	32.80
42 pounds	20.28	21.15	23.66	26.99	30.27	33.60
43 pounds	20.76	21.65	24.22	27.63	30.99	34.40
44 pounds	21.24	22.15	24.78	28.27	31.71	35.20
45 pounds	21.72	22.65	25.34	28.91	32.43	36.00
46 pounds	22.20	23.15	25.90	29.55	33.15	36.80
47 pounds	22.68	23.65	26.46	30.19	33.87	37.60
48 pounds	23.16	24.15	27.02	30.83	34.59	38.40
49 pounds	23.64	24.65	27.58	31.47	35.31	39.20
50 pounds	24.12	25.15	28.14	32.11	36.03	40.00
51 pounds	24.60	25.65	28.70	32.75	36.75	40.80
52 pounds	$25.08	$26.15	$29.26	$33.39	$37.47	$41.60
53 pounds	25.56	26.65	29.82	34.03	38.19	42.40
54 pounds	26.04	27.15	30.38	34.67	38.91	43.20
55 pounds	26.52	27.65	30.94	35.31	39.63	44.00
56 pounds	27.00	28.15	31.50	35.95	40.35	44.80
57 pounds	27.48	28.65	32.06	36.59	41.07	45.60
58 pounds	27.96	29.15	32.62	37.23	41.79	46.40
59 pounds	28.44	29.65	33.18	37.87	42.51	47.20
60 pounds	28.92	30.15	33.74	38.51	43.23	48.00
61 pounds	29.40	30.65	34.30	39.15	43.95	48.80
62 pounds	29.88	31.15	34.86	39.79	44.67	49.60
63 pounds	30.36	31.65	35.42	40.43	45.39	50.40
64 pounds	30.84	32.15	35.98	41.07	46.11	51.20
65 pounds	31.32	32.65	36.54	41.71	46.83	52.00
66 pounds	31.80	33.15	37.10	42.35	47.55	52.80
67 pounds	32.28	33.65	37.66	42.99	48.27	53.60
68 pounds	32.76	34.15	38.22	43.63	48.99	54.40
69 pounds	33.24	34.65	38.78	44.27	49.71	55.20
70 pounds	33.72	35.15	39.34	44.91	50.43	56.00

EXCEPTION: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10 pound parcel for the zone to which addressed.

§ 26.2 *Classification*—(a) *Description.* Airmail is mail carried by air and by the fastest connecting surface carriers, and given the most expeditious handling in dispatch and delivery. Airmail is not given special delivery to the addressee unless a special delivery fee is paid in addition to the airmail postage.

(b) *Articles acceptable.* Mail of all classes, except that which may be damaged by low temperatures or high altitudes, is accepted.

(c) *Application of rates.* (1) Postage is charged on airmail (except postal and post cards) according to weight and not according to class of mail. In computing postage for airmail weighing more than 8 ounces, the weight and the zone of address are used. (See § 26.1.)

(2) Air post cards must conform to the size and conditions prescribed for post cards. (Size § 21.2 (a) (7) of this chapter.)

(3) Each portion of a double air post card must be prepaid at the air card rate when originally mailed, except when the reply portion is prepared as a business reply air card. See § 21.2 (c) of this chapter for information regarding business reply mail.

(4) The eighth zone airmail rates apply to articles mailed between continental United States or its territories and possessions and the Canal Zone, overseas Army-Air Force and Fleet post offices, naval vessels addressed in care of Fleet post offices, and Islands of the Trust Territory in the Pacific, except that rates according to zone apply between the United States and Alaska, Puerto Rico, and the Virgin Islands.

§ 26.3 *Weight and size limits*—(a) *Weight.* Airmail may weigh up to 70 pounds, except airmail (other than official mail) addressed to APO's and FPO's is limited to 2 pounds.

(b) *Size.* Airmail is limited to 100 inches in combined length and girth, except that airmail (other than official mail) addressed to APO's and FPO's is limited to 30 inches in combined length and girth. See § 25.3 (b) of this chapter for instructions on how to measure parcels.

§ 26.4 *Payment of postage*—(a) *Method.* Postage on airmail may be paid by adhesive postage stamps, stamped cards or envelopes, meter stamp, or permit imprints. The use of airmail stamps is recommended.

(b) *Insufficient prepayment.* Airmail weighing 8 ounces or less, on which the rate for one ounce is prepaid, is sent to its destination, and any unpaid portion is collected on delivery. Airmail weighing more than 8 ounces is sent by air if it bears at least 50 percent of the full amount of air postage. If it bears less than 50 percent of the full amount of air postage, the piece is returned to sender. If prepaid postage is enough for surface transportation and the piece would be delayed by return, it is sent on as surface mail.

(c) *No prepayment.* If any mail, except business reply mail, by mistake reaches its destination without any prepayment, double the prepaid rates will be charged and collected on delivery.

§ 26.5 *Additions and enclosures.* There are no special restrictions with respect to written additions and enclosures in airmail. An airmail parcel weighing over 8 ounces, later forwarded or returned from place of original address by surface mail would be subject to the restrictions as to additions and enclosures according to the class of mail involved.

§ 26.6 *Marking, sealing, and depositing.* (a) Place the word "Airmail," prominently on the address side of flat mail, and on the top, bottom, and sides of parcels. The return address of the sender must be shown on the address side of each air parcel mailed at zone rates of postage.

(b) Airmail may be sealed or left unsealed without affecting the air rate.

(c) Deposit airmail weighing 8 ounces or less at the post office or in a special airmail letter box or drop, if available, to insure fastest dispatch, or in any collection box. Airmail weighing over 8 ounces must be deposited at the post office, branch, or station, or handed to a rural or star route carrier.

PART 27—FRANKED, PENALTY, AND FREE MAIL

Sec.
27.1 Franked mail.
27.2 Penalty mail.
27.3 Diplomatic and consular mail.
27.4 Mail to Government departments.
27.5 State employment security mailings.
27.6 Absentee balloting materials.
27.7 Free mail sent by members of the U. S. Armed Forces.
27.8 Free mail sent by public health officers.

AUTHORITY: §§ 27.1 to 27.8 issued under R. S. 161, 396, secs. 304, 309, 19 Stat. 335, 336, as amended, 42 Stat. 24, 25, secs. 5, 7, 18 Stat. 343, as amended, secs. 5, 6, 54 Stat. 695, secs. 201–211, 58 Stat. 136–140, as amended, secs. 301–306, 62 Stat. 1048, 1049, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 321, 321–1, 321–321n, 325, 329, 50 U. S. C. 321–331.

§ 27.1 *Franked mail*—(a) *Authorized users.*

Persons authorized to use the frank	Matter that may be franked	Marking required	Period during which the frank may be used
Vice President of the United States, Members of and Delegates to Congress, Resident Commissioners, Secretary of the Senate, Clerk of the House.	Public documents printed by order of Congress.	The words "Public Document—Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until June 30 following expiration of their respective terms of office.
Members of and Delegates to Congress and Resident Commissioners.	Congressional Record or any part of it, or speeches or reports contained in it.	The words "Part of Congressional Record—Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	During term of office only.
Secretary of Agriculture, Members of and Delegates to Congress.	Seeds and agricultural reports from the Department of Agriculture.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	From months following the expiration of their terms of office.
Vice President of the United States, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners.	Official correspondence not exceeding 4 ounces in weight.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until December 1 following expiration of their respective terms of office.
Vice President, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners.	Official correspondence when addressed to a Government official by title may exceed 4 ounces in weight, but must not exceed 4 pounds.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until December 1 following expiration of their respective terms of office.
Widows of former Presidents of the United States, when authorized by act of Congress.	All mail	Written autograph signature, or a facsimile, in the upper right corner of the address side, with the word "Free."	Life.

(b) *Description.* Franked mail is mail sent without prepayment of postage bearing written signature or a printed facsimile signature instead of a postage stamp. Mail accepted under frank, and the officials and other persons authorized to use franked mail, are shown in paragraph (a) of this section.

(c) *Restrictions.* The following restrictions apply to franked mail:

(1) Official correspondence transmitted under frank of the Vice President, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners, must be on official or departmental business.

(2) No franked mail will be admitted to the mails unless admissible as ordinary mail.

(3) A person entitled to use franked mail may not loan his frank or permit its use by any committee, organization, or association; or permit its use by any person for the benefit or use of any committee, organization, or association. This restriction does not apply to any committee composed of Members of Congress.

(4) Franked mail is forwarded like any other mail, but when once delivered to the addressee it may not be remailed. A package of franked pieces may be sent by a person entitled to the franking privilege, to one addressee, who, on receiving and opening the package, may on behalf of such person, place addresses on the franked articles and mail them.

(5) Franked mail is handled as ordinary mail. Fees for special services other than registration must be paid at the time of mailing.

(d) *Weight and size limits*—(1) *Weight.* Official correspondence is limited to 4 ounces, except that when addressed to a Government official by title the limit is 4 pounds.

(2) *Size.* No limit.

(e) *Postal revenue.* Postage and registry fees on mail sent under the franking privilege by the Vice President, Members and Members-elect of Congress, the Delegates and Delegates-elect from Alaska and Hawaii, the Resident Commissioner from Puerto Rico, the Secretary of the Senate, and the Clerk of the House of Representatives must be paid by a lump-sum appropriation to the Post Office Department.

§ 27.2 *Penalty mail*—(a) *Description.* Penalty mail is official mail sent without prepayment of postage bearing a printed clause citing the penalty for private use instead of postage stamps. The following kinds of mail may be sent as penalty mail by those authorized to use this privilege:

(1) Official mail relating exclusively to the business of the Government of the United States mailed by officers of the executive and judicial branches of the Government; official mail of legislative counsel for the House of Representatives and the Senate; official mail of the superintendent of documents; and official correspondence concerning the Congressional Directory under direction of the Joint Committee on Printing.

(2) Official mail of the Smithsonian Institution, the Pan American Union, and the Pan American Sanitary Bureau.

(3) All correspondence, bulletins, and reports relating to agricultural extension work and home economics carried on in cooperation with the United States Department of Agriculture, when mailed by the college officer or other person connected with the extension department of the college who has been designated by the Secretary of Agriculture. Mailings may be deposited by the designated officer only at the authorized post office. Correspondence must be conducted under the name of the designated officer. Correspondence with autograph signature may be sealed but all other matter must be left unsealed.

(4) Bulletins and reports of agricultural experiment stations established under the act of March 2, 1887, at colleges endowed under the act of July 2, 1862, as follows:

(i) The officer in charge of a station that claims the privilege of sending bulletins and reports free through the mails must file an application with the Bureau of Post Office Operations, Mail Classification Division, through the post office where the station is located, stating the date of establishment of the station, its name or designation, its official organization, the names of its officers, the name of the college, school or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other legislation granting it the benefits of the act of Congress referred to in this section, and whether any other agricultural experiment station in the same State or Territory is considered, or claims to be, also entitled to the privilege.

(ii) Only bulletins or reports issued after the application of the experiment station has been approved may be transmitted free under this privilege.

(iii) Reports of State agricultural departments or boards may not be adopted by agricultural experiment stations to obtain free circulation of such State reports.

(iv) The bulletins and reports of progress issued by agricultural experiment stations may be sent free only to the newspapers in the State or Territory in which the station is located and to persons engaged in farming who have requested them. Annual reports may be sent to any address.

(5) Annual reports of Government-aided colleges established under the act of July 2, 1862, when addressed to the Secretary of the Interior, the Secretary of Agriculture, and to any other Government-aided college. The postmaster receiving the annual reports from an officer of the college will use a post office penalty envelope or label to send it through the mails.

(6) Copyright material sent to the Register of Copyrights with claim for registration, as follows:

(i) Postmasters receiving the claim for registration and any articles that are required to accompany the claim will use a post office penalty envelope or label to send the matter to the Register of Copyrights, Washington 25, D. C.

(ii) If requested to do so, the postmaster will give a receipt for articles delivered to him to accompany a claim for registration.

(iii) When desired, the person submitting copyright matter to the postmaster may also present the fee for copyright registration enclosed in a sealed envelope addressed to Register of Copyrights, Washington 25, D. C., which must have postage prepaid at the letter rate. The postmaster, after canceling the postage stamps, will enclose the envelope containing the fee together with the copyright material in the post office penalty envelope sent to the Register of Copyrights.

(iv) Matter for copyright enclosed in post office penalty envelopes will not be sent by registered mail unless the registry fee is prepaid.

(b) *Markings required.* Envelopes, cards, labels, tags, and wrappers used in

sending official mail under the penalty privilege must bear in the upper right corner of the address side the printed statement of the penalty for misuse: "Penalty for Private Use To Avoid Payment of Postage, $300." The following additional markings are also required:

(1) Official mail of the Government of the United States, the Smithsonian Institution, the Pan American Union, and the Pan American Sanitary Bureau, sent as penalty mail must show over the words: "Official Business" in the upper left corner of the address side the name and address of the department, bureau, office or officer.

(2) Official mail of designated State extension directors must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted free, followed by the name and title of the designated officer and the words "Free—Cooperative Agricultural Extension Work—Acts of May 8 and June 30, 1914."

(3) The official bulletins and reports of agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the words "Free—Annual Report, or Bulletin or Progress Report." The title of the bulletin or report, preceded by the word "Free," may be substituted for these words.

(4) The printed statement of the penalty for misuse may not be handstamped, handwritten, or typewritten.

(c) *Restrictions of use.* The use of markings authorized on official mail as shown in paragraph (b) of this section may not be placed on other mail to avoid payment of postage or registry fee. The following restrictions apply to the use of envelopes, cards, labels, and tags bearing the penalty statement:

(1) Any department or office authorized to use the penalty privilege may furnish self-addressed penalty envelopes or labels to persons or concerns for their convenience in submitting official information desired by any U. S. Government department or agency. Reply envelopes may not be furnished to bidders or contractors, or to enable private persons or concerns to send free reports or other information which they are required by law to make.

(2) The right of an officer to use the penalty privilege ceases immediately upon his going out of office.

(3) Official mail may not be sent by special delivery or by airmail in penalty envelopes without prepayment of postage, except urgent official communications of the Post Office Department.

(4) A quarterly certification from the head of each independent establishment of the Government, that nothing was transmitted through the mails in violation of section 306, 62 Stat. 1049; 39 U. S. C. 321n, must be submitted to the Post Office Department, Bureau of Post Office Operations, Mail Classification Division.

(d) *Weight and size limits*—(1) *Weight.* No article or package of official matter, or number of articles or packages of official matter, constituting, in fact, a single shipment exceeding 4 pounds in weight may be admitted to the mails under the penalty privilege except stamped paper and supplies sold or used by the postal service, and books or documents published or circulated by order of Congress when mailed by the Superintendent of Documents. Official matter in packages exceeding 4 pounds, if otherwise mailable, will be accepted upon payment of postage at the fourth-class rates within the limits of weight prescribed for such matter. (See § 25.3 of this chapter.) Such parcels may be sealed or unsealed, and may include written matter when mailed at those rates. Official matter of the postal service, and books and documents circulated by order of Congress, when mailed by the Superintendent of Documents may weigh up to 70 pounds.

(2) *Size.* There is no size limit prescribed for penalty mail. Official matter weighing more than 4 pounds that is subject to the prepayment of postage is subject to the size limits prescribed in § 25.3 of this chapter.

(e) *Postal revenue.* Departments, agencies, and establishments of the U. S. Government must reimburse the Post Office Department quarterly in amounts equivalent to the amount of postage due on their penalty mail. Instructions governing the manner of reimbursement are issued by the Post Office Department to the departments and agencies concerned.

§ 27.3 *Diplomatic and consular mail*—(a) *Diplomatic mail.* All correspondence (written or printed) of members of the Diplomatic Corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage. Such correspondence may not exceed 4 pounds in weight. The envelopes, cards, tags, wrappers, and labels must show in the upper left corner of the address side the name of the ambassador or the minister, or the name of the embassy or legation, together with the post office address; and in the upper right corner the inscription "Diplomatic Mail" over the word "Free." These inscriptions may be handwritten, handstamped, or printed.

(b) *Consular mail.* The official correspondence (written or printed) exchanged between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States, and correspondence directed by those consulates to the Government of the United States or their respective embassies or legations, may be transmitted in the domestic mails free of postage. Such correspondence may not exceed 4 pounds in weight. The envelopes, labels, etc., covering correspondence of consulates must show over the words "Official Correspondence," in the upper left corner of the address side, the name and address of the consul or consulate, and the name of the country represented; and, in the upper right corner, the inscription "Consular Mail," over the word "Free." These inscriptions may be handwritten, handstamped, or printed.

§ 27.4 *Mail to government departments*—(a) *Census mail.* All mail, of whatever class, relating to the census and addressed to the Census Office, or to any official thereof, and endorsed "Official Business, Census Office," will be sent free of postage. Such mail may not exceed 4 pounds.

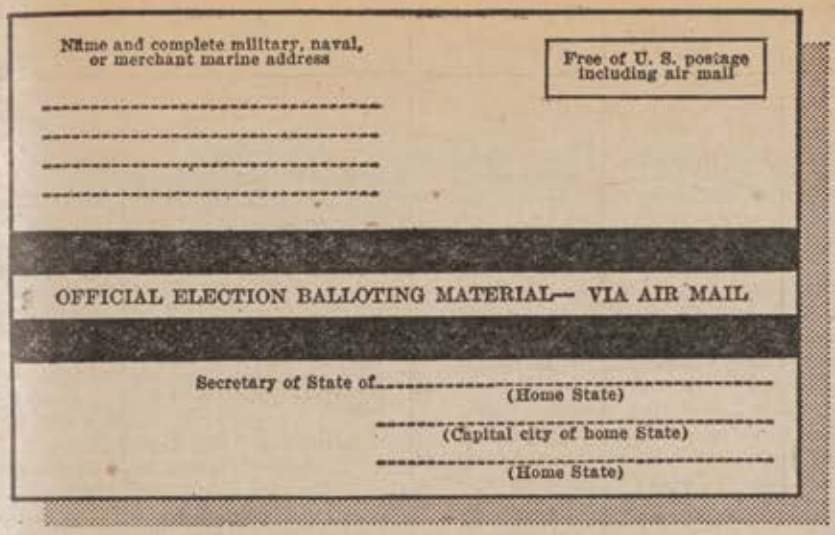
(b) *Immigration and Naturalization Service mail.* All mail of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official of either, and endorsed "Official Business," will be transmitted free of postage and so marked. Mail relating to naturalization may not exceed 4 pounds.

§ 27.5 *State employment security mailings.* All mail, including parcels, of State employment security offices, cooperating with the Department of Labor that bears in the upper right corner of the address side the words "Official Business," printed immediately below the name and address of the State Employment Agency, and in the upper right corner the words "Employment Security Mail—United States Postage Accounted for Under Act of Congress," will be accepted without prepayment of postage. Postage chargeable is collected periodically under a special arrangement with the Post Office Department. When sent by air, airmail postage must be prepaid. Such matter sent as registered, special delivery, or special handling mail also requires prepayment of the applicable fees.

§ 27.6 *Absentee balloting materials*—(a) *Purpose.* To aid absentee voting (as provided in 50 USC, ch. 14, subch. II) by persons serving in the U. S. Armed Forces or in the merchant marine of the United States and for civilians outside the United States attached to and serving with the U. S. Armed Forces, balloting materials referred to in the act (application cards, ballots, voting instructions, and envelopes) are sent through the mails free of postage, including airmail postage.

(b) *Elections affected.* The materials may be sent for any general election of electors for President and Vice President or of Senators and Representatives in Congress and for other general, primary, and special elections.

(c) *Markings required on ballot envelopes and post card applications.* Envelopes used to send balloting material and envelopes supplied for return of the ballot must have printed across the face two parallel horizontal red bars, each ¼ inch wide, extending from one side of the envelope to the other side, with an intervening space of ¼ inch, the top bar to be 1¼ inches from the top of the envelope, and the words "Official Election Balloting Material—Airmail," or similar language as prescribed by State law, between the bars. There must be printed in the upper right corner of each envelope in a rectangular box the words "Free of U. S. Postage, Including Airmail." All printing on the face must be in red with an appropriate inscription or blanks for return address of sender in the upper left corner.



§ 27.7 *Free mail sent by members of the U. S. Armed Forces.* Any first-class letter mail sent by a member of the active service of the Armed Forces of the United States in Korea, or while hospitalized outside the continental limits of the United States, when such hospitalization is a result of service in Korea, may be sent in the mails free of postage to any person in the United States including the Territories and its possessions, subject to the following conditions:

(a) The free mail privilege is restricted to personal letter mail including messages on post cards.

(b) The sender must write in his own handwriting on the address side of the letter or card: (1) The word "Free," in the upper right corner, and (2) his name, serial number, and rank or rating, and the designation of the service to which he belongs, in the upper left corner.

(c) Mail weighing not more than 1 ounce will be sent by air if space is available. Such letters intended for airmail should be prominently marked "Airmail" just below the word "Free."

§ 27.8 *Free mail sent by Public Health officers.* The free mail privilege accorded members of the Armed Forces of the United States applies also to commissioned officers of the United States Public Health Service while in active service in time of war; while detailed for duty in the Army, Navy, Air Force, or Coast Guard; while in active service outside the continental limits of the United States or Alaska in time of war; and while the service is part of the military forces of the United States pursuant to Executive order of the President.

PART 28—FOR THE BLIND

Sec.
28.1 Rates.
28.2 Description.
28.3 Classification.

AUTHORITY: §§ 28.1 to 28.3 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 33 Stat. 313, 50 Stat. 66; 5 U. S. C. 22, 369, 39 U. S. C. 293c, 332.

§ 28.1 *Rates.*

Kind of matter	Who may mail	Purpose for which sent	Rate of postage	Markings required	Application
LETTERS					
Letters written in point print or raised characters or on sound reproduction records.	Blind individuals	Correspondence	Third-class rate of 2 cents for the first 2 ounces and 1 cent for each additional ounce.	None required	Not required.
READING MATTER FOR THE BLIND					
Books, pamphlets, and other reading matter published either in raised characters or in the form of sound reproduction records which contain no advertising or other matter. Weight limit for each package 15 pounds.	Public institutions for the blind, public libraries or blind readers returning the matter to loaning institutions or libraries.	Loan to blind readers or return to the loaning institutions or libraries.	Free	The name and address of sender in upper left corner of address side and word Free over the words "Reading Matter for the Blind or Sound Reproduction Records for the Blind" in upper right corner.	Not required.
PERIODICALS FOR THE BLIND WITHOUT SUBSCRIPTION CHARGE					
Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records which contain no advertising and for which no subscription fee is charged.	Publisher of matter	Use of the blind	Free	In printing on the first page of the publication (a) name of publication, (b) place where published, (c) date of issue, (d) frequency of issue, (e) the words under "Accepted as free matter for use of the blind at ....." These identification statements may be printed on labels and affixed to sound reproduction records.	Required.[1]
PERIODICALS FOR THE BLIND HAVING SUBSCRIPTION CHARGE					
Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records, that contain no advertisements, furnished to blind persons at a price no greater than the cost price thereof.	Organization, institution, or association not conducted for private profit.	Use of the blind	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the words "Periodicals for the Blind."	Required.[1]
VOLUMES OF HOLY SCRIPTURES FOR THE BLIND FURNISHED					
Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records that contain no advertising and are furnished to a blind person without charge.	Organization, institution, or association not conducted for private profit.	Use of the blind	Free	Name and address of the sender in upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." The word Free must appear in the upper right corner.	Required.[1]

See footnote at end of table.

Kind of matter	Who may mail	Purpose for which sent	Rate of postage	Markings required	Application
VOLUMES OF HOLY SCRIPTURES FOR THE BLIND FURNISHED WITHOUT CHARGE					
Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records that contain no advertising, furnished to a blind person at a price not greater than cost.	Organization, institution, or association not conducted for private profit.	Use of the blind.....	1 cent for each pound or fraction.	The name and address of the sender in the upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." Required postage must be affixed in upper right corner.	Required.[1]
REPRODUCERS FOR SOUND REPRODUCTION RECORDS AND APPLIANCES FOR THE BLIND					
(1) Reproducers for sound reproduction records for the blind or parts thereof that are the property of the United States Government.	Blind persons, organizations, institution, public library, or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not conducted for private profit.	Sent for repair or returned after repair.	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the inscription: "Appliance for the Blind."	Not required.
(2) Reproducers for sound reproduction records for the blind or parts thereof, Braille writers and other appliances for the blind or parts thereof belonging to blind individuals, state governments, subdivision thereof, or public libraries or private agencies for the blind not conducted for private profit.	Blind person, organization, institution, public library or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not conducted for private profit.	Sent for repair or other purpose.	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the inscription: "Appliance for the Blind."	Not required.

[1] Application for privilege must be submitted to the Bureau of Post Office Operations, Mail Classification Division, through postmaster at the office where mailings are to be made.

§ 28.2 *Description.* Mail for the blind includes letters, books, pamphlets, and other material written or published in point print or raised characters or reproduced on sound reproduction records; reproducers for sound reproduction records or parts of reproducers; Braille-writers and other appliances used by or for blind persons to convey information for any purpose.

§ 28.3 *Classification*—(a) *Letters for the blind.* Letters for the blind include those written in point print or raised characters or produced on sound reproduction records for purpose of correspondence. The rates are the same for third-class printed matter. See Part 24 of this chapter.

(b) *Other matter for the blind.* (1) Books, pamphlets, and other material published either in raised characters or in the form of sound reproduction records that contain no advertising or other matter when sent unsealed by public institutions for the blind, or by public libraries as a loan to blind readers or when returned by the readers to such institutions or libraries may be mailed free of postage. The name and address of sender must appear in the upper left corner of the address side and the word "Free" over the words "Reading Matter for the Blind or Sound Reproduction Records for the Blind" in the upper right corner. No special authorization is required. Weight is limited to 15 pounds for each package.

(2) Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records that contain no advertising and for which no subscription fee is charged may be mailed free under the following restrictions:

(i) The publisher must file a written application through his postmaster to be sent to the Bureau of Post Office Operations, Mail Classification Division, together with a copy of the publication showing its name, frequency of issue, and a statement that it contains no advertising and that the subscription is free.

(ii) A deposit to cover rates of postage otherwise applicable to such mail may be made with the post office for any mailings made while the application is pending. Deposits will be returned when the application is approved.

(iii) On the first page of a publication authorized to be accepted as free matter must be printed the following: name of publisher; place where published; date of issue; frequency of issue; and the words "Accepted as free matter for use of the blind at _____."

(iv) Publications on sound reproduction records must have a label bearing printed indicia shown in (iii) of this subparagraph.

(3) Magazines, periodicals, and other regularly issued publications in raised characters, or sound reproduction records, that contain no advertisements, furnished by an organization, institution, or association not conducted for private profit, to a blind person at a price not greater than cost, may be mailed at the rate of 1 cent for each pound or fraction of a pound under the following conditions:

(i) The mailer must file a written application through the postmaster at the office where the matter is to be mailed accompanied by satisfactory evidence that the organization, institution, or association is not conducted for private profit and that their publications when mailed will be furnished at a price not exceeding cost, to be sent to the Bureau of Post Office Operations, Mail Classification Division.

(ii) No mailing will be accepted at the 1-cent-a-pound rate until the application has been approved.

(iii) The mail must be wrapped in a manner to permit easy examination and must bear the words "Periodicals for the Blind" below the name and address of the sender which must appear in the upper left corner of the address side.

(4) Volumes of Holy Scriptures, or parts thereof, published in raised characters or in the form of sound reproduction records and containing no advertising when mailed by an organization, institution, or association not conducted for private profit may be mailed at special rates under the following conditions:

(i) When furnished to a blind person without charge, postage is free.

(ii) When furnished to a blind person at a price not greater than cost, postage is 1 cent for each pound or fraction of a pound.

(iii) The organization, institution, or association desiring to mail at the special rates must file an application through the postmaster at the post office where the matter is to be mailed to be sent to the Bureau of Post Office Operations, Mail Classification Division, accompanied by satisfactory evidence that the organization, institution, or association is not conducted for private profit and that the volumes will be furnished to a blind person (*a*) without charge or (*b*) at a price not greater than cost.

(iv) In the upper left corner of the address side must appear the name of the sender over the words "Holy Scriptures for the Blind," together with the word "Free" in the upper right corner when the volume is furnished without charge. The word "Free" is not shown on volumes subject to prepayment of postage when furnished at a price not greater than cost.

(5) Reproducers and sound reproduction records, Braille-writers, and other appliances, or parts, for use by the blind may be mailed at the postage rate of 1 cent for each pound or fraction of a pound under the following conditions:

(i) Reproducers or parts that are the property of the United States Government may be shipped for repair purposes

between a blind person and an organization, institution, public library, or association for the blind, not conducted for profit, or between any such organization or institution.

(ii) Reproducers, or parts, Braillewriters and other appliances or parts that are the property of blind individuals, state governments or subdivisions, public libraries, or private agencies of the blind, not conducted for private profit, may be sent to a blind person or an organization, institution, public library, or association for the blind, not conducted for profit.

(iii) The name and address of sender must be shown in the upper left corner below which must appear: "Appliance for the Blind."

(iv) Organizations, institutions, libraries, or other agencies desiring to send and receive reproducers or other appliances or parts at this special rate must furnish the postmaster for submission to the Bureau of Post Office Operations, Mail Classification Division, satisfactory evidence that they are not conducted for private profit.

(v) Parcels containing reproducers and other appliances for the blind may not exceed 70 pounds in weight.

PART 29—MIXED CLASSES

Sec.
29.1 Mail of a higher class enclosed with mail of a lower class.
29.2 Combination mailings of two classes.

AUTHORITY: §§ 29.1 and 29.2 issued under R. S. 161, 396, sec. 1, 62 Stat. 784; 5 U. S. C. 22, 369, 18 U. S. C. 1723.

§ 29.1 *Mail of a higher class enclosed with mail of a lower class.* When mail of a higher class is enclosed with mail of a lower class, the rate of postage on the entire piece or package is that of the higher class. Persons knowingly concealing or enclosing matter of a higher class in that of a lower class to avoid payment of the correct postage are liable to a fine of not more than $100. See § 29.2 for attachment of letters to parcels of second-, third-, and fourth-class mail.

§ 29.2 *Combination mailings of two classes*—(a) *Letters attached to other mail.* A letter or other mail of the first class may be placed in an envelope carrying postage at the first-class rate, or airmail rate in case of air parcels, and tied or otherwise securely attached to the address side of a parcel or package. The envelope must be addressed the same as the parcel. Combination envelopes or containers having separate portions for a letter and mail of another class may be used for mailing together two classes of mail.

(b) *Postage.* Postage on a parcel of second-, third-, or fourth-class mail must be prepaid at the appropriate rate for the class involved and placed in the upper right corner of the address space. Postage for the letter must be attached to the envelope or portion of container in which the letter is enclosed.

(c) *Markings required.* If a letter is a printed circular prepaid at the third-class rate the envelope must be left unsealed and endorsed "Third Class." Envelopes containing first-class mail attached to parcels of other classes may be marked "First Class" or "Letter Enclosed." In every case the address and return card should appear on the envelope and the parcel, except in the case of combination envelopes or containers having separate portions for a letter and mail of another class. The address of the letter may be considered as the address of the whole piece.

(d) *Treatment.* Combination mailing pieces are treated as second-, third-, or fourth-class mail as the case may be and are subject to the same conditions for forwarding or return as other second-, third-, or fourth-class mail. (See Parts 47 and 48 of this chapter.)

(e) *Special services.* Combination mailing pieces may be sent as special delivery or in the case of fourth-class parcels as special handling, and only one fee applicable to the parcel is required. If combination pieces are mailed by air, the envelope containing the letter must bear the airmail rate in addition to the postage on the parcel to which attached. Combination pieces may not be registered, but parcels with letters or mail of another class attached to the outside may be sent insured or c. o. d., the insurance to cover only the value of the parcel.

Subchapter D—Postage

PART 31—STAMPS, ENVELOPES, AND CARDS

Sec.
31.1 Postage stamps (adhesive).
31.2 Plain envelopes and postal cards.
31.3 Printed stamped envelopes (special-request).
31.4 Purchase of postage.
31.5 Exchanges of stamps.
31.6 Validity of stamps.
31.7 Unlawful transactions.

AUTHORITY: §§ 31.1 to 31.7 issued under R. S. 161, 396, 3914, 3915, 3916, sec. 1, 18 Stat. 231 as amended, sec. 1, 65 Stat. 672; 5 U. S. C. 22, 369, 39 U. S. C. 351, 354, 356.

§ 31.1 *Postage stamps (adhesive)*—(a) *Adhesive stamps available.*

Purpose	Form	Denomination and prices
Ordinary postage	Single or sheet	½, 1, 1½ cents; 2 through 10, 20, 30, 40, and 50 (even) cents; $1 and $5. (Ordinary postage stamps in sheets in denominations 11 through 19, 21, 22, 24, and 25 cents may be made available on special order when needed.)
	Book	12 2-cent, 25 cents; 12 3-cent, 37 cents; 24 2-cent, 49 cents; 24 3-cent, 73 cents.
	Coil	1, 1½, 2, and 3 cents: Coils of 500 and 1,000 sidewise, gummed in. 6 cents: Coils of 500, gummed in. 1, 2, and 3 cents: Coils of 3,000 sidewise, gummed in, for vending machines. 1, 1½, 2, and 3 cents: Coils of 3,000, sidewise, gummed out, for fixing machines. (Orders for coils of 3,000 must specify gummed in or gummed out.)
Airmail postage (for use on airmail only).	Single or sheet	4, 6, 10, 15, 25, and 80 cents.
	Book	12 6-cent: 73 cents.
	Coil	6-cent: Coils of 500.
Postage-due (for post office use only).	Single or sheet	½, 1, 2, 3, 5, 30, and 50 cents; $1 and $5 (available to public for stamp collections only through the Philatelic Agency, Post Office Department, Washington 25, D. C.).
Special delivery (see part 56 of this chapter).	Single or sheet	10, 15, and 20 cents. Good only for special-delivery fee.
Special handling (see part 57 of this chapter).	Single or sheet	10, 15, and 20 cents. Good only for special-handling fee.

(b) *Use of stamps.* (1) Use stamps of the highest suitable denomination.

(2) Fix stamps firmly in the upper right corner of the address side of the mail cover.

(3) Any stamp partly concealed by an overlapping stamp may not be counted as postage.

(4) Postal employees are not required to fix stamps to mail.

(c) *Perforating.* Postage and special delivery stamps may be perforated with an identifying mark if the holes do not exceed 1/32 of an inch in diameter and if the space taken by the mark is not larger than ½-inch square.

(d) *Reuse prohibited.* Reuse of stamps with intent to cause loss to the Government is punishable by fine and imprisonment.

§ 31.2 *Plain envelopes and postal cards*—(a) *Plain stamped envelopes available.*

Kind	Size	Denomination (cents)	1,000	500	250	100	50	25	Less than 25 (unit rate)
Regular	5	2	$25.06	$12.53					
	5	3	35.06	17.53					
	8	2	26.54	13.27	$6.64	$2.66	$1.33	$0.67	$0.03
	8	3	36.54	18.27	9.14	3.66	1.83	.92	.04
	13	2	25.26	12.63	6.32	2.53	1.27	.64	.03
	13	3	35.26	17.63	8.82	3.53	1.77	.89	.04
Window	5	2	25.74	12.87					
	5	3	35.74	17.87					
	7	2	26.70	13.35	6.68				
	7	3	36.70	18.35	9.18				
	8	2	26.98	13.49	6.75				
	8	3	36.98	18.49	9.25				
	13	2	25.86	12.93					
	13	3	35.86	17.93					
Precanceled	8	1	16.66	8.33	4.17				
	8	1½	21.66	10.83	5.42				
	13	1	15.54	7.77					
	13	1½	20.54	10.27					
Airmail (use for airmail only)	8	6	66.58	33.29	16.65	6.66	3.33	1.67	.07
	13	6	65.82	32.91	16.46	6.59	3.30	1.65	.07

(1) *Sales at post offices.* Only sizes 8 and 13 regular and airmail will be sold in less than full box lots.

(2) *Precanceled envelopes.* Precanceled envelopes are sold only to patrons holding permits for the mailing of third-class matter at bulk rates. Only nonprofit organizations or associations covered in § 24.5 of this chapter may purchase 1-cent precanceled envelopes.

(3) *Window envelopes.* Window envelopes are sold to the public in full box lots only. To be mailable, the sender's name and address must appear in the upper left-hand corner. Windows in size 5, 7, and 8 envelopes are 1⅛ inches wide and 4¾ inches long and are located ¾ inch from the left edge and ½ inch from the bottom; in the size 13 the window is the same size but is located 1 inch from the left edge and ½ inch from the bottom.

(4) *Dimensions of envelopes.*

Size 5	3½ by 6⅝ inches.
Size 7	3⅞ by 8⅞ inches.
Size 8	4⅛ by 9½ inches.
Size 13	3¾ by 6¾ inches.

(5) *Private printing.* You may have stamped envelopes privately printed in any style, provided you leave at least 3½ inches of clear space at the right end of the address side of the envelope.

(b) *Postal cards available.*

Stock No. and dimensions	Kind	Price each (cents)	Sheets: Number of cards per sheet	Sheets: Cards per case
5 (3" x 5")	Domestic single	2	20 (4 x 5 cards)	5,000
8 (3¼" x 5½")	Domestic single	2	40 (4 x 10 cards)	10,000
6 (3¼" x 5½")	Domestic double	4	20 (4 x 5 cards)	5,000
7 (3¼" x 5½")	Foreign single	2		
F (3¼" x 5½")	Foreign double	4		
11 (3¼" x 5½")	Foreign single	3		
12 (3¼" x 5½")	Foreign double	6		
4 (3¼" x 5½")	Domestic airmail single (use for airmail only).	4		

Postal cards in sheets, for use in printing, must be cut to regulation size before mailing. Cases may be broken for sale to printers. Return addresses are not printed on postal cards by Post Office Department. Precanceled postal cards are not available from the post office.

§ 31.3 *Printed stamped envelopes (special request).*—(a) *Printed stamped envelopes available.*

1 Size (see § 31.2 (a) (4))	2 Denomination (cents)	3 Kind	4 Item No.	5 Prices: 500	5 Prices: 1,000
5	2	Regular	521	$13.53	$27.06
5	3		531	18.53	37.06
8	2		821	14.27	28.54
8	3		831	19.27	38.54
13	2		321	13.63	27.26
13	3		331	18.63	37.26
5	2	Window	522	13.87	27.74
5	3		532	18.87	37.74
7	2		722	14.35	28.70
7	3		732	19.35	38.70
8	2		822	14.49	28.98
8	3		832	19.49	38.98
13	2		322	13.93	27.86
13	3		332	18.93	37.86
8	1	Precanceled	813	9.33	18.66
8	1½		853	11.83	23.66
13	1		313	8.77	17.54
13	1½		353	11.27	22.54
8	6	Airmail (use for airmail) only.	864	34.29	68.58
13	6		364	33.91	67.82

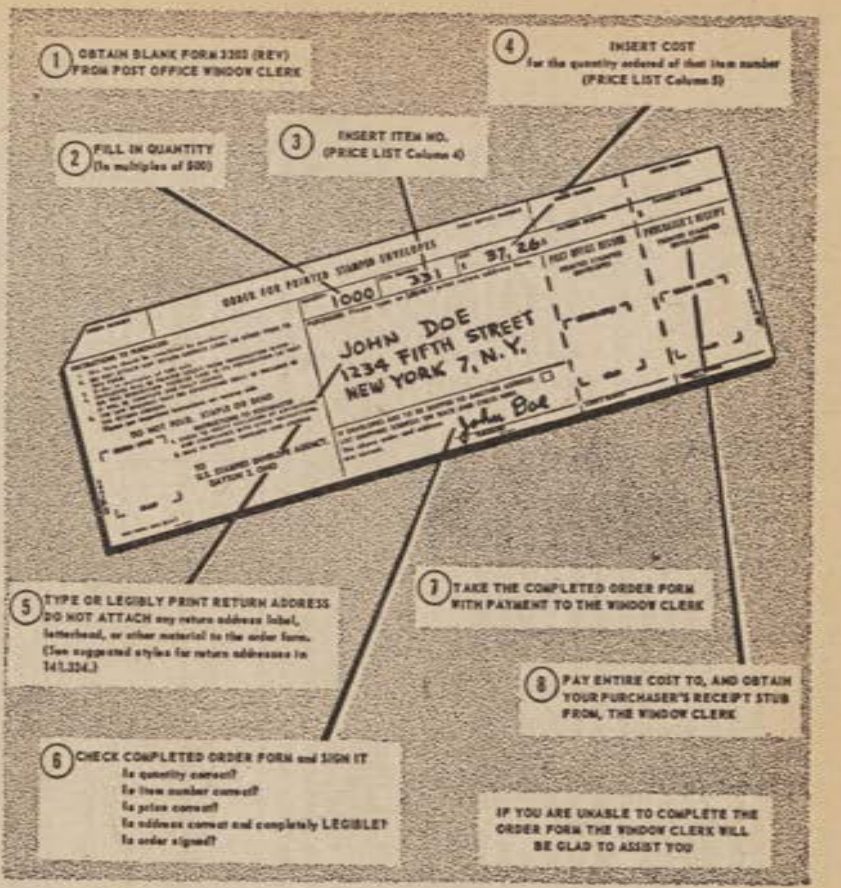
(b) *How to order printed stamped envelopes.* Prepare Order for Printed Stamped Envelopes, Form 3203, as illustrated below. Submit the order through the post office named in the return address. However, if undeliverable letters are to be returned to the main office of a firm in another city, you may order envelopes at the post office where they will be mailed.

(c) *Return address requirements.* (1) Your printed return address must include:

(i) Local address (rural route number and box number, street address, post office box, name of building and room or apartment number including street address, or names of intersecting streets specifying which corner). The adequacy of the address, to ensure return of undeliverable mail will be determined by the postmaster.

(ii) Name of post office or branch post office, delivery zone number, and State.

HOW TO ORDER PRINTED STAMPED ENVELOPES



CAUTION: ILLEGIBLE OR INCORRECT ORDERS DELAY RECEIPT OF ENVELOPES

(2) You may also request printing of any of the following:

(i) A request to return after a specified number of days (not less than 3 and not more than 30). If return request is included for 2-cent envelopes or precanceled envelopes for third-class mail the words "Return postage guaranteed" must also be included. Two-cent envelopes for local use may omit the return postage guaranteed if the requisition shows that envelopes are to be used for first-class mail at drop-letter rate.

(ii) The name may be that of an individual, firm, corporation, institution, association, or society. It may include the name and title of an officer of the concern (as "John Doe, Treasurer, Washington Educational Association") and such titles as "M. D.", "D. D. S.", "Rev.", and "LL. D.", when they are clearly for identification and not for advertising.

(iii) Where your name as part of the return address indicates or incidentally discloses the nature of your business or vocation, it may be printed if the name is a bona fide business name that is used in a corporate charter, copartnership agreement, or other articles of organization, or is the name under which you actually do business with the public.

(iv) The name of a branch or department of your business may be printed only when other branches or departments are located at the same post office

address, to ensure the return of undeliverable mail.

(3) No other matter may be printed, nor are such forms as phone numbers, "Mr.", "Esq.", permissible.

(4) Styles of return addresses available are:

(i) For first-class mail—

After 5 days, return to
(this line optional)
JOHN DOE
1234 Fifth Street
NEW YORK 7, N. Y.

(ii) For third-class mail—

After 5 days, return to
RICHARD ROE
1234 Ninth Avenue
CHICAGO 2, ILL.
Return postage guaranteed

(If sender desires return of undeliverable mail only of obvious value)

CHARLES JONES
610 Seventh Avenue
NEW YORK 11, N. Y.

(d) *Rejection of envelopes.* You may reject special-request envelopes because of defective manufacture, or mistakes in printing, denomination, quality, size, etc. If the mistake was made by you, the value of the postage only will be returned. If the mistake was made by the post office or its contractor, the entire invoiced value of the envelopes will be returned.

§ 31.4 *Purchase of postage*—(a) *Acceptable form of payment.* Foreign or mutilated money is not acceptable. When the post office cannot make change, you must pay the exact amount of your purchase. Postal employees are not required to accept personal checks. To send money by mail use money order or certified check.

(b) *Purchase receipts.* If you want a receipt for money paid for postage, prepare the receipt in advance and the postal employee will sign or stamp it when you pay.

(c) *Postage due.* Postage due must be paid in cash. Postage-due stamps may not be used for paying postage. They may be purchased, for stamp collections only, through the Philatelic Agency, Post Office Department, Washington 25, D. C.

§ 31.5 *Exchange of stamps*—(a) *Post office mistakes.* You may correct post office mistakes in selling damaged or unserviceable stamps by exchange of stamps at full value, within two business days after purchase.

(b) *Your mistakes.* You may correct your mistakes in buying adhesive stamps of the wrong denomination, or stamped envelopes or postal cards of the wrong kind, size, or denomination by exchange of stamps at full value, within two business days after purchase.

(c) *Unserviceable and spoiled envelopes or cards.* You may exchange unserviceable and spoiled stamped envelopes or postal cards, if uncanceled, for other postage-stamped paper as follows:

(1) Stamped envelopes (mutilated no more than is necessary to remove contents) for postage value only;

(2) Unmutilated air letter sheets for 90 percent of postage value;

(3) Unmutilated postal cards for 75 percent of postage value;

(4) Sheet postal cards, spoiled in the process of cutting to size may be redeemed at full value if all cut sections are submitted.

Stamped envelopes or air letter sheets with a printed return card or address, and postal cards with any printed matter of the purchaser, may be exchanged only by the purchaser. If there is no purchaser's printing, they may be exchanged by any responsible person. Where redemption cannot be made at time of presentation the postmaster will furnish a receipt on Form 3210 for uncanceled unserviceable or spoiled envelopes or postal cards left in his custody.

(d) *Nonexchangeable.* (1) Adhesive stamps, unless mistakes were made in purchasing;

(2) Stamps cut from postal cards, stamped envelopes, or letter sheets;

(3) Parts and pieces of postal cards;

(4) Postal cards treated by a coating process;

(5) Mutilated and defaced stamps.

§ 31.6 *Validity of stamps.* All postage stamps issued by the United States since 1860 are good for postage from any point in the United States or from any other place where the United States domestic mail service operates, except from the Panama Canal Zone where special Canal Zone stamps are used. The following are not good for postage:

(a) Mutilated or defaced stamps;

(b) Stamps cut from stamped envelopes, letter sheets, or postal cards;

(c) Nonpostage stamps (documentary internal revenue stamps, Migratory-bird hunting stamps, U. S. saving and thrift stamps, etc.);

(d) Postage-due, special-delivery, and special-handling stamps.

§ 31.7 *Unlawful transactions.* (a) Unlawful transactions include use of stamps, by postal employees entrusted with the sale or custody of postage stamps, in payment of debts or purchase of salable articles, and sale of stamps, except for cash or for more or less than face value.

(b) Counterfeit stamps are confiscated and forwarded to the inspector-in-charge of the division in which the post office is located. A receipt identifying the stamps will be given to persons from whom counterfeits are confiscated.

PART 32—PRECANCELED POSTAGE

Sec.
32.1 Purpose of precanceling.
32.2 Use of precanceled stamps.
32.3 Precancel permit.
32.4 Mailings of precanceled mail.

AUTHORITY: §§ 32.1 to 32.4 issued under R. S. 161, 396, 3921, sec. 12, 39 Stat. 162; 5 U. S. C. 22, 369, 39 U. S. C. 365.

§ 32.1 *Purpose of precanceling*—(a) *Definition.* Precanceling means the cancellation of postage stamps, stamped envelopes, or postal cards in advance of mailing. Adhesive postage stamps may be precanceled only by the post office. (See § 32.3 (b).)

(b) *Benefits.* The use of precanceled postage reduces the time and costs of mail handling. Precanceled mail, sorted and tied in packages by the mailer, requires less processing time in the post office, and is therefore dispatched more quickly.

§ 32.2 *Use of precanceled stamps*—(a) *Classes of mail.* You may use precanceled stamps to pay postage on:

(1) Post cards, but on no other first-class mail, unless specifically authorized by the postmaster on Form 3620. (See paragraph (b) of this section.)

(2) Second-, third-, and fourth-class mail.

(b) *Prohibited.* You may not use precanceled postage stamps on matter mailed in boxes, cases, bags, or other containers designed to be reused for mailing purposes.

(c) *Overprinting.* If precanceled postage on a single piece is over 8 cents, the precanceled stamps must be overprinted or handstamped in black ink with your initials and the numerical abbreviations of the month and year of use; for example, A. B. Co. 9–54. Precanceled stamps overprinted in this way are acceptable on mail during the month shown, and through the 10th of the following month.

(d) *Resale.* Precanceled postage stamps may not be sold by permit holders.

§ 32.3 *Precancel permit*—(a) *Application for permit.* Submit a completed Precancel Application, Form 3623, to the post office where you will mail. A fee is not required.

(b) *Issuance of permit.* When your application is approved by the postmaster, you will receive a Precancel Permit, Form 3620. If the permit covers the privilege of precanceling stamped envelopes or postal cards with your own cancellation mark, it must contain a statement to that effect. Your canceling mark must include the name of the post office and State; your permit number; and, for first-class mail only, the date of mailing. (See illustration below.) A specimen must be furnished the post office.



(c) *Revocation.* (1) Your permit may be revoked if used in operating any scheme or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than mailing purposes, or for nonuse during any 12-month period, or for any noncompliance with the instructions on the Permit, Form 3620.

(2) The permit holder will be notified by the postmaster at the post office that issued the permit that it is to be canceled, and the reasons for cancellation. The permit holder will be allowed 10 days within which to file a written statement why the permit should not be revoked. When no answer is filed, the postmaster will cancel the permit. If an answer is

filed, decision will be made by the Assistant Postmaster General, Bureau of Post Office Operations, whether the permit shall be continued in effect. Notice of decision will be given the permit holder through the postmaster.

§ 32.4 *Mailings of precanceled mail.* Precanceled mail must be mailed at the post office where the stamps were purchased. Any number of pieces may be mailed at one time, regardless of whether they are identical, except for third-class bulk mailings. (See Parts 16 and 24 of this chapter.)

PART 33—METERED STAMPS

Sec.
33.1 Postage meters.
33.2 Meter license.
33.3 Use of meter.
33.4 Meter stamps.
33.5 Metered reply postage.
33.6 Mailings.
33.7 Meter record book.

AUTHORITY: §§ 33.1 to 33.7 issued under R. S. 161, 396, sec. 5, 41 Stat. 583 as amended; 5 U. S. C. 22, 369, 39 U. S. C. 273, 291a.

§ 33.1 *Postage meters*—(a) *Use of meter stamps.* You may pay postage by printing meter stamps with a postage meter on any class of mail. Metered mail is entitled to all the privileges and subject to all the conditions applying to the various classes of mail.

(b) *Benefits.* Postage meters facilitate the purchase, control, and affixing of postage. Metered mail does not require facing, canceling, and postmarking in the post office, and can therefore be dispatched more quickly.

(c) *Description of meters.* Postage meters are made to print single, several, or all denominations of postage. They contain in one sealed unit the printing die or dies and two recording counters. One adds and keeps a total of all postage printed by the meter. The other subtracts and shows the balance of postage remaining in the meter, after the use of which it will lock. From time to time you take the meter to the post office to have this counter set for such additional postage as you may desire to have added to the balance remaining. You pay for each additional setting when it is made.

(d) *Meter manufacturers.* You may lease postage meters from authorized manufacturers who are held responsible by the Post Office Department for the control, operation, maintenance, and replacement, when necessary, of meters manufactured by them. The following manufacturers are presently authorized to lease meters to mailers:

(1) Commercial Controls Corp., Rochester, N. Y.

(2) International Postal Supply Co., Brooklyn, N. Y.

(3) National Cash Register Co., Dayton, Ohio.

(4) Pitney-Bowes, Inc., Stamford, Conn.

(e) *Control.* After a meter has been delivered to you, you must keep it in your custody until turned over to the authorized manufacturer or to the post office. Tampering with or misuse of a meter is punishable by law.

§ 33.2 *Meter license*—(a) *Application.* You may obtain a Meter License, Form 3601–A, by submitting an application on Form 3612 (or a form supplied by the manufacturer) to the post office where you will mail. No fee is charged. The application must specify the make and identifying serial number of the meter. A specimen meter stamp must be submitted with the application. Upon approval the postmaster will issue a license.

(b) *Revocation.* (1) The license may be revoked if used in operating any scheme or enterprise of an unlawful character, for nonuse during any consecutive 12 months, or for any failure to comply with instructions on the Meter License, Form 3601–A.

(2) The meter license holder will be notified by the postmaster that the license is to be canceled, and the reasons for cancellation. If no written statement of objections is filed by the license holder within 10 days, the postmaster will cancel the license. If a written statement is filed, the Assistant Postmaster General, Bureau of Post Office Operations, will decide whether or not the license shall be continued in effect and will notify the license holder through the postmaster.

§ 33.3 *Use of meter*—(a) *Sealing of meter.* You may not have any postage meter in your possession until it has been set and sealed at the post office that issued the license or, if more convenient, at one of its stations or branches where meters are set. A Meter Record Book, Form 3602–A, is issued at the time of initial setting. When the Meter Record Book is filled, a new one will be issued without charge.

(b) *Payment of postage.* You must bring the meter and Meter Record Book to the post office or station or branch where it was first set, for resettings and payments of postage. Postage must be paid at time of setting. The postmaster will issue a Meter Setting Receipt, Form 3603–A, for the amount of postage paid. If a meter is not reset within a 3-month period, it must be presented, with Meter Record Book, showing daily register readings, at the post office, station or branch where last set, for examination.

(c) *Faulty mechanism.* If the printing and recording mechanism is faulty in any way, do not use the meter but take it promptly to the post office, branch, or station where it is regularly set for checking out of service.

(d) *Discontinuance.* When you discontinue the use of a postage meter, take it to the post office with the Meter Record Book. Unused postage in the meter may be transferred to another meter used by yourself and registered at the same post office, or the postmaster may refund the amount, in accordance with provisions on the License form. The Meter Record Book is returned to you and should be kept on file for at least 1 year from the date of final entry. Application for refund should be made on Form 3533 or on a special form furnished by the meter manufacturer.

(e) *Refunds for unused meter stamps.* When complete and legible meter stamps cannot be used because of misprints, spoiled envelopes or cards, and the like, you may apply to the postmaster for refund of postage up to 90 percent of postage value. (See § 37.2 (d).)

§ 33.4 *Meter stamps*—(a) *Designs.* The types, sizes, and styles of meter stamps are fixed when meters are approved by the Post Office Department for manufacture. Some approved designs are illustrated below.

(b) *Legibility.* Meter stamps must be legible and not overlap. Illegible or overlapping meter stamps will not be counted in determining postage paid.

(c) *Meter stamps on tape.* When meter stamps are printed on tape, only tape approved by the Post Office Department may be used.

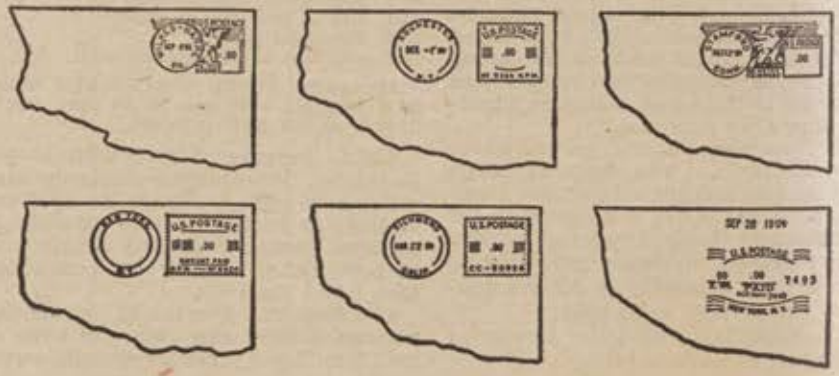
(d) *Position.* Meter stamps must be printed or stuck in the upper right corner of the envelope, address label, or tag.

(e) *Content.* Meter stamps must show city, State, meter number, and amount of postage for all classes of mail. When it is necessary to print multi-denomination meter stamps on more than one tape, the circle showing the post office must appear on each tape.

(f) *Date of mailing.* Meter stamps must show the date of mailing on all first-class mail, special delivery, or airmail; on all mail sent registered, insured, or COD; and when printed on separate tapes used on first-class mail. The month and year must be shown on tapes used on second-, third-, and fourth-class mail, but the day may be omitted. When tapes are not used the date may not be shown in meter stamps on second-, third-, or fourth-class mail.

(g) *Hour of mailing.* The hour of mailing may be shown only on first-class, air, or special delivery mail, and then only when it is mailed in time to be dispatched at the hour shown.

(h) *Meter slogan and ad plates.* You may print restricted advertising matter simultaneously with meter stamps within space limitations. You must obtain the plates for advertising from au-



thorized manufacturers of meters to assure suitable quality and content in accordance with the requirements of the Department. The plates should not be used to print postal endorsements on mail. Slogans must not be objectionable or misleading.

§ 33.5 *Metered reply postage.* You may use meter stamps to prepay reply or return postage under the following conditions:

(1) Meter stamps must be printed directly on the envelope or card that bears the printed return address of the license holder.

(2) The words "No postage stamp necessary—postage has been prepaid by _____" must be printed immediately above the return address.

(3) Reply or return mail prepaid by meter stamps will be delivered only to the printed address. If the printed address is altered, the mail will be held for postage.

§ 33.6 *Mailings*—(a) *Preparation.* You must face metered mail, except packages or irregular overweight mail, and secure it well in bundles. This prevents its becoming mixed with other mail which has to be faced, canceled, and postmarked in the post office. You should bundle each class and denomination together if possible. Special delivery and airmail should always be bundled separately or located on the top of a bundle. Second-class metered mail must be mailed in quantities of not less than 300 pieces. Other classes may be mailed in any quantity. (See Part 16 of this chapter for mailing of third-class bulk mail.) Properly prepared metered mail can go direct to the distribution cases in post offices and thereby be expedited in dispatch.

(b) *Place of mailing.* Metered mail must be mailed from the post office shown in the meter stamp. To secure the fastest dispatch, you should deposit metered mail at the main post office or a station or branch thereof. Except for bulk mailings of third-class mail, metered mail may be deposited in any street collection box, building receptacle or other place, under the jurisdiction of the post office of meter settings, where mail is accepted. Limited quantities of airmail, special delivery, or other important first-class mail may be taken direct to trains, docks, or airports.

§ 33.7 *Meter Record Book.* You must enter daily in the Meter Record Book, Form 3602–A, the figures appearing in the ascending and descending registers of the meter. If at any time you note that the sum of the two figures does not equal the total entered at the last setting, the meter should be taken promptly to the post office, station or branch where it was set, for examination.

PART 34—PERMIT IMPRINTS

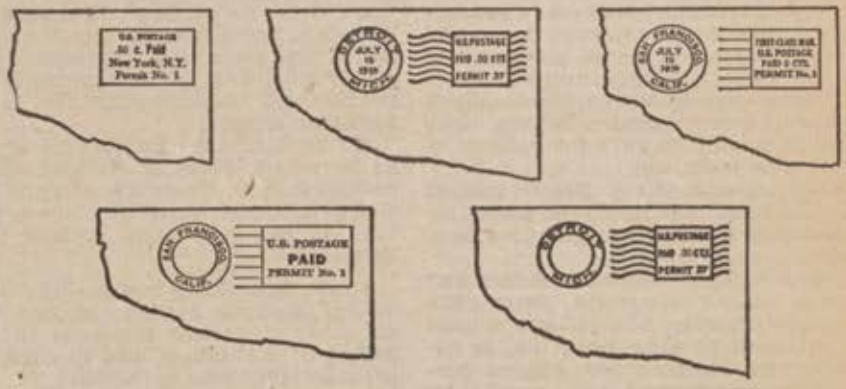
Sec.
34.1 Permit.
34.2 Form of permit imprints.
34.3 Content of permit imprints.
34.4 Additions.
34.5 Mailings with permit imprints.
34.6 Additional services.
34.7 Improper use of permit imprints.

AUTHORITY: §§ 34.1 to 34.7 issued under R. S. 161, 396, 5, 41 Stat. 583 as amended; 47 Stat. 647; 5 U. S. C. 22, 369, 39 U. S. C. 273, 273a.

§ 34.1 *Permit*—(a) *Application.* If you wish to use permit imprints and pay postage in cash at the time of mailing, obtain a Permit, Form 3601, by submitting Application, Form 3612, with a fee of $10, to the post office where you will mail. The postmaster will give you a receipt for the fee on Form 3603. No other fee for use of permit imprints has to be paid so long as the permit is active.

(b) *Revocation.* The permit may be revoked if used in operating any scheme or enterprise unlawful for nonuse during any consecutive 12 months, or for any noncompliance with instructions on Nonmetered Permit, Form 3601. The method of revoking permit is described in § 32.3 (c) of this chapter.

§ 34.2 *Form of permit imprints.* The permit imprints must be made by printing press, lithography, mimeograph, multigraph, addressograph, or similar device and must not be handstamped or in facsimile of typewriting. The style of impression must conform with those illustrated below. The impression must be printed in a color that contrasts sufficiently with the paper to make the impression readable, and must be placed in the upper right corner of the address side of each piece.



§ 34.3 *Content of permit imprints.* Printed permit imprints must show:

(a) *For first-class mail.* City and State; date (hour may be included with date if mailing is made in time to be dispatched at that hour); the words "First-Class Mail" and "Paid" with the amount of postage; and the permit number.

(b) *For second-, third-, and fourth-class mail.* Same as first-class, except the date and the words "First-Class Mail" are omitted. The amount of postage may be omitted on matter mailed at bulk third-class pound rates, but should be included when it is known the per-piece rates will apply. The amount of postage must be shown on pieces of third-class mail subject to the minimum charge for odd size or shape. (See § 24.2 (b) (3).)



§ 34.4 *Additions.* Any additions should not be placed so as to confuse or obstruct the printed postage impression, and must conform with the requirements for the class of mail that bears the additions.

§ 34.5 *Mailings with permit imprints*—(a) *Minimum quantities.* Except as stated in paragraph (b) of this section, minimum quantities required to be mailed at one time are as follows:

(1) *First-class mail.* 300 pieces of identical weight.

(2) *Second- and third-class mail.* 300 pieces of identical matter, except 20 pounds or 200 pieces of identical third-class bulk mail (see Parts 16 and 24 of this chapter).

(3) *Fourth-class mail.* 250 pieces of identical matter.

(b) *Exceptions to minimum quantities.* When any mailing consists of less

than the required minimum, enter an explanation on the Mailing Statement, Form 3602. Exceptions may be made for the following reasons only:

(1) *First-class mail.* Occasional exception for a mailer whose total daily mailings are not much more than 300 but who, to cooperate with the post office, presents a portion of his mailings early in the day.

(2) *All classes of mail.* When a large mailing extends over two or more consecutive days and the last deposit, made to complete the mailing, is less than the minimum.

(c) *Preparation for mailing.* All classes of mail must be faced. You must separate second-, third- (nonbulk), and fourth-class by cities and States according to postmaster's instructions. You must separate first- and fourth-class according to postage paid on each piece; that is: put pieces subject to 3 cents each in one lot, those subject to 6 cents each in another lot, etc. (See Part 16 of this chapter for mailing of third-class bulk mail.)

(d) *Place of mailing.* Deposit mail at the post office that issued the permit, or at a deposit point designated by the postmaster.

(e) *Mailing statement.* Prepare and sign a Mailing Statement, Form 3602, for each mailing. The statement must be prepared by typewriter, ink, or indelible pencil to show your address, permit number, class of mail, number of pieces in the mailing, and weight of single piece. For third-class bulk mailings, additional information required by the Mailing Statement must be shown.

(f) *Payment of postage.* You must pay for each mailing when it is presented at the post office, or make an advance deposit of enough to cover more than one mailing. When the deposit becomes less than enough to pay for an entire mailing, an additional amount must be deposited before any mailings are made. The postmaster will give you a receipt for each payment, on Form 3603. Credit for postage is not allowed. Postage on a mailing must be paid by only one method; that is, postage may not be paid partly in money and partly by postage stamps.

§ 34.6 *Additional services.* Mail with permit imprints may be registered, or sent as insured or c. o. d. mail.

§ 34.7 *Improper use of permit imprints.* Mail bearing permit imprints must not be distributed otherwise than through the mails, and will not be accepted at any post office except that shown in the imprint. Matter bearing permit imprints must not be used as enclosures.

PART 35—PHILATELY

Sec.
35.1 The Philatelic Agency.
35.2 New stamp issues.
35.3 Airmail first-flight covers.
35.4 Stamp exhibits.
35.5 Stamp booklet.

AUTHORITY: §§ 35.1 to 35.5 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 35.1 *The Philatelic Agency—(a) Establishment and purpose.* The Philatelic Agency was established on November 25, 1921, to make available to stamp collectors United States postage stamps of selected quality. Stamps sold by the Agency are the best available, having been selected for good centering, and freedom from tears and other flaws.

(b) *Stamps available.* In addition to stamps of the ordinary series, the Agency has for sale commemorative, airmail, special delivery, special handling, postage-due, and Migratory-Bird Hunting stamps. To get a list of items available for sale, send a self-addressed stamped envelope with your request to the Philatelic Agency, Post Office Department, Washington 25, D. C. The list is revised when a new stamp is announced or an old one withdrawn.

(c) *Order for stamps.* All stamps are for sale at face value, plus return postage at the first-class rate. Registration of stamp shipments is recommended but not required. Address your order to the Philatelic Agency.

(d) *Remittance.* Remittance should be by money order or certified check. Postage stamps, personal checks and foreign or mutilated money are not acceptable. If you send cash, register your letter.

§ 35.2 *New stamp issues—(a) Notification.* Issuance of new stamps is announced by notices displayed in the lobbies of post offices, and through the press and philatelic periodicals.

(b) *First-day sale.* A post office selected because of some historical connection with the person or event commemorated is authorized to have exclusive sale of a new stamp on its first day of sale. All other post offices may sell the stamp the following day.

(c) *First-day covers.* (1) First-day covers are envelopes bearing a new stamp cancelled on its first day of sale with a special die reading "First Day of Issue," as illustrated below. If you want first-day cancellations of a new stamp, send addressed envelopes to the postmaster in the city where the new stamp is to be placed on sale, with remittance to cover the cost of stamps (see § 35.1 (d)).

(2) Cover envelopes should be of ordinary letter size and each must be properly addressed. Place an enclosure of medium weight in each envelope, and either turn in the flap or seal it. Endorse the envelope, enclosing the covers to the postmaster, "First-Day Covers." Put a pencil notation in the upper right corner of each cover to show the number of postage stamps to be stuck there.

(3) With orders for first-day covers, do not include requests for uncanceled stamps.

(4) The Philatelic Agency does not service first-day covers.

§ 35.3 *Airmail first-flight covers—(a) Cachets authorized.* Official cachets are authorized when airmail service is inaugurated on a new airmail route, segment of a new route, or at a new stop point on an existing route. Notice of the flight is published as far in advance of the inaugural date as practicable.

(b) *How to get first-flight cachets.* Address covers to receive first-flight cachets to the postmaster at the office where service is to be inaugurated, prepaid at the airmail rate. Include a letter requesting the postmaster to hold the covers for the first flight and apply the cachet. Put an enclosure of medium weight in each envelope to obtain a better impression and leave a space approximately 2½ by 2½ inches on the left of the address side for the cachet. After cachets have been applied, covers will be flown to a designated office for backstamping and then forwarded to their destinations.

(c) *Restrictions.* Double postal cards and double post cards intended for return reply purposes are not acceptable as first-flight covers. No provision is made for point-to-point covers.

§ 35.4 *Stamp exhibits—(a) Loan exhibits.* The Post Office Department has a set of valuable stamp exhibit frames which are available for display at stamp exhibitions and conventions. These are sent upon request to national and international exhibits as well as to the conventions of the larger stamp societies. Requests should be addressed to the Di-



vision of Philately, Post Office Department, Washington 25, D. C.

(b) *Philatelic exhibit.* The Philatelic Agency maintains a comprehensive exhibit of United States postage stamps, containing die proofs of all domestic stamps since 1847. There are also approximately 40,000 stamps of other countries in this exhibit, from every postal administration in the world. Equipment used in the production of postage stamps, such as a plate and transfer roll, is shown to illustrate methods of manufacture. Philatelic publications are on file for the benefit of students and collectors.

§ 35.5 *Stamp booklet.* The Post Office Department publishes a booklet entitled "Postage Stamps of the United States," containing reproductions and information of interest to collectors on all United States stamps issued from 1847 to the latest revision date. The booklet, which is revised from time to time, may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The price of the current edition is 65 cents a copy.

PART 36—SPECIAL CANCELLATIONS

Sec.
36.1 Postmarking dies for advertising purposes.
36.2 Conditions.
36.3 Application.
36.4 Authorization.
36.5 Revocation.

AUTHORITY: §§ 36.1 to 36.5 issued under R. S. 161, 396, secs. 1, 2, 42 Stat. 539, 540; 5 U. S. C. 22, 369, 39 U. S. C. 368.

§ 36.1 *Postmarking dies for advertising purposes*—(a) *Description.* Advertising cancellations are applied to stamped mail by use of special dies in postal canceling machines. The cancellation is placed to the right of the postmark circle and is used to deface the postage stamp or stamps. See § 35.2 (c) of this chapter for first-day cover cancellations.

(b) *Use.* These special dies are used in place of regular canceling dies for canceling postage stamps on letter mail.



§ 36.2 *Conditions.* (a) The event to be advertised must:

(1) Be for some national purpose for which Congress has made an appropriation, or

(2) Be of general public interest and importance, and

(3) Endure for a definite period of time, and

(4) Not be conducted for private gain or profit.

(b) The sponsor must pay the cost of manufacturing the special canceling die hub or adapting canceling machines for use of the hub.

(c) The cancellation may not be used longer than 6 months and duration of event.

(d) The cancellation may be used only in a first- or second-class post office.

(e) The slogan should be limited to approximately three lines of not more than 20 letters, numbers, or spaces on each line.

§ 36.3 *Application.* Application for use of a special cancellation must be submitted in writing to the Bureau of Post Office Operations, Mail Classification Division, Post Office Department, Washington 25, D. C. It may be submitted through the postmaster at the post office where the cancellation is to be used. The application must provide the following information:

(a) Complete description of the event to be advertised, including evidence that it is not being conducted for private profit.

(b) Wording and design of the proposed cancellation.

(c) Name of post office or post office where it is desired the cancellation be used.

(d) Number of die hubs desired.

(e) Period of use desired.

(f) Name and address of sponsor who will pay the cost of special die hub.

§ 36.4 *Authorization.* The sponsor will be informed of approval or denial of application. If approved, arrangements will be made by the Department for manufacture of the die hub and the postmaster instructed as to its use. The manufacturer will bill the sponsor direct for cost of the die hub. Remittance in settlement must be sent to the manufacturer and not to the Department. The special die hub becomes the property of the Post Office Department and shall not leave the custody of the service.

§ 36.5 *Revocation.* Authorization to use any special cancellation for advertising will be revoked in the event it is necessary to use special postmarking dies for purposes of the Government.

PART 37—PREPAYMENT AND REFUNDS REFUNDS

Sec.
37.1 Prepayment of postage required.
37.2 Refunds.

AUTHORITY: §§ 37.1 and 37.2 issued under R. S. 161, 396, 3896, 3898, 3900, sec. 26, 20 Stat. 361 as amended, sec. 2, 33 Stat. 1091, 47 Stat. 647 as amended, sec. 1, 64 Stat. 210, Sec. 5, 65 Stat. 674.

§ 37.1 *Prepayment of postage required*—(a) *Exceptions.* Postage on all mail must be prepaid at the time of mailing, with the following exceptions:

(1) Business Reply Mail, see § 21.2 (c) of this chapter.

(2) Franked, Penalty, and Free Mail, see Part 27 of this chapter.

(3) Certain Mail for the Blind, see Part 28 of this chapter.

(4) Mail Sent by Members of the Armed Forces, see § 21.5 of this chapter.

(5) Letters and printed matter carried or delivered by vessels not regularly employed in carrying mail, see § 21.6 of this chapter.

(6) Hotel and steamship keys returned to owners, see § 24.2 of this chapter.

(b) *Double postage, when charged.* If any mail, on which postage is required by paragraph (a) of this section to be prepaid, by mistake reaches its destination without prepayment, double the prepaid rate will be charged and collected on delivery.

(c) *Insufficient prepayment.* Mail received at the mailing post office without full prepayment must be returned for the additional amount due, except in the following cases:

(1) First-class mail having one full rate prepaid, see § 21.4 (b) of this chapter.

(2) Air mail, see § 26.4 (b) of this chapter.

(3) Special Delivery Mail, see § 56.2 (c) of this chapter.

(4) Mail bearing return address showing sender to be located at another post office will be treated as follows:

(i) First-class mail prepaid less than one full rate and mail of any other class having obvious value, must be held for two weeks and notice of the amount due sent to the sender on card Form 3540–A. If no response is received mail is then treated as in subparagraph (5) of this paragraph.

(ii) Mail other than first class of no obvious value will be disposed of.

(5) Mail without return address, the sender of which is unknown, will be treated as follows:

(i) First-class mail prepaid less than one full rate and mail of any other class having obvious value will be held for 3 weeks and notice of the amount due sent to the addressee on card Form 3548.

(ii) Mail other than first class of no obvious value will be disposed of.

(d) *Postage on mail insufficiently prepaid.* Postage stamps stuck to mail are canceled when the mail is first received in the post office. Postage stamps or meter stamps originally affixed to insufficiently prepaid mail will, when it is again presented for mailing, be accepted in payment of postage to the amount of their face value.

§ 37.2 *Refunds*—(a) *Conditions that justify refund.* When postage or special service fees have been paid on mail for which no service is rendered, or collected in excess of the lawful rate, a refund may be made.

(b) *Application.* A written application should be submitted to the postmaster together with the envelope or wrapper, or the portion thereof having names and addresses of sender and addressee, canceled postage and postal markings, or other evidence of payment of the amount of postage and fees for which refund is desired. At first-class post offices the application should be made on Form 3533.

(c) *Meters.* The postage value of unused units set in a meter surrendered to the post office to be checked out of service may be refunded or, if desired, an equivalent amount will be transferred to another meter used by the same license holder. If the meter is withdrawn from service because of faulty mechanical operation, a final postage adjustment or refund may be withheld pending report

of the meter manufacturer of the cause of faulty operation. If the meter is damaged by fire, a refund or transfer of postage will be made only if the registers are legible, or can be reconstructed by the meter manufacturer.

(d) *Meter stamps.* Unused meter stamps that are complete and legible, accompanied by an application in duplicate, within 1 year from the dates appearing in the stamps, will be considered for refund of 90 percent of their postage value. Such unused stamps may include those on tapes that have not been stuck to wrappers, but no refund will be made for stamps on tapes that do not show the name of the post office and the date. See Part 33 of this chapter regarding complete and legible meter stamps.

(e) *Second-class fees.* One half of an original second-class application fee will be refunded if the application is not approved. (See § 22.3 (e) of this chapter.)

(f) *Bulk mailing fees.* The annual fee for bulk mailings of third-class matter will be refunded only if no bulk mailings are made during the year for which the fee has been paid.

(g) *Application fees for permit to use permit imprints.* No refund will be made of an application fee paid for a permit to use permit imprints.

(h) *Airmail.* A refund of the difference between the airmail rate and the appropriate surface mail rate for the class of matter involved may be refunded when an airmail article fails to receive air transportation due to fault of the postal service.

(i) *Special services.* (1) Special delivery and special handling fees may be refunded when the article fails to receive the special service for which the fee has been paid.

(2) Registered, insured, and c. o. d. fees are not refundable after the mail has been accepted by the post office even though the article is later withdrawn from the mailing post office.

(3) The fees paid for restricted delivery of registered, insured, or c. o. d. mail, and the fee paid for return receipt on registered or insured mail, may be refunded when failure to render service is the fault of the Postal Service. (See § 51.4 (f) of this chapter.)

Subchapter E—Collection and Delivery

PART 41—SERVICE IN POST OFFICES

Sec.

41.1 Establishment of post offices.
41.2 Hours of business.
41.3 Post office boxes.
41.4 General delivery.
41.5 Unauthorized use of premises.

AUTHORITY: §§ 41.1 to 41.5 issued under R. S. 161, 396, 3839, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 4.

§ 41.1 *Establishment of post offices—*(a) *Where established.* Post offices, and branches and stations, are established and maintained at such places as may be deemed necessary for the convenience of the postal patrons.

(b) *Requirements.* There is no fixed minimum population requirement. This factor is given consideration in making a determination. Other factors are the proximity of existing postal units and the relative cost involved, including the transportation of mail to a newly established unit.

(c) *Procedure.* Patrons desiring a post office in their community should communicate with the Department. The forms needed on which to supply necessary information will be sent to the patrons. Requests for the establishment of a branch or station of an existing post office should be made to the local postmaster.

§ 41.2 *Hours of business—*(a) *Business days.* Post offices maintain window service for the delivery of mail and the sale of stamps every business day during the hours when the principal business houses of the community are open. Special services are available as follows:

(1) *Registry service.* First-class post offices, and stations and branches of first-class offices, maintain window service for the registration of mail and the delivery of registered mail until 6 p. m. Offices other than first-class maintain such service during the hours observed by the principal business houses.

(2) *Money-order service.* First-class offices maintain window service for the transaction of money-order business from 9 a. m. to 5 p. m.; second-class offices from 8 a. m. to 6 p. m.; and stations and branches of first- and second-class offices from 8 a. m. to 5:30 p. m. Third- and fourth-class offices maintain money-order service during the hours observed for the transaction of postal business.

(3) *Postal savings.* Post offices designated as postal-savings depositories provide for the receipt and withdrawal of deposits every weekday during the hours prescribed for the transaction of money-order business.

(b) *Night service.* Post offices are not ordinarily open for business at night. Lobbies of some post offices are open at night to permit the public to deposit mail and to obtain mail from lock boxes.

(c) *Holiday service.* Post offices are kept open on holidays for such time as may be necessary to meet the reasonable postal requirements of the public. Special-delivery mail is delivered on holidays, but delivery service is not given on letter carrier or rural routes. The following holidays are observed:

(1) New Year's Day, January 1.
(2) Washington's Birthday, February 22.
(3) Memorial Day, May 30.
(4) Independence Day, July 4.
(5) Labor Day, first Monday in September.
(6) Veterans' Day, November 11.
(7) Thanksgiving Day, fourth Thursday in November.
(8) Christmas, December 25.
(9) Other days set aside by the President as holidays.

§ 41.3 *Post office boxes—*(a) *Purpose of boxes.* Post office boxes (which term includes post office drawers) are for the convenience of the public in the delivery of mail. The service affords patrons privacy, eliminates the necessity of waiting in line at delivery windows, and permits them to obtain mail after regular post office hours where the lobby is kept open. Postmasters will not disclose the names of box holders to any person outside the Postal Service.

(b) *How to rent a box.* Submit a Post Office Box Application, Form 1092½, to the postmaster with the names of two references. A Reference Verification, Form 1092, will be sent to each reference. When the application is approved by the postmaster, a box will be assigned.

(c) *Box rental rates.*

Gross receipts of post office (rates adjusted July 1 each year based on gross receipts for the preceding calendar year)	Rate per quarter						
	Call boxes—Size No.		Lock boxes and drawers—Size No.				
	1	2	1	2	3	4	5
	Cubic-inch capacity		Cubic-inch capacity				
	To 225	225 to 500	To 225	225 to—	500 to—	900 to—	3,000 and over—
To $500	$0.15	$0.20	$0.30	$0.35	$0.50	$0.65	$0.90
$500 to	.20	.30	.35	.50	.65	.90	1.10
$1,900 to	.30	.35	.50	.65	.90	1.10	1.50
$5,000 to	.35	.50	.65	.90	1.10	1.50	2.25
$10,000 to	.50	.65	.90	1.10	1.50	2.25	3.00
$40,000 to	.65	.90	1.10	1.50	2.25	3.00	4.50
$100,000 to	.90	1.10	1.50	2.25	3.00	4.50	6.00
$300,000 to	1.10	1.50	2.25	3.00	4.50	6.00	7.50
$1,000,000 to	1.50	2.25	3.00	4.50	6.00	7.50	9.00
$5,000,000 to	2.25	3.00	4.50	6.00	7.50	9.00	10.50
$15,000,000 and over	3.00	4.50	6.00	7.50	9.00	10.50	12.00

(d) *Payment of box rents.* Box rents must be paid in advance. A receipt on Form 1538 is given for each payment. When a box is surrendered, no portion of the rent will be refunded. Box rent may be paid quarterly or annually, as follows:

(1) *Quarterly.* When a box is rented after the beginning of a quarter, a pro rata amount must be paid for the remainder of the quarter. Thereafter, the rent is payable in advance four times a year, before each quarter.

(2) *Annually.* When a box is rented on an annual basis, the rent must be paid on a pro rata basis for the remaining days in the quarter in which it is first rented, and for the remaining full quarters within the fiscal year ending June 30. Thereafter, the rent may be paid annually before July 1 of each year.

(e) *Use of box—*(1) *Individuals.* An individual renting a box may have placed in it:

(i) Mail addressed to himself.

(ii) Mail directed to a temporary visitor.

(iii) Mail addressed to his care or to the number of his box by persons who wish him to take care of it for them not more than 30 days.

(iv) Mail addressed to members of his family.

(v) Mail addressed to his servants or other employees who live in his house.

(vi) Mail addressed to a relative or other person who lives permanently in his house as do the other members of his family. Boarders or roomers are not considered members of the family.

(2) *Firms or corporations.* A firm renting a box may have placed in it:

(i) Mail addressed to its name.

(ii) Mail addressed to any of its officials and office employees.

(iii) Mail addressed to any member of a firm, or members of his family, by the consent of all members of the firm.

(3) *Students.* Mail addressed to students at a educational institution may be deposited in the box rented by it, if consistent with its rules.

(4) *Public institutions.* Mail addressed to inmates of a public institution may be deposited in the box rented by it, if consistent with its rules.

(5) *Associations.* An association or society may rent a box, but it may not be used for individual members, other than officers addressed by their official titles.

(6) *Hotel or boarding house.* Mail addressed to guests or transient broaders at a hotel or boarding house will be placed in the box assigned to it or its proprietor.

(7) *Mail addressed to box number.* Mail addressed only to a box number may be delivered to the box holder as long as no improper or unlawful business is conducted in this manner.

(f) *Keys and key deposits.* A deposit of 22 cents is required for each key furnished. Renters of lock boxes are not permitted to use any keys except those regularly issued through the post office, and must return all keys when a box is surrendered.

(g) *Restrictions*—(1) *Not rented for improper purposes.* A box will not be rented to anyone who the postmaster has good reason to believe will use it for the purpose of deception, for immoral or improper purposes, or for the conduct of a fraudulent or lottery business.

(2) *Not rerented to persons who misuse.* A box will not be rerented to anyone who does not take proper care of it, or who disregards the rules concerning its use.

(3) *Matter without postage not to be put in box.* Bills and circulars will not be placed in boxes without payment of regular postage.

§ 41.4 *General delivery*—(a) *Use of.* General-delivery service is designed primarily for the use of patrons at offices not having carrier-delivery service. Mail bearing as a part of its address the indorsement, "Transient," "To Be Called For," "General Delivery," or other words indicating that it is intended for a transient person, will be placed in the general-delivery case to be delivered to the addressee on his application and proper identification.

(b) *Where carrier deliveries are provided.* General-delivery service is provided at offices having carrier-delivery service for transients and patrons who are not permanently located. Persons intending to remain for 30 days or more in a city having carrier service should file their names and street addresses at the post office so that their mail may be delivered by carrier unless lock-box service is desired. Persons residing in cities having carrier-delivery service may for good and sufficient reasons satisfactory to the postmaster receive their mail at general-delivery windows.

§ 41.5 *Unauthorized use of premises.* Advertisements, circulars, or notices relating to any private business, of a political character, or concerning any election, shall not be placed on any portion of post office premises.

PART 42—WHO MAY CARRY LETTERS

Sec.
42.1 Postal service a monopoly.
42.2 What are letters.
42.3 Permissible carriage of letters.

AUTHORITY: §§ 42.1 to 42.3 issued under R. S. 161, 396, 3980, 3989, 3990, 3991, 3993, 4026 as amended, 62 Stat. 776, 777, 5 U. S. C. 22, 369, 18 U. S. C. 1694, 1695, 1696, 1697, 39 U. S. C. 495, 497, 498, 499, 500, 700.

§ 42.1 *Postal service a monopoly.* The Post Office Department has a monopoly over the transportation of letters for others over post routes. This monopoly was created prior to the adoption of the Constitution and has existed, with varying provisions, continuously from that time to the present. This subchapter defines the types of matters which constitute letters and hence which are subject to the monopoly. It sets forth the types of transportation covered under the monopoly. It also prescribes exceptions to the monopoly.

§ 42.2 *What are letters*—(a) *Definition of letters.* (1) A letter is generally defined as a message in writing and may be written in any language, or in a code. It need not be in handwriting but may be written by a system of checking from a list of printed statements or punching holes or by point print or in raised characters used by the blind.

(2) For purposes of the exercise of the postal monopoly, the term letters may include circulars, as the term circular is defined to be a printed letter which is being sent to several persons in identical terms.

(3) A writing is not a letter unless addressed to or intended for some particular person or concern.

(4) In addition to communications of a purely personal nature, the word letter includes any matter conveying live, current information between the sender and the addressee. If the sender expects or intends the addressee to act, rely or refrain from acting on the information, the information is live and current.

(5) A letter may be in a sealed envelope, in an unsealed envelope or not in an envelope.

(6) Factors of weight and size do not exempt letters from being subject to the Postal monopoly.

(7) A telegraphic message is not a letter.

(b) *Rulings on letters.* The examples set forth in this part do not comprise every type of matter which would fall either within or without the scope of letters covered by the Postal monopoly. The sender or carrier of matter who has any doubt as to whether such matter is or is not a letter may obtain, upon request, a specific ruling from the Solicitor of the Post Office Department.

(c) *Examples of letters*—(1) *Orders.* Orders for merchandise to be filled by the recipient are letters. Orders are also letters when forwarded by a salesman or a store to the main office to be filled. Orders include requisitions from one department of a business house on another department, when carried over post routes.

(2) *Bills and statements of account.* Bills and statements of account are letters when sent by business concerns or persons selling goods or rendering service to their customers. This includes store accounts, premium notices, water bills, bank statements and receipts and receipted statements of account when sent from a creditor to the debtor.

(3) *Reports.* Reports are letters when sent from the person, office or firm making the report to the person, office, firm or governmental agency to whom the report is made. Examples are:

Income or other tax returns.
Proofs of loss filed by an insured under an insurance policy.
Monthly and weekly reports of business transactions made to a central office.
Reports of insurance agents to their companies' home offices.

(4) *Applications.* An application transmitted from the applicant to the person or governmental agency to whom it is made is generally a letter. Examples are:

Application for driver licenses and automobile licenses and other permits.
Applications for loans.
Contest entries.

(5) *Interoffice communications.* Any written or printed matter sent between offices of a concern, over post routes, which gives to the addressee office live, current information upon which the latter is expected to act, rely or refrain from acting, constitutes a letter. The following are examples of such letters:

Requisitions which are orders from one department to another department within the same organization.
All types of matter sent from a branch store to the main office to supply information on which charges and credits to the branch store or office are made or to verify the accuracy of items in the accounts between the main office and branch office or store.
Retail price lists, catalogs, bulletins and notices sent to advise a store or branch office of the price the latter should charge its customers or to advise the latter of discounts, market quotations, and the like.

(6) *Checks and drafts.* Bank checks are letters if they show on their face or by stubs attached to them or by statement sheets accompanying them any information in explanation of such checks.

(d) *Examples of matter not letters*—(1) *Commercial papers.* Commercial papers are not classed as letters since they are valued as evidence of rights of

the holder rather than for any information they may carry when shipped from one person to another. Such commercial papers include contracts, stock certificates, promissory notes, bonds and other negotiable securities, insurance policies, title policies, abstracts of title, mortgages, deeds, leases and articles of incorporation.

(2) *Legal papers and documents.* Legal papers and documents are not letters. This class of matter is intended for use in law suits or formal quasijudicial proceedings, orders of court and the like.

(3) *Official records.* Examples of official records which are not letters are: birth and death certificates, election ballots, and tally sheets, lists of registration of voters and certificates to practice certain professions.

(4) *Drawings, etc.* A picture or other visual representation of a physical thing, actual or projected, would not be a letter. Examples are drawings, blueprints, maps and plat surveys.

(5) *Advertising and directory materials.* Catalogs are not letters except as stated in paragraph (c) (5) of this section. Directories and unaddressed advertising handbills or circulars are not letters.

(6) *Interoffice communications.* Examples of interoffice communications which are not letters are:

Carbon copy of a letter previously sent to the same address if it contains no information not in the original.

Matters sent for filing and storage only and not intended for the recipient's own use.

Matters sent for auditing to determine whether charges and credits are correct, when the results of the audit are not used to adjust accounts within the organization.

Data sent to a central office for preparation of customers bills if the data is returned to the sender and no part of the information is retained by the central office.

(7) *Checks and drafts.* Bank checks in their ordinary form containing only the names of the drawer, payee, bank upon which drawn, amount of money and date of issue are not letters. An exception to this is stated in paragraph (c) (6) of this section. Checks, notes and drafts sent by banks to other banks for collection or payment are not letters. Canceled checks and drafts may be returned to the drawer without being classed as letters.

(8) *Matters sent for auditing or preparation of bills.* Freight bills, invoices, paid bills, sales slips, receipts, records of receipts and disbursements and the like are forwarded for the sole purpose of having them audited internally on behalf of the sender are not letters. Such matter becomes letters when the person or office which receives them takes any corrective action or adjusts accounts between the sender and addressee, or otherwise makes use either of the material forwarded or the results of the audit. This same rule applies to material sent to a central office for the sole purpose of preparing customers statements, unless other use is made or action taken by that central office. The subsequent mailing of the bills to the customers by the central office would not cause the working matter sent to that office to be considered letters. Similarly, matter forwarded for the performance of purely mechanical work such as photostating or mathematical computation would not constitute letters.

(9) *Old correspondence and other matters sent for filing, storage, or destruction.* Old correspondence, records and any other type of matter sent from one office to another for filing, storage or destruction are not letters since there is no purpose of communicating any intelligence to the addressee. The matter so sent will be considered as a letter if it is sent for the purpose of establishing a file from which the addressee may at some time take information on which he will then act, rely or refrain from acting.

(10) *Examination papers.* Examination papers forwarded for scoring to a central scoring agency are not regarded as letters provided the scoring agency does not make use of the scores or other information derived from the papers. Examination papers with scores marked on them would normally be considered letters when returned to the school or person who previously sent them for scoring or when forwarded to a third person who may be expected to take action based on the results of the examination. Any later use of the examination papers, after the scoring by the central agency, places them in the category of letters.

(11) *Manuscript and news items.* Manuscript intended for publication when not accompanied by any matter in the nature of personal correspondence is not a letter. Mere news matter prepared by press correspondents for the columns of their publications are not letters. News matter to be used for the purpose of radio broadcasting is not a letter.

§ 42.3 *Permissible carriage of letters—*(a) *Exemptions from postal monopoly.* Under certain conditions, letters may be carried outside the postal system without payment of U. S. postage.

(b) *Current business of carrier.* (1) Letters which relate to the current business of a carrier do not come under the Postal monopoly. These are letters written by or addressed to officers or employees of the carrier, in their official capacities, on the business of the carrier.

(2) Any business of the carrier is deemed to be its current business when it comes up in such a way as to call for a current communication.

(3) This exemption applies only where the employees of the carrier are used to carry their employers letters between offices but the use of an independent contractor who makes regular trips between any two points on a post route is not permissible.

(4) The different units of a railroad system or other system of carriers, as long as they are separate, independent operating units are, third parties to each other and consequently are not considered a single carrier for the purpose of this exemption.

(c) *Cargo documents.* (1) A carrier may transport letters which relate exclusively to some part of the cargo of the same conveyance or to some article carried at the same time by the same conveyance. This exemption permits a carrier to convey, without the payment of postage, letters such as invoices, bills of lading, shippers bills, way bills, freight bills, and the like, when they accompany shipments to which they exclusively relate.

(2) Receipts evidencing delivery of goods by a carrier are not letters.

(3) Live, current information in a letter, extraneous to the shipment it accompanies, takes it out of the exemption for letters which relate to some article carried at the same time.

(d) *Carriage without compensation.* Letters may be transmitted by private hands without compensation. A person or firm engaged in the transportation of goods or persons for hire cannot be considered "private hands without compensation." The phrase just quoted denotes transportation of a letter which does not take place in the course of business of the person or firm carrying the letter.

(e) *Special messengers.* (1) A special messenger may be employed, for the particular occasion only, to transmit letters when not more than 25 letters are involved. A special messenger is one who at the request of either the sender or the addressee of the letter, picks it up from the sender's home or place of business and carries it to the addressee's home or place of business.

(2) If, however, letters are picked up by one messenger and taken to a central office for delivery by another, neither the messenger picking up the letter nor the messenger delivering it to the addressee could then be considered a special messenger.

(3) This exemption as to the use of special messengers is restricted to isolated instances in which there is no regularity in use by the sender or addressee of the particular messenger or the organization by which he is employed.

(4) A messenger or a carrier operating regularly between fixed points is not a special messenger.

(f) *Where postage is paid.* (1) Letters may be carried by an individual, express company, or any other person outside the mails to any point within or without the United States provided the conditions specified in this part are followed.

(2) Each letter carried outside the mails must be placed in a sealed envelope bearing the appropriate amount of postage. The amount of postage required must be the same as would have been required had the letter been sent through the mails at the first-class rate or by air if so carried. The amount of postage need not include registry or insurance fees even if the letter is privately insured. If postage is in the form of stamps, they must be canceled with ink by the sender. The sender must write the date of the letter on the envelope, or the person carrying it must write on the envelope the date he received the letter. The name and address of the person for whom the letter is intended must be written on the envelope.

(3) Letters which the sender is entitled to send through the mails without a charge for postage may be sent in a similar manner outside the mails without the payment of postage. This would apply in the case of certain official Gov-

ernment mail and mail of certain diplomatic and consular officers of other nations. If the free mailing privilege does not extend to airmail then such letters must bear the appropriate air mail postage, if sent by air express.

(4) It is permissible to establish a service for collecting for the addressees letters received at the post office, provided the letters remain unopened. Letters received through the mails at one office of a firm may be forwarded by surface means outside the mails without payment of additional postage so long as they remain unopened. This applies likewise to letters addressed to one firm in care of another to which they are to be forwarded. If any such letters are forwarded by air express or air freight, sufficient additional postage must be placed on each piece of mail to bring the total postage on that piece up to the air mail rate. Moreover, if the letters are opened before they are forwarded, the forwarding of the open letters would be considered a new shipment of the matter. Such forwarding will then be regarded as the transmission of letters upon which additional postage will be due, if they are intended to convey to the ultimate addressee live, current information upon which he may act, rely or refrain from acting.

PART 43—MAIL DEPOSIT AND COLLECTION

Sec.
43.1 Collection times.
43.2 Ordinary deposit of mail.
43.3 Deposit of mail with postal transportation clerks.
43.4 Mail chutes.
43.5 Separation of mail by sender.
43.6 Recall of mail.

AUTHORITY: §§ 43.1 to 43.6 issued under R. S. 161, 396, sec. 1, 24 Stat. 569, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 156.

§ 43.1 *Collection times.* Mail is collected in residential and business sections served by city carriers at times to connect with mail dispatches. Mail is also collected in business sections at frequent intervals to keep boxes from becoming overloaded and to provide an even flow of mail to the post office. Patrons are urged to deposit mail as early in the day as possible. Early mailings advance delivery time.

§ 43.2 *Ordinary deposit of mail*—(a) *Post office lobbies.* Letter drops are provided in lobbies of all post offices for the deposit of mail.

(b) *Collection boxes.* Collection boxes for the deposit of mail are placed at convenient points where city letter carriers are employed. Schedules are posted on these boxes showing collection times.

(c) *Rural boxes.* Mail on which postage has been paid may be deposited for collection in mail boxes on rural routes.

§ 43.3 *Deposit of mail with postal transportation clerks*—(a) *Acceptable mail.* The following types of mail may be handed for dispatch to postal transportation clerks on duty in mail cars or transfer offices, and at airmail fields:

(1) *First-class mail.* On which postage has been paid.

(2) *Medicines and serums.* Third- or fourth-class mail, presented by representatives of manufacturers or distributors of medicines or serums, when endorsed: "Emergency—This package has been weighed and bears necessary postage. Any additional postage found to be due is guaranteed by sender."

(b) *Restrictions.* Third-, and fourth-class mail, other than that described in paragraph (a) of this section, and mail to be sent registered, insured, or c. o. d., is not mailable with postal transportation clerks at mail cars, transfer offices, or airmail fields.

§ 43.4 *Mail chutes.* Mail chutes and receiving boxes may be placed, subject to the approval of the postmaster, in public buildings, railroad stations, hotels, and office buildings of not less than four stories in height, and apartment houses with not less than 40 residential apartments. Mail chutes must conform to the requirements in the pamphlet containing mail-chute rules, regulations, and specifications, copies of which may be obtained through the postmaster.

§ 43.5 *Separation of mail by sender.* Patrons having large mailings should separate them into packages marked "Local" and "Out of Town." Labels with these designations, Form 1500, may be obtained from the post office. Mail thus separated is usually dispatched earlier.

§ 43.6 *Recall of mail*—(a) *Who may recall mail.* Mail deposited in a post office may be recalled by the sender, by the parent or guardian of a minor child, or by the guardian of a person of unsound mind.

(b) *Application.* Submit Mail Recall Application, Form 1509, which is obtainable at any post office, to the postmaster at the office of mailing.

(c) *Expenses.* You must pay all expenses of recalling mail, including the cost of any necessary telegrams, and the regular rate of return postage (except for first-class mail, which is returned with additional postage), when the mail is returned.

(d) *Notification.* If the mail has been delivered before receipt of the recall application or message, you will be notified. The addressee will not be informed that recall was requested.

(e) *Original postage.* If mail recalled before dispatch is again presented for mailing, the original stamps will be accepted for postage at face value. This does not apply to stamps in payment of registry, insurance, or c. o. d. fees.

PART 44—CONDITIONS OF DELIVERY

Sec.
44.1 Delivery to persons.
44.2 Delivery of addressee's mail to another.
44.3 Jointly addressed mail.
44.4 Delivery to public and private officials.
44.5 Delivery of mail addressed to incorporated and unincorporated firms.
44.6 Delivery of mail addressed to persons at firms, hotels, institutions, schools, etc.
44.7 Conflicting orders by two or more parties for delivery of same mail.
44.8 Delivery of packages.

AUTHORITY: §§ 44.1 to 44.8 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 44.1 *Delivery to persons*—(a) *Delivery to addressee.* The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

(b) *Delivery to persons having similar names.* Unless persons with similar names adopt some means to distinguish their mail, postmasters will use their judgment in making delivery.

(c) *Mail delivered to wrong person.* A person receiving mail not intended for him should promptly return it to the post office endorsed "Opened by Mistake" with his signature, if the letter has been opened; otherwise it should be endorsed, "Not for . . ." "Not at this address," etc.

(d) *Pension mail.* Delivery of pension mail may not be made to an attorney, claim agent, or broker, even though the addressee orders such delivery.

(e) *Mail marked in care of another.* Mail marked "In Care of" another is delivered to the first of the two persons named who may call for it; or to the address of the person in whose care it is directed in the absence of instructions from the addressee.

§ 44.2 *Delivery of addressee's mail to another*—(a) *Delivery to addressee's agent.* A person or number of persons may designate an agent to receive their mail. Unless otherwise directed, an addressee's mail may be delivered to his servant or member of his family. Ordinary mail bearing the word "Personal" is delivered as other mail for the addressee.

(b) *Delivery of mail to minors.* A minor's guardian may control delivery of mail addressed to the minor. If there is no guardian, and the minor is unmarried, then the father or, if he is dead, the mother may receive delivery of the minor's mail.

(c) *Delivery of mail to incompetents.* Where a person has been legally declared an incompetent, his mail may be delivered in accordance with the order of his guardian or conservator. Where there is no legal representative, the mail is delivered as addressed.

(d) *Mail addressed to deceased persons.* Mail addressed to deceased persons may be delivered to the executor or administrator. When there will be no court action on the deceased's estate, the mail may be delivered as agreed to by all the heirs.

§ 44.3 *Jointly addressed mail*—(a) *Delivery of jointly addressed mail.* Where mail is jointly addressed, for example, "Mr. and Mrs. John Doe," "John and Jane Doe," neither party can control delivery of such mail over the objection of the other. But that mail is delivered as addressed by the senders so long as one of the parties can receive it there.

(b) *Delivery of mail addressed to husbands and wives.* Neither party may control delivery of mail addressed to the other. In the absence of instructions from the wife, her mail is placed with the

husband's and delivered to him with his own.

§ 44.4 *Delivery to public and private officials.* Mail addressed to a public or private official by his official title is delivered to the person actually holding such office. If the mail does not specify his title, then it is delivered in accordance with the person's order.

§ 44.5 *Delivery of mail addressed to incorporated and unincorporated firms.* (a) Mail addressed to corporations is delivered as addressed or to an authorized agent. In cases where disagreement arises among corporate officers and others connected with the company, the mail is delivered in accordance with the order of the president of the corporation.

(b) Mail addressed to unincorporated firms or partnerships is delivered as addressed so long as the business is being conducted under the same name at the same address despite some members of the firm breaking off relations.

§ 44.6 *Delivery of mail addressed to persons at firms, hotels, institutions, schools, etc.* (a) Mail addressed to patients or inmates at institutions, unless otherwise directed by the addressee, is delivered to the institution authorities, who in turn will deliver the mail to the addressee in accordance with the institution's rules and regulations.

(b) Mail addressed to persons at firms, hotels, schools, and similar places is delivered with the other mail directed to the firm, hotel, or school, unless otherwise ordered by the addressee. If the addressee is no longer at that address, the mail should be redirected to his current address. If the forwarding address is unknown, the mail should be returned to the post office.

§ 44.7 *Conflicting orders by two or more parties for delivery of same mail—*(a) *Delivery to receiver.* Where persons make conflicting orders for delivery of the same mail, and they are unable to agree among themselves as to which of the parties may receive the mail, the mail may be delivered to a named receiver or third party unanimously agreed to by the disputing parties.

(b) *Reference to solicitor for ruling.* Where the disputing parties are unable to select a receiver, each party shall furnish the postmaster all available evidence on which he relies to exercise control over the disputed mail. If after receipt of such evidence the postmaster is still in doubt as to who should receive the mail, the potsmaster will submit the case to the Solicitor for a ruling.

(c) *Delivery of mail in accordance with court order.* When the same mail is claimed by different persons, and a court decides to whom delivery should be made, the mail will be delivered in accordance with the court order.

§ 44.8 *Delivery of packages—*(a) *Heavy or bulky packages.* Heavy or bulky packages of any class will be delivered as addressed if facilities are available.

(b) *Unprotected places.* Parcels will not be left on porches, steps, or elsewhere unprotected, except on the written order of the patron.

(c) *Multiple-floor buildings.* Parcel post, registered, insured, and special-delivery articles will be delivered to the addressee or his authorized agent in person without regard to the floor on which his office or apartment is located. Cooperation of patrons is requested, however, in making arrangements for mail to be delivered on the first floor.

(d) *Second-attempt delivery.* If an ordinary parcel cannot be delivered on the carrier's first attempt, a notice will be left at the address indicating that the parcel is being held awaiting call at the post office or carrier delivery station. A second attempt will be made only if requested by the addressee.

(e) *Street-address delivery for box renters.* Parcel post mail for patrons residing within the city delivery limits who receive mail through rented boxes will be delivered to a designated street address by carrier upon written request.

PART 45—CITY DELIVERY

Sec.
45.1 Establishing city delivery.
45.2 Extension of city delivery.
45.3 Submission of petitions.
45.4 Mail receptacles.
45.5 Out-of-bounds patrons.

AUTHORITY: §§ 45.1 to 45.5 issued under R. S. 161, 396, sec. 1, 24 Stat. 355, 36 Stat. 911; 39 U. S. C. 151, 152.

§ 45.1 *Establishing city delivery.* City delivery service may be established at any post office with annual postal receipts of at least $10,000 and having a population of approximately 2,500 living within territory possessing good continuous sidewalks, surfaced streets, house numbers, street signs, and mail receptacles or door slots. The territory must be 50 percent improved with houses. When two or more building lots constitute the grounds of one residence, the plot may be regarded as improved. Where all other requirements are met, that regarding sidewalks is waived if there are suitable walks from streets to houses. Walks of any material, including gravel and cinders, that render them passable throughout the year are acceptable.

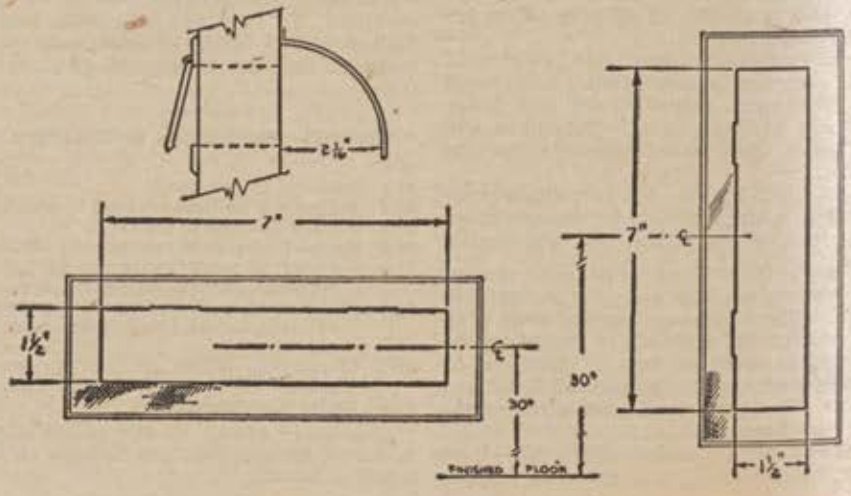
§ 45.2 *Extension of city delivery.* To extend existing city delivery service by foot carrier to new areas, 50 percent of the proposed new territory must be improved with houses, and meet the other requirements for the establishment of city delivery. These requirements do not apply to the same extent to delivery by mounted city carrier.

§ 45.3 *Submission of petitions.* Requests or petitions for the establishment, change, or extension of city delivery service must be made to the local postmaster. No formal petition is required.

§ 45.4 *Mail receptacles—*(a) *Obligation of patron.* Patrons of the carrier-delivery service must provide mail receptacles or door slots. Business houses are not required to provide mail receptacles or door slots if they are open and someone is on hand to receive the mail when the carrier calls. Where an office building is equipped with an elevator, carriers will deliver to individual offices, provided they are open when the carrier arrives. If they will not be open, mail receptacles or door slots must be provided.

(b) *Door slot specifications.* The clear rectangular opening in the outside slot plate must be 1½ inches wide, and 7 inches long. The slot must have a flap, hinged at the top if placed horizontally, and hinged on the side away from the hinge side of the door if placed vertically. When a hooded plate is used inside to provide greater privacy, the bottom line of the hooded portion must not be more than ¾ inch below the bottom line of the slot in the outside plate, if placed horizontally, or more than ¾ inch beyond the side line of the slot in the outside plate nearest the hinge edge of the door, if placed vertically. The hood at its greatest projection must not be less than 2 1/16 inches beyond the inside face of the door. Door slots must be placed not less than 30 inches above the finished floor line.

(c) *Apartment-house mail receptacles.* Apartment-house mail receptacles must conform to specifications detailed in the apartment-house receptacle pamphlet, which may be obtained through the postmaster (see Part 97 of this chapter). One receptacle should be provided for each apartment in apartment houses, family hotels, and flats containing three or more apartments having a common street entrance, except where the management has arranged that mail for the tenants be delivered at the office or desk



for distribution by its employees. Directory boards, showing the names of all persons receiving mail, should be provided in apartment houses where there are 25 or more receptacles.

§ 45.5 *Out-of-bounds patrons.* Patrons located outside city-delivery limits may be given delivery service if they erect boxes on the carrier's regular line of travel. Special delivery, parcel post, insured, c. o. d., and registered mail will be delivered to the residences of out-of-bounds patrons, if the residences are not more than three blocks from the carrier's line of travel, and provided walks have been constructed or the street is not impassable; otherwise, a notice will be left in the box requesting that the patron call for the mail. If an ordinary parcel is involved and it can be placed in the box, delivery will be made in that manner.

PART 46—RURAL SERVICE

46.1 Rural stations.
46.2 Delivery routes.
46.3 Carrier service.
46.4 Payment of postage.
46.5 Rural boxes.
46.6 Postal maps.

AUTHORITY: §§ 46.1 to 46.6 issued under R. S. 161, 396, sec. 1, 39 Stat. 4; 39 U. S. C. 191, 192.

§ 46.1 *Rural stations*—(a) *Establishment.* Rural stations are established and maintained in communities where a considerable number of people would be seriously inconvenienced if required to transact postal business with rural or star route carriers only, and where it is determined inadvisable to establish post offices.

(b) *Functions.* Rural stations dispatch, receive and deliver mail, issue money orders, register mail, and sell stamps.

(c) *Hours.* Rural stations are open during ordinary business hours each weekday, except holidays.

(d) *Treatment of mail.* Mail addressed to a rural station will be retained there to be called for, unless the addressee is a patron of a rural route starting from the station, or of an adjoining route, in which case the mail will be delivered to the patron's box by the carrier.

§ 46.2 *Delivery routes*—(a) *Establishment.* A majority of the patrons who are heads of families living on a proposed rural route may by written petition ask the Post Office Department to establish a route.

(b) *Road conditions.* Roads on which rural delivery service is desired must be in good condition and so maintained, unobstructed by gates. There must be no unbridged streams not fordable at all seasons of the year.

(c) *Obstructions to travel.* Patrons and roads supervisors or officials in charge of highways will be notified on Form 4024 of road conditions obstructing the delivery of mail. If repairs are not made promptly, the postmaster will report the facts to the Assistant Postmaster General, Bureau of Post Office Operations, with his recommendation for a change in the route to withdraw it from impassable or unsuitable roads.

(d) *Multiple routes.* A patron living on a road traveled by two or more rural carriers may select the carrier by whom he prefers to have his mail delivered and collected, in which case only the designated carrier will handle his mail. Unless such selection is made by the patron, each carrier passing the box will deliver mail to it and collect from it any mail that he can expedite in dispatch or delivery, provided the box is on the right-hand side of the road as traveled by the carrier.

(e) *Star-route delivery.* Patrons living on or near a star route, where the contract calls for box delivery and collection service, and not within the corporate limits of any town nor within one-fourth mile of any post office, may have their mail deposited on the line of the star-carrier route in a box erected so that the carrier may deliver and collect mail without dismounting from his vehicle. Star-route carriers are agents of the patrons for whom they deliver and collect mail along their routes and are not employees of the Postal Service. Persons residing on roads traveled by both rural and star-route carriers may qualify as patrons of either or both routes.

§ 46.3 *Carrier service*—(a) *Availability.* Rural carrier service is provided to persons who erect approved boxes on the line of travel of the rural carriers, except those residing within city-delivery limits.

(b) *Parcel delivery.* Rural carriers will deliver outside of boxes parcel-post packages that are too large to go in the boxes, provided the addressee has filed with the postmaster a written order for delivery in this manner. The written order must provide that the Post Office Department and the carriers are relieved of all responsibility in case of loss or depredation. Where a patron lives within hailing distance of a route, the carrier will, before making delivery in this manner, make a reasonable effort to hail the patron so that he may come to the mail box to receive the parcel.

(c) *Contagious disease.* A rural carrier will deliver mail to the box of a patron where a quarantined disease exists, when this can be done without exposure to contagion; but no mail will be collected from such box while the quarantine is in force.

(d) *Withdrawal of service.* Service will not be withdrawn from any box without specific authority from the Post Office Department.

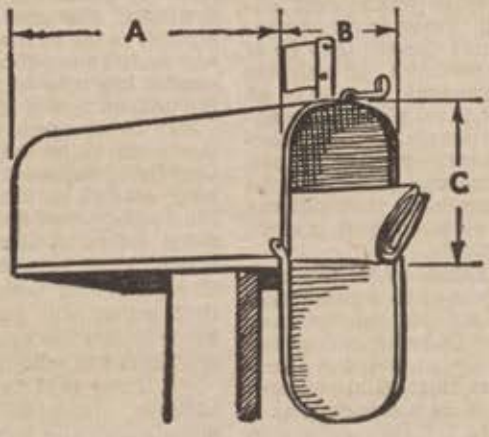
§ 46.4 *Payment of postage*—(a) *Acceptance of mail.* A rural carrier will accept any mailable matter, provided the postage is fully prepaid or money equal to the required postage is furnished, unless the purpose of handing mail to the carrier for deposit into one office is to "boycott" another office or deprive it of legitimate revenue. When a rural carrier finds unstamped mail in a patron's box and the requisite amount of money for postage, he will collect the mail and money and pay the necessary postage, provided the money is properly wrapped, is in a coin-holding receptacle, or is attached to the mail by means of a clip or other suitable fastener.

(b) *Postage uncertain.* When matter is given to a rural carrier for mailing, and he is unable to determine the postage, he will accept from the sender an amount sufficient to insure full payment of postage and return to the sender on the next trip any excess amount collected.

(c) *Insufficient postage.* When mailable matter is deposited in a box and the required postage has not been paid or sufficient money left for the purchase of stamps, the rural carrier will, when the identity of the sender is known, place in the box a notice that such matter cannot be dispatched until the necessary postage is paid. If the identity of the sender is unknown, the matter will be taken to the post office and treated as unpaid mail. (See §§ 21.4, 24.4, 25.4, and Part 37 of this chapter.)

(d) *Unpaid mailable matter in box.* When a rural carrier finds in a rural box mailable matter on which postage has not been paid, addressed to or intended for the person in whose box it is deposited, the carrier will take such matter to the post office to be held for postage.

§ 46.5 *Rural boxes*—(a) *Specifications.* There are three approved sizes of mail boxes for use on rural routes. Size 1 is approximately 19 inches long, 6½ inches wide, and 8½ inches high. Size 1A is approximately 21 inches long, 8 inches wide, and 10½ inches high, with a letter slot in the door. Size 2 is



approximately 23½ inches long, 11½ inches wide, and 13½ inches high. New boxes must have been constructed by authorized manufacturers in accordance with official specifications and drawings which may be obtained from the Assistant Postmaster General, Bureau of Post Office Operations, Washington 25, D. C. The following list includes manufacturers of mail boxes whose samples have been approved:

Akron Metal Sales Co., Post Office Box 275, Hartville, Ohio.
American Metal Works, Post Office Box 547, New Orleans 1, La.
Cincinnati Pump & Manufacturing Co., 117 East Liberty Street, Cincinnati 10, Ohio.
Conco Engineering Works, Mendota, Ill.
Dayton Plastic & Metal Stampings, 321 North Western Avenue, Post Office Box 852, Dayton 7, Ohio.
The Deshler Mail Box Co., 101 East Maple Street, Deshler, Ohio.
Falls Stamping and Welding Co., Cuyahoga Falls, Ohio.
Inland Steel Products Co., Post Office Box 393, Milwaukee 1, Wis.
Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 10, Ill.
Northwest Metal Products, Inc., 55 Spokane Street, Seattle 4, Wash.
Northwestern Mail Box Co., 2655-2723 Spruce Street, Saint Louis 3, Mo.
Phillips & Buttorff Mfg. Co., 217-223 Third Avenue North, Nashville 3, Tenn.
Reynolds Metals Co., 2000 South Ninth Street, Louisville 1, Ky.
Sears, Roebuck & Co., Department 609, Chicago 7, Ill.
Superior Sheet Metal Works Co., 3201-3-5-7-9 Roosevelt Avenue, Indianapolis 1, Ind.
United States Steel Products Co., Boyle Manufacturing Division, 5100 Santa Fe Avenue, Los Angeles 11, Calif.
J. E. Weatherford & Son Tool & Die Co., 115 North Fourth Street, Nashville, Tenn.

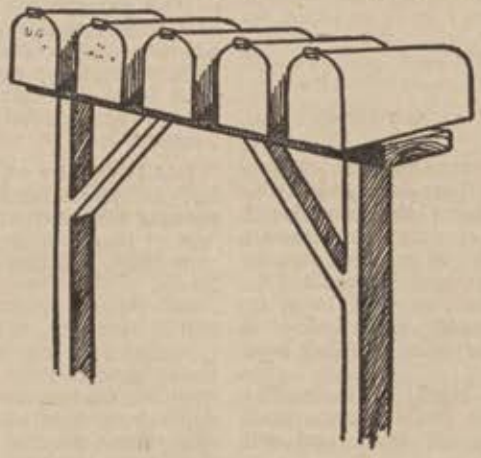
(b) *Painting and identification.* Rural mail boxes should be painted white, but aluminum paint is permissible. Posts or supports should also be painted white, but may be of the same color scheme as guard rails on main highways. The name of the owner of each box must be inscribed in neat letters not less than 1 inch high on the side of the box that is visible to the carrier as he regularly approaches, or on the door if boxes are grouped. Advertising on boxes or supports is prohibited. The letters should be of a dark contrasting color, such as black or red.

(c) *Posts and supports.* No special designs of posts or supports have been adopted. The use of supports intended to represent figures or mechanical objects is prohibited. Posts or other supports must be of neat design; may be of wood, metal, or concrete, of suitable strength and dimensions; and may be either round or square, plain or ornamental, with or without fixed or movable arm. A receptacle for newspapers, not restricted to any one paper, may be placed above the mail box if it will not obstruct the view of the flag or present a hazard to the carrier.

(d) *Location.* Rural boxes must be placed so that they may be conveniently served by carriers without leaving their conveyances, and must be located on the right-hand side of the road in the direction of travel of the carriers in all cases where traffic conditions are such that it would be dangerous for the carriers to drive to the left in order to reach the boxes, or where their doing so would constitute a violation of traffic laws and regulations. On new rural routes all boxes must be located on the right of the road in the direction of travel of the carrier. Boxes must be placed to conform with State laws and highway regulations. Patrons must remove obstructions, including snow, that make delivery difficult.



(e) *Grouping.* Boxes should be grouped wherever possible, especially at or near cross roads or at other places where a considerable number of boxes are located. A simple and practicable support consists of a board erected on firmly planted posts, with the shelf on which the boxes are placed about 3½ to 4 feet above the ground.



(f) *More than one family.* More than one family, but not more than five families, may use the same box, provided a written notice of agreement, signed by the heads of the families, or by the individuals who desire to join in the use of such box, is filed with the postmaster at the distributing office.

(g) *Locks.* The use of locks on boxes is not required. If patrons provide locks, the keys should be delivered only to the postmaster, who will assign them to the carrier. The carrier will unlock and lock the boxes when serving them. To facilitate the carrier's work, patrons should, as far as practicable, adopt locks for each route of such pattern that a master key may be provided the carrier for unlocking the boxes.

(h) *Unstamped newspapers.* Rural boxes are to be used for mail only, except that publishers of newspapers regularly mailed as second-class mail may, for Sundays and National holidays only, place copies of the Sunday or holiday issues in the rural and star-route boxes of subscribers, with the understanding that copies will be removed from the boxes before the next day on which mail deliveries are scheduled.

(i) *Boxes that do not conform to regulations.* Rural carriers will report to postmasters any boxes that do not conform to the regulations, and send to the owners of these boxes Form 4056 requesting that the irregularities or defects be remedied.

§ 46.6 *Postal maps*—(a) *Content of maps.* Every rural delivery route in the United States is shown on a road map on which the roads traveled by rural carriers are plainly indicated. The sites of post offices are shown, and houses, schools, and churches are located from the latest survey data available at the time the map was originally drawn.

(b) *Local maps.* Local maps show rural delivery routes starting from a particular post office.

(c) *Purchase of maps.* Rural delivery maps may be ordered from the Division of Postal Funds, Post Office Department, Washington 25, D. C. The price is 45 cents each. Maps are folded for mailing unless unfolded maps are specifically requested. Payment for postal maps must be made in advance by money order or certified check. Postage stamps are not acceptable.

(d) *Current status of maps.* No attempt is made to keep maps current on items other than postal data. Copies furnished are prints of the original maps that are revised from time to time as changes in the line of travel are authorized. It is not possible to keep all

originals up to date at all times, and no assurance can be given that any map purchased will show the latest changes in service.

PART 47—FORWARDING MAIL

Sec.
47.1 Order to change address.
47.2 Time limit of order.
47.3 Postage for forwarding.
47.4 Address changes of persons in U. S. service.
47.5 Forwarding due to change in post office service.
47.6 Reforwarding.
47.7 Guarantee to pay forwarding postage.

AUTHORITY: §§ 47.1 to 47.7 issued under R. S. 161, 396, sec. 1, 64 Stat. 210; 5 U. S. C. 22, 396, 39 U. S. C. 278a.

§ 47.1 *Order to change address*—(a) *Ordinary mail.* To have mail delivered to a new address, the file Form 22, Order to Change Address, which is available at any post office or from any carrier. A written and signed order or a telegram is acceptable. The order or telegram must be sent by you, your agent, or the person in whose care the mail will be accepted. The old and new addresses must always be furnished. Mail addressed to persons for whom an Order to Change Address is on file will be sent by the post office of original address to the new address.

(b) *Registered, insured, and c. o. d. mail.* Your Order to Change Address for ordinary mail will cover your registered, insured, and c. o. d. mail unless the sender has given other instructions or unless you have moved outside the United States The sender's instructions should be written or printed on the envelope or wrapper. Examples: "Do not forward; If not accepted within ____ days return to sender." Exceptions:

(1) C. o. d. mail will not be forwarded to the Canal Zone or to overseas military post offices.

(2) Domestic registered articles mailed outside the continental United States and addressed for delivery in the United States will not be forwarded to the Canal Zone if the stamps indicate the articles were valued at more than $100. Articles mailed in the Canal Zone addressed for delivery in the United States will not be forwarded to any place outside the continental United States if there is reason to believe the value exceeds $100.

(3) Insured and c. o. d. parcels that have the mailers' instructions to abandon or to sell perishable items, written or printed on the envelope or wrapper, will be treated according to the instructions. Examples:

Do not forward or return. If not accepted within ____ days, treat as abandoned. Notify mailer of final disposition. -

Do not forward or return. If undelivered after ____ days, sell contents to highest bidder and remit proceeds, less commission, to mailer.

Do not forward or return. If undeliverable after ____ days, destroy. Notify mailer of final disposition.

A commission of 10 percent, but not less than 15 cents, is retained by the Postal Service from the amount for which perishable items are sold.

(4) C. o. d. mail may have written or printed on it a request that it be forwarded to a new addressee. The name and address of the new addressee must be shown in a bordered space with instructions that the mail be delivered either with or without the collection of c. o. d. charges. The mailers' pledge to pay return and forwarding postage must be placed on the mail if it is not charged with first-class postage.

§ 47.2 *Time limit of order.* (a) An order without a time limit expires in 2 years.

(b) An unlimited order affecting general delivery mail at a carrier office expires in 30 days.

(c) To have mail forwarded for a limited time, state the beginning and expiration dates. If you return to your old address before the expiration date, cancel the order.

§ 47.3 *Postage for forwarding*—(a) *Change in local address.* Where a change is made to an address served by the same post office, mail of all classes will be delivered as directed and additional postage will not be required. (See § 25.2 (b) (4) of this chapter regarding local delivery.)

(b) *Change to another post office.* When mail is forwarded to another post office it is subject to additional postage as follows, to be computed the same as if the piece were originally mailed at the office from which it is forwarded.

(1) First-class mail: No charge is made for forwarding first-class mail, including postal and post cards, when postage has been fully prepaid by the sender. No additional charge is made for forwarding first-class mail that is not fully prepaid, but any amount shortpaid at the time of original mailing will be collected on delivery. (See § 21.4 (b) of this chapter.) Drop letters when forwarded are rated for collection of additional postage for the difference between the amount prepaid and the total postage computed at the first-class rate.

(2) Second-class mail, when forwarding postage is guaranteed by the sender or addressee, will be charged with postage due at the second-class transient rate computed on each individually addressed copy or package of unaddressed copies. (See § 22.1 (c) of this chapter.)

(3) Third-class mail is subject to collection of additional postage for forwarding at the single-piece rate. (See § 24.1 of this chapter.) Such matter is forwarded only if it is of obvious value or when the sender or addressee has guaranteed forwarding postage. Mail that does not have obvious value or does not bear a forwarding-postage guarantee will be disposed of as undeliverable mail. (See § 48.2 (c) of this chapter.)

(4) Fourth-class mail is subject to the collection of additional postage for forwarding at the applicable rate of postage. (See § 25.1 (a) through (c) of this chapter.)

(5) Airmail: No additional charge is made for forwarding airmail articles weighing 8 ounces or less. These articles are sent by air when air service to the new address is available. First-class mail of this weight may also be forwarded by air upon prepayment of the difference between the surface and air rates. Airmail weighing over 8 ounces is forwarded by air at the applicable air zone rate to be collected on delivery except when the article bears the sender's specific instructions to forward it by surface mail. When forwarded by surface mail, forwarding postage at the applicable rate according to class of mail is collected on delivery. (See § 26.1 of this chapter.)

(6) Registered, insured, and c. o. d. mail is forwarded without the payment of additional fees, but the ordinary forwarding postage charges, if any, must be paid.

§ 47.4 *Address changes of persons in U. S. service.* Mail of all classes addressed to persons in the United States service (civil and military) serving at any place where the United States mail service operates, whose change of address is caused by official orders, will be forwarded until it reaches the addressee and no additional postage will be charged. Mail so forwarded is endorsed by the forwarding office Change of Address Due to Official Orders. This provision for free forwarding from one post office to another applies to mail for the accompanying members of the families of persons in the United States service.

§ 47.5 *Forwarding due to change in post office service*—(a) *Addressed to a discontinued post office.* Mail of any class addressed to a discontinued post office may be forwarded to any other post office designated by the addressee without additional charge when the office to which such mail is ordered sent by the Department is not convenient for the addressee.

(b) *Forwarded due to change in rural delivery service.* Patrons of any office who, on account of the establishment of or a change in rural delivery service, receive their mail from the rural carrier of another office may have their mail sent to the latter office and delivered by rural carrier without a new prepayment of postage, provided they first file with the postmaster at the former office a written request to that effect.

§ 47.6 *Reforwarding.* The address (but not the name) may be changed and the mail reforwarded as many times as necessary to reach the addressee. Each time second-, third-, or fourth-class mail, and airmail weighing over 8 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

§ 47.7 *Guarantee to pay forwarding postage.* When either the sender or the addressee desires to have second-, third-, or fourth-class mail forwarded because the addressee has moved to another post office, forwarding postage must be guaranteed under one of the following conditions:

(a) The addressee may guarantee to pay forwarding postage on any or all of these classes by so indicating on his Order to Change Address. (See § 47.1.)

(b) The sender may guarantee payment of forwarding postage on third- or fourth-class mail by printing "Forwarding Postage Guaranteed" below his re-

turn address. On second-class mail the guarantee must be printed on the envelope or wrapper or on one of the outside covers of unwrapped copies and must be immediately preceded by the sender's name and address. Mail bearing this pledge is accepted with the understanding that the sender will pay both the forwarding and return postage if the mail is returned as undeliverable from the post office to which it is forwarded. Where an addressee has unqualifiedly refused to pay forwarding postage on other mail of the same class, the mail will not be forwarded even though it bears the sender's pledge guaranteeing forwarding postage.

PART 48—UNDELIVERABLE MAIL

Sec.
48.1 Description.
48.2 Treatment by classes.
48.3 Return address required.
48.4 Mail not to be returned.
48.5 Notice to sender on third- and fourth-class mail.
48.6 Directory service.
48.7 General delivery or transient mail.
48.8 Dead mail.

AUTHORITY: §§ 48.1 to 48.8 issued under R. S. 161, 396, sec. 1, 46 Stat. 269, sec. 2, 64 Stat. 210; 39 U. S. C. 261, 278b.

§ 48.1 *Description.* Mail that cannot be delivered because of incomplete or incorrect address, or the removal of the addressee, or is unclaimed or refused by the addressee, will be treated in accordance with this part at the office where the mail is found to be undeliverable.

§ 48.2 *Treatment by classes*—(a) *First-class mail.* First-class mail, except postal and post cards, is returned to the sender, if known, without additional charge. Only postal and post cards that bear the sender's guarantee to pay return postage are returned, and postage at the card rate is collected on delivery to the sender. Mail paid at the drop-letter rate is returned to the sender at the same post office without additional charge. If the sender is at another post office, additional postage for the difference between the amount prepaid and total postage computed at the first-class rate is collected on delivery. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned.

(b) *Second-class mail.* Undeliverable copies bearing a pledge to pay return postage will be returned to the sender, and return postage at the transient rate collected on delivery. Other undeliverable copies sent by a publisher or news agent will be treated as follows:

(1) *Change in local address.* Copies will be delivered to a new local address for 3 months without additional charge. Thereafter the postmaster will send to the publisher or news agent portions of the wrapper or cover containing the old address and notice of the new address on Form 3579 with postage due at 3 cents for each notice. Copies received after a notice is sent are treated as waste.

(2) *Other changes in address.* When the first copy of a second-class publication is undeliverable for any reason other than a change in local address (and does not bear a pledge to pay return postage), the postmaster will send to the publisher or news agent that portion of the wrapper carrying the old address, and a notice of the new address or other reason for nondelivery on Form 3579, charged with 3 cents postage due. Copies received after the notice is sent are treated as waste.

(c) *Controlled circulation publications.* Undeliverable copies bearing a pledge to pay return postage will be returned to the sender, and return postage at the single-piece third-class rate or fourth-class rate, whichever is applicable, will be collected on delivery. Other undeliverable copies mailed by a publisher will be treated as described in paragraph (b) of this section.

(d) *Third-class mail.* Undeliverable third-class mail of obvious value or bearing the sender's pledge to pay return postage will be returned to the sender, and postage at the single-piece rate will be collected on delivery. (See § 24.1 of this chapter.) Such mail having no obvious value, and without a pledge to pay return postage, will be treated as waste.

(e) *Fourth-class mail.* Undeliverable fourth-class mail will be returned to the sender, and postage at the fourth-class rate will be collected on delivery. (See § 25.1 of this chapter.)

(f) *Airmail.* Airmail weighing 8 ounces or less is returned by surface transportation at no additional charge. Airmail weighing more than 8 ounces is returned by surface transportation at the appropriate rate according to class of mail; except that, when the mail bears instructions of the sender to return by airmail, it is returned at the airmail rate to be collected on delivery to sender.

(g) *Registered, insured, and c. o. d.*—(1) *Registered and insured.* When registered and insured mail is undeliverable as addressed, a notice is sent to the mailer on Form 3858 showing the reason. By completing the form and returning it in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. The mail will be returned to the mailer if he does not tell the postmaster not to return it. The postage charge, if any, for returning the mail, but not registration or insurance fees, will be collected from the mailer. Exception: When registered mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent and the mail will be returned immediately to the mailer.

(2) *C. o. d.* Each post office that receives a c. o. d. article holds it 15 days, or any time less than 15 days that the mailer requests, after which the article is returned to the mailer. Exceptions: Mail not bearing special instructions from the mailer will be returned immediately, when:

(i) The addressee is not found.

(ii) The address does not exist.

(iii) The addressee is deceased and delivery cannot be made to anyone for him.

(3) *Special instructions on c. o. d. parcels.* A request to receive a notice that c. o. d. mail has not been delivered may be written or printed on a parcel by the mailer. The request may include directions to send the notice to the mailer or to his representative. When the mailer's representative is designated, the representative's name and local or nearby address must be shown in a bordered space with instructions, reading: "Do not deliver to mailer's designated representative without collecting c. o. d. charges, or deliver without collecting c. o. d. charges to mailer's designated representative."

(4) *Disposal.* Registered mail that cannot be delivered to the sender or addressee will be sent to a dead mail office. Insured and c. o. d. mail will be sent to a dead mail office and held for 6 months, during which time it may be called for, if it is:

(i) Undeliverable to both sender and addressee.

(ii) Refused by the sender upon its return. This cancels the insurance.

(h) *Perishable mail.* Undeliverable parcels containing perishable items that cannot be forwarded to the addressee or returned to the sender before spoiling, as well as parcels of day-old chicks, that cannot be delivered or returned within the 60-hour limit, if salable will be disposed of by the postmaster through competitive bidding. Sale by bid will not be made to the addressee. The postmaster will send the proceeds of the sale, less a commission of 10 percent (but not less than 15 cents), to the mailer, with an explanation of the action taken.

§ 48.3 *Return address required.* The return address of the sender must be shown on the address side of mail in order to secure its return. The following rules apply:

(a) The proper location is in the upper left corner on envelopes, cards, labels, tags, or wrappers. On second- or third-class mail, it is essential that the sender place "Return Postage Guaranteed" below the return address. Use of the pledge to pay return postage is also recommended for fourth-class mail.

(b) The sender may in his return address request that mail be held for not less than 3 days or more than 30 days. Examples:

Return in 5 days to
Frank B. White
2416 Front Street,
St. Louis 25, Mo.

Return in 30 days to
Frank B. White
2416 Front Street,
St. Louis 25, Mo.
Return Postage Guaranteed

§ 48.4 *Mail not to be returned.* (a) First-class mail, drop letters and airmail bearing no return address are treated as dead mail. (See § 48.8.)

(b) Third-class mail of no obvious value and bearing no pledge to pay return postage is disposed of as waste.

(c) Fourth-class mail of no value to the sender is disposed of at the post office that last attempts delivery to the addressee when mail bears the instructions of the sender printed in the lower left corner of the address space: "Treat as Abandoned."

§ 48.5 *Notice to sender on third- and fourth-class mail*—(a) *Mail to be*

marked. If the sender wants to be notified when third- or fourth-class mail is undeliverable as addressed, he must:

(1) Print in the lower left corner of the address side, "Form 3547 Requested."

(2) Show his return address in the upper left corner.

(3) Accept and pay the 3-cent fee for each card notice, or pay the return postage on mail sent back as undeliverable.

(b) *Conditions.* Mail bearing a request for Form 3547 will be treated as follows:

(1) When the change is to another local address, the notice on Form 3547 will show the original address (together with any key number used by the mailer) and the new address.

(2) When the change is to another post office and the piece is forwardable under the sender's or addressee's guarantee to pay forwarding postage, or when the mail is of obvious value, the notice on Form 3547 will show the same information as subparagraph (1) of this paragraph.

(3) When the change is to another post office but forwarding postage is not guaranteed, the mail itself is returned with a notation showing the new address, and is rated for collection of return postage due at the appropriate single-piece rate.

(4) When the mail is undeliverable as addressed and no new address is on file, the reason for nondelivery is noted on the mail, and it is returned rated for collection of return postage at the appropriate single piece rate.

§ 48.6 *Directory service.* Directory service is not generally available, but at carrier offices where a directory is available, directory service is given to registered, insured, c. o. d., special delivery, and special handling mail; to perishable matter and parcels of obvious value; and to international mail, except circulars. Incorrectly or incompletely addressed mail from overseas Armed Forces is given directory service and is not returned to the sender until every effort is made to deliver it.

§ 48.7 *General delivery or transient mail.* Before returning or sending to dead mail, mail bearing the words, "Transient," "To Be Called for," "General Delivery," or the like, and letters from out of town not specifically addressed, are placed in general delivery for the standard retention period (see § 48.8) to await claimant.

§ 48.8 *Dead mail*—(a) *At post office of addressee*—(1) *Treatment.* Mail undeliverable as addressed that cannot be forwarded or returned, mail unclaimed or refused by addressee, articles found loose or insufficiently identified in the mails, and overweight and oversize parcels, are sold, abandoned, or destroyed in accordance with law or the sender's instructions, or are sent to the dead-mail office. When insured or c. o. d. mail is destroyed by sender's request, Notice to Sender, Form 3861, is sent to the sender.

(2) *Retention periods.* Retention periods before disposal are as follows:

(i) First-class mail, 30 days.

(ii) Second-class mail, immediately after notice to sender. (See § 48.2 (b).)

(iii) Third- and fourth-class mail, not less than 30 days.

(iv) Articles found loose or unaddressed in the mails, and of obvious value, not less than 60 days.

(v) Money or uncanceled postage stamps, 30 days.

(vi) Mail of obvious value (including first-class mail not in the form of a letter addressed to a foreign country) mailed in violation of law or treaty, not less than 6 months.

(vii) Parcels on which claims are pending are held until claims are settled.

(3) *Disposal.* Dead mail is sent to the dead-mail office after the prescribed waiting period, except the following:

(i) Domestic ordinary, insured, or c. o. d. articles, and mail from other countries, bearing senders' instructions to abandon are disposed of immediately.

(ii) Insured and c. o. d. articles, bearing senders' instructions to destroy, are held for not more than 30 days and destroyed.

(iii) Packages containing medicine, perishable articles, liquids, or articles likely to injure other mail or to attract pests, are destroyed as soon as they are known to be undeliverable.

(iv) Letters from Canada or Mexico with return addresses are returned to the postmaster at the post office of origin.

(v) Mail addressed to a deceased person is delivered to the executor or administrator of the estate, or if there is no executor or administrator, to the widow or widower, or other claimants, except that U. S. Government pension mail is returned to the mailing Federal agency.

(vi) Unclaimed penalty or franked mail from a Member of Congress and unclaimed official reports and bulletins sent by State agricultural colleges and experiment stations are returned to the postmaster at office of origin if it is known. If office of origin is not known, mail is sent to the post office at Washington, D. C. Undeliverable mail bearing card of the White House, the Senate, or the House of Representatives, with or without postage stamps, is returned to the post office at Washington, D. C.

(vii) Santa Claus letters, with postage fully prepaid (or local unpaid or partly paid), with no identification of person for whom they are intended, are sent to institutions or persons who may request them to use for exclusively philanthropic purposes. If there is no voluntary request, they are sent to dead-mail office.

(b) *At dead-mail office.* (1) Treatment: At the dead-mail office, mail is examined, and opened when necessary, to find the name and address of the sender or addressee.

(2) Retention periods, if the sender or addressee cannot be identified are:

(i) Letters of domestic origin with enclosures of value, 1 year.

(ii) Other letters, none.

(iii) Letters containing merchandise, and third- and fourth-class mail containing valuables (including first-class mail not in the form of a letter addressed to another country), 60 days; if posted in violation of law or treaty, 6 months.

(3) Disposal: Dead mail that cannot be delivered to addressee or sender is destroyed or sold.

Subchapter F—Special Mail Services

PART 51—REGISTRY

Sec.

51.1 Why mail is registered.
51.2 Registration.
51.3 Declaration by sender.
51.4 Fees, surcharges, and return receipts.
51.5 Preparation for mailing.
51.6 Withdrawal or recall.
51.7 Delivery.

AUTHORITY: §§ 51.1 to 51.7 issued under R. S. 161, 396, 3926, as amended, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 381.

§ 51.1 *Why mail is registered.* You may obtain added protection for your valuable and important mail and evidence that it has been delivered by having it registered.

§ 51.2 *Registration*—(a) *What may be registered.* (1) First-class mail.

(2) Airmail not liable to damage from freezing.

(3) Second-class mail.

(4) Third-class mail.

(5) Fourth-class mail prepaid with postage at the first-class rate.

(6) Business reply cards and envelopes if you pay only the registration fee.

(b) *Where to mail.* You may obtain registration by presenting your mail to:

(1) *Post offices and their branches and stations.* Postmasters will accept mail of unusually high value only at the main office or the larger branches and stations.

(2) *Letter carriers.* At post offices where the acceptance of registered mail by carriers has been authorized by the postmaster, carriers will accept only letters anr small, light packages.

(3) *Rural carriers.* Mail and cash may be left in a rural box, and the change, if any, will be handed to the sender or placed in an envelope and left in the box on the carrier's next trip. No responsibility is assumed for articles or money until a receipt is issued.

(c) *Registration not available.* You may not obtain registration if:

(1) Articles are placed in street letter boxes or in mail drops in post offices, even though the articles bear sufficient stamps to cover all charges. The articles will be sent with the registered mail but a registration receipt will not be issued, nor will a delivery receipt be obtained from the addressee, and liability for the loss or rifling of or damage to such mail will not be accepted by the Postal Service.

(2) Articles are addressed to post offices to which they cannot be transported with safety.

§ 51.3 *Declaration by sender*—(a) *Value.* You must tell the postal clerk the full value of articles that you register even though you have commercial insurance on the articles. You may use the following guides as aids in determining the full value:

(1) Negotiable securities — Market value on date of mailing.

(2) Nonnegotiable securities (including certificates of stock), warehouse receipts, and valuable papers (checks, drafts, deeds, wills, abstracts, and similar documents)—No value.

(b) *Fragile mail.* You must tell the postal clerk whether your mail is fragile,

and describe how you have it packed if he requests you to do so.

§ 51.4 *Fees, surcharges, and return receipts*—(a) *Registry fees and surcharges (in addition to postage).*

Liability limit:	Fee
No indemnity	$0.30
$0.01 to $5	.40
$5.01 to $25	.55
$25.01 to $50	.65
$50.01 to $75	.75
$75.01 to $100	.85
$100.01 to $200	.95
$200.01 to $300	1.05
$300.01 to $400	1.15
$400.01 to $500	$1.25
$500.01 to $600	1.35
$600.01 to $700	1.45
$700.01 to $800	1.55
$800.01 to $900	1.65
$900.01 to $1,000	1.75

	Cents
Restricted delivery	20
Return receipts requested at time of mailing:	
Showing to whom and when delivered	7
Showing to whom, when, and address where delivered	31
Requested after mailing: Showing to whom and when delivered	15

SURCHARGES

To be paid when the declared value exceeds the maximum liability provided by the registry fees paid by $1,000 or more:

	Local and first zone	Second zone	Third zone	Fourth zone	Fifth and sixth zones	Seventh and eighth zones
From $1,000 to $1,000,000 (per $1,000 or fraction)	$0.12	$0.14	$0.16	$0.17	$0.18	$0.19
Following are total surcharges for values—						
Over $1,000,000 to $2,000,000	$170	$210	$260	$290	$320	$360
Over $2,000,000 to $3,000,000	225	285	355	410	460	525
Over $3,000,000 to $4,000,000	280	360	455	520	590	690
Over $4,000,000 to $5,000,000	330	430	545	635	725	850
Over $5,000,000 to $6,000,000	380	500	635	745	855	1,010
Over $6,000,000 to $7,000,000	425	565	725	855	985	1,160
Over $7,000,000 to $8,000,000	465	625	810	960	1,115	1,315
Over $8,000,000 to $9,000,000	500	685	895	1,065	1,235	1,465
Over $9,000,000 to $10,000,000	540	735	975	1,165	1,355	1,610
Over $10,000,000 to $11,000,000	570	790	1,055	1,265	1,475	1,750
Over $11,000,000 to $12,000,000	610	840	1,135	1,365	1,590	1,890
Over $12,000,000 to $13,000,000	645	885	1,205	1,460	1,710	2,025
Over $13,000,000 to $14,000,000	680	930	1,280	1,560	1,820	2,160
Over $14,000,000 to $15,000,000	710	970	1,350	1,650	1,930	2,290

When the declared value exceeds $15,000,000, additional charges may be applied, based on considerations of weight, space, and value of the shipments.

(b) *Matter not having intrinsic value.* Matter not having intrinsic value may be registered on payment of the minimum registration fee of 30 cents. You may pay a higher fee and declare a value to cover the cost of duplicating the article so that you may be reimbursed for the cost if the article is lost.

(c) *Matter having intrinsic value.* You must pay a registration fee of at least 40 cents. If the value of the article exceeds $25, a fee of at least 55 cents must be paid. You are not obliged to pay a registration fee of more than 55 cents for any matter registered, although you may pay any of the higher fees based on the value declared.

(d) *Return receipts.* You may obtain return receipts by paying fees, in addition to the registration fee and postage, under the following conditions:

(1) At the time of mailing by informing the postal clerk or by writing on the mail Return Receipt Requested or Return Receipt Requested Showing Address Where Delivered.

(2) After mailing by request and showing registration receipt at the post office where the registered article was mailed. The return receipt will not show the address where delivery was made.

(3) Return by air: You may obtain a return receipt by airmail if postage stamps to cover the postal card airmail rate are fixed to the return receipt and it is endorsed Return by Air Mail.

(e) *Restricted delivery.* You may at the time of mailing direct that the registered article be delivered only to the addressee or to some one named by him in writing. An additional fee is required. The mail will be endorsed Deliver to Addressee Only or Deliver to Addressee or Order. After mailing and before delivery, you may direct such action by written order through the mailing postmaster.

(f) *Refunds.* Registration fees will not be refunded after the mail is accepted. Return receipt or restricted delivery fees will be refunded only when the failure to furnish a return receipt or to give restricted delivery was the fault of the Postal Service. Receipts for fees must be submitted with requests for refunds.

(g) *Free registration of mail.* (1) All mail relating to the census and addressed to the Census Office, or to any official thereof, that is endorsed "Official Business, Census Office," may be sent by registered mail without payment of a registration fee.

(2) All mail relating to naturalization, including duplicate papers required to be sent to the Immigration and Naturalization Service by clerks of State or Federal courts addressed to the Department of Justice or to the Immigration and Naturalization Service, may be sent by registered mail without payment of a registration fee, if endorsed "Official Business."

(3) Correspondence may be transmitted by registered mail between members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States without payment of the registration fee. Payment will not be made for loss of such mail. The same privilege applies to consuls of such countries stationed in the United States, and vice consuls discharging the functions of such consuls.

(4) Currency sent to the Treasurer of the United States, Washington, D. C., for redemption, contained in letters or parcels with postage prepaid by the sender, and redeemed currency mailed to the Treasurer of the United States, may be transmitted by registered mail without payment of registration fee, under the following conditions:

(i) The contents must be exhibited to the postmaster and a list furnished giving a detailed description of the money. For currency, the serial number, series date, and denomination must be given. Coin need be described only by number and denomination of pieces.

(ii) After the contents have been compared with the list and found correct, the letter or parcel must be sealed in the presence of the postmaster.

(iii) The list must be left with the postmaster.

(iv) No liability is assumed by the Postal Service. If liability coverage is desired the regular registration fees must be paid for liability.

(5) Official matter of executive departments or independent Government institutions located in Washington, D. C., or of the Public Printer may be registered free. Government officers officially stationed at Washington, D. C., whose official mail is registered free from there, have the same privilege elsewhere when temporarily away from Washington if the mail is endorsed "Temporarily Absent from Washington, D. C." This privilege does not apply to officers not officially stationed at Washington or those in the field service of their departments.

(6) Letters or parcels relating exclusively to the business of the United States Civil Service Commission, Washington, D. C., and addressed to the Commission by members of local boards of examiners outside Washington, are registered free.

§ 51.5 *Preparation for mailing*—(a) *Letter mail.* Enclose letter mail in an envelope and seal it securely. Envelopes that appear to have been opened and resealed will not be registered. Do not place paper strips or wax or paper seals over the intersections of the flaps where the postmark impressions are made. Place the complete name and address of sender and addressee on the envelope.

(b) *Parcels.* Wrap and seal with mucilage or glue, or with plain paper strips. Parcels that appear to have been opened and resealed will not be registered. Parcels containing currency or securities may not be sealed exclusively by the use of paper strips, but must first be sealed securely with mucilage or glue. Place the complete name and address of sender and addressee on the parcel. Parcels mailed at the third-class postage rates may not be sealed.

(c) *Window envelopes.* Envelopes must have panels covering the opening. If transparent panels are glued to the envelopes, they may contain only mat-

ter without intrinsic value. If the panel is part of the envelope, the envelope may be used for all registered mail.

(d) *Firm registration books.* If you regularly mail three or more articles at one time, you should obtain free from your postmaster and use firm registration books, Form 3877.

§ 51.6 *Withdrawal or recall.* You may withdraw or recall registered mail without charge before its delivery under the following conditions:

(a) Before dispatch by writing on your receipt "Withdrawn before dispatch," and signing and surrendering the receipt.

(b) After dispatch by filing at the post office where the article was mailed a written request for its return, giving names and addresses of sender and addressee, the registry number, and date of mailing. Costs of telegrams must be paid by you.

§ 51.7 *Delivery*—(a) *Procedure.* The responsibility of the Postal Service for registered mail ends with its proper delivery. Mail for delivery by carriers is taken on the first trip after it is received unless the addressee has requested the postmaster to hold his mail at the post office. You may obtain the name and address of the sender, and you may look at registered mail while it is held by the postal employee, before accepting delivery and signing the delivery receipt. Identification will be required if the applicant for registered mail is unknown. The mail will not be given to the addressee until the delivery receipt is obtained by the postal employee.

(b) *Recipient.* Delivery will be made in accordance with Part 44 of this chapter, except that registered mail addressed to residents of a hotel or apartment house will be delivered only to persons designated by the management of a hotel or apartment house in an agreement with the Postal Service.

(c) *When not delivered.* The addressee may be required to call at the post office for registered mail if its delivery by a carrier would not be safe.

(d) *Notice of arrival.* The carrier will leave you a notice if you are not at home to accept registered mail.

(e) *Rural delivery.* Rural carriers will deliver registered mail to your residence if it is not more than ½ mile from the route and if there is a passable road leading to it. Otherwise, the carrier will leave a notice in your box so that you may either meet him at the box on his next trip or call at the post office for the mail.

(f) *Star-route delivery.* Star-route carriers may deliver registered mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. The carrier is then considered the representative of the addressee, and the responsibility of the Postal Service ends at the time of delivery to the carrier.

(g) *Restricted delivery.* Registered mail marked "Deliver to addressee only" will be delivered only to the person addressed. The fee for this service must be paid at the time of mailing. If the restriction is to the addressee or order, delivery will be made to the addressee or to a person designated in writing by the addressee to receive the mail. Restricted delivery to the addressee only will not be made when the registered mail is addressed to officials of executive agencies, or members of the legislative, and judicial branches of the Government of the United States, or of the States and Territories, or to members of the diplomatic corps. When a registered article is addressed jointly to two or more persons and delivery has been restricted, the addressees will be notified to be present to accept delivery together, and the receipt obtained must be signed by all the addressees. The registered article may be delivered to any one of the addressees, unless the others object, in which case delivery will not be made until all of them sign a written statement designating the one to receive delivery.

(h) *Bad condition.* If you accept a registered article that has been repaired with sealing stamps or reenclosed in a new envelope or wrapper, you must open it in the presence of the delivering employee. If anything is missing, the envelope or wrapper must be given to the employee after it has been endorsed to show what was missing.

PART 52—INSURANCE

Sec.
52.1 Description.
52.2 Fees.
52.3 Mailing.
52.4 Special services.
52.5 Delivery.

AUTHORITY: §§ 52.1 to 52.5 issued under R. S. 161, 396, sec. 1, 41 Stat. 581, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 382.

§ 52.1 *Description*—(a) *Purpose.* You may obtain payment for loss of, rifling of, or damage to domestic mail by having it insured.

(b) *Classes of mail to which applicable.* You may insure only third- and fourth-class mail. The mail must bear the complete names and addresses of sender and addressee. The following are not acceptable for insurance:

(1) Parcels marked "Insured" but not insured by the Postal Service.

(2) Parcels containing matter offered for sale, addressed to prospective purchasers who have not ordered or authorized their sending. If such matter is received in the mails payment will not be made for loss, rifling or damage.

(3) Nonmailable matter.

(4) Articles that are so fragile as to prevent their safe carriage in the mails regardless of packaging.

§ 52.2 *Fees*—(a) *Fees (in addition to postage).*

Liability:	Fee
$0.01 to $5	$0.05
$5.01 to $10	.10
$10.01 to $25	.15
$25.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.35

Liability for insured mail is limited to $200.

(b) *Restricted delivery.*

(Not available for mail insured for $10 or less)	$0.20

(c) *Return receipts.*

(Not available for mail insured for $10 or less):

(1) Requested at time of mailing:

Showing to whom and when delivered	$0.07
Showing to whom, when, and address where delivered	.31

(2) Requested after mailing:

Showing to whom and when delivered	.15

§ 52.3 *Mailing*—(a) *Payment of fees and postage.* Insurance fees must be paid in addition to the regular postage. The mailer guarantees to pay return and forwarding postage unless he writes special instructions on the wrapper or envelope.

(b) *Where to mail.* You must mail parcels that you insure at a post office, branch, or station, or give them to a rural carrier. They must not be deposited in mail drops at post offices, nor in or on street mailboxes. They must not be left on, but may be placed in, rural mailboxes.

(c) *Individual receipts for mailing.* You are issued a receipt for each insured parcel mailed. You must enter the name and address of the addressee on the receipt and retain it. You must submit the receipt if you file an application for payment of insurance or if you file an inquiry concerning the parcel.

(d) *Firm mailing books.* Mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be insured. The sheets of these books become the senders' receipts and the post office records. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) Parcels on which 5- and 10-cent fees are paid are not numbered and should be listed on separate sheets or grouped together. Prepare only one copy.

(2) For parcels on which more than the 10-cent fee is paid, the postmaster will assign a series of numbers. The mailer must number the articles and the items in the book to correspond. Entries must be made in duplicate with carbon paper.

(e) *Temporary receipts.* A temporary receipt showing only the total number of parcels accepted may be issued when a large number of articles are mailed. The permanent receipt will be issued as soon as possible.

(f) *Mailing on rural routes.* You may give the mail to the rural carriers; or you may leave the mail in rural mailboxes, provided stamps are fixed for postage and fee, or money for postage and fee is left in the box. The sender must leave a note stating the amount of insurance desired. The Postal Service assumes no responsibility for articles or money left in rural mailboxes until the articles are receipted for.

§ 52.4 *Special services*—(a) *Restricted delivery service.* You may at the time of mailing direct that a parcel insured for over $10 be delivered only to

the addressee or to someone named by him in writing. The mail will be endorsed: "Deliver to Addressee Only or Deliver to Addressee or Order."

(b) *Return receipt.* You may request a return receipt for a parcel insured for more than $10. Request at the time of mailing may be made either to the postal employee or by endorsement on the mail reading "Return Receipt Requested," or "Return Receipt Requested Showing Address Where Delivered." Request after mailing must be made at the post office where the insured parcel was mailed. The insurance receipt must be shown and the prescribed additional fee for this service paid. When the request is made after mailing, the return receipt will not show the address where delivery was made.

§ 52.5 *Delivery*—(a) *At letter carrier offices.* (1) Insured mail is held for the period specified in the sender's return card, but not in excess of 15 consecutive days. If no return period is specified, the mail is held for 15 days. The retention period of 15 days applies also to offices to which the mail may be forwarded.

(2) Insured parcels will be delivered to your home once, or if you receive your mail in a post office box or through general delivery, you will be furnished a notice of the arrival of the parcel. If the parcel is undeliverable after five days, a second notice will be sent you. If you do not accept the parcel when it is delivered to you, it will be returned to the post office and held for the length of time directed by the sender, but never more than 15 days. You may go to the post office and obtain the parcel or you may request that it be delivered to your home again. The mailer may also request that it be delivered again.

(3) A request that a second attempt be made by a carrier to deliver an insured parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be delivered a second time only if the addressee gives assurance that it will be accepted; and no extra postage will be charged. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

(4) When delivery of an insured parcel has been attempted twice by carrier, postage at the local rate must be paid for each additional attempt.

(b) *At offices not having carrier delivery service.* The addressee is notified when an insured parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box.

(c) *On star routes affording delivery service.* (1) Parcels insured for not over $10 will be delivered by the carrier without a written order of the addressee.

(2) Parcels insured for more than $10 are not delivered by star route carrier unless the addressee so requests in a written order filed with the postmaster. When such order is given, the carrier is regarded as the representative of the addressee and the responsibility of the Postal Service ends when delivery has been made to the carrier.

(d) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from insured mail while it is in the possession of the postal employee. Examination of the contents may be made only after delivery has been made.

(e) *Type of delivery service.* Receipts are not obtained for the delivery of parcels insured for $10 or less. Parcels insured for over $10 are delivered in accordance with the regulations for the delivery of registered mail (see § 51.7 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Delivery receipts are obtained by the delivering carrier.

PART 53—C. O. D.

Sec.
53.1 Description.
53.2 Fees (in addition to postage).
53.3 Mailing.
53.4 Special services.
53.5 Delivery.
53.6 Registered c. o. d. mail.

AUTHORITY: §§ 53.1 to 53.6 issued under R. S. 161, 396, sec. 1, 41 Stat. 581, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 382.

§ 53.1 *Description*—(a) *Purpose.* You may mail an article for which you have not been paid and have the price and the cost of the postage collected from the addressee when the article is delivered. This is collect-on-delivery service, which is usually called c. o. d. service. The amount collected is returned to you by a postal money order. The fees for c. o. d. service include insurance against loss, rifling, or damage to the article and failure to receive the amount collected from the addressee. You may also register articles which you mail c. o. d.

(b) *Classes of mail to which applicable.* Third- and fourth-class mail and sealed mail of any class (registered or unregistered) bearing postage at the first-class rate, may be sent c. o. d. The mail must bear the complete names and addresses of sender and addressee. The largest amount that will be collected from the addressee is $200. The amount of the c. o. d. collection ordinarily governs the c. o. d. fee, but the sender may pay a larger c. o. d. fee to obtain additional liability coverage above the amount of the collection for value up to 200; but he may not pay a fee less than prescribed for the c. o. d. collection. The c. o. d. service cannot be used for:

(1) Sending articles to addressees who have not ordered them or agreed to accept them.

(2) Collection agency purposes.

(3) Return of merchandise about which some dissatisfaction has arisen, unless the new addressee has consented in advance to such return.

(4) Sending only bills or statements of indebtedness, even though the sender may establish that the addressee has agreed to the collection in this manner. However, when a legitimate c. o. d. shipment consisting of merchandise, bill of lading, etc., is being mailed, the balance due on a past or anticipated transaction may be included in the charges on a c. o. d. article, provided the addressee has consented in advance to such action.

(5) Parcels containing moving-picture films mailed by exhibitors to moving picture manufacturers, distributors, or exchanges. Such parcels may be sent as insured mail, or, if sealed, by first-class registered mail.

(c) *Restrictions on military c. o. d. service.* C. o. d service to overseas military intallations is restricted to official shipments and shipments to Armed Forces agencies. Such mail addressed to Navy, Marine Corps, and Coast Guard is limited to such personnel stationed at land establishments or receiving ships permanently located at particular points in the continental United States.

§ 53.2 *Fees (in addition to postage).*

Liability (and c. o. d. collection to $200)	C. o. d. fees	
	Registered (see §53.6)	Unregistered
$0.01 to $5	$0.80	$0.30
$5.01 to $10	.80	.40
$10.01 to $25	1.10	.60
$25.01 to $50	1.10	.70
$50.01 to $100	1.20	.80
$100.01 to $150	1.40	.90
$150.01 to $200	1.40	1.00
$200.01 to $300	1.50	(Liability for unregistered c. o. d. mail is limited to $200; for registered c. o. d. $1,000, same as for other registered mail. Collection for c. o. d. mail, unregistered or registered, is limited to $200.
$300.01 to $400	1.60	
$400.01 to $500	1.70	
$500.01 to $600	1.80	
$600.01 to $700	1.90	
$700.01 to $800	2.00	
$800.01 to $1,000	2.10	
Restricted delivery	.20	$0.20
Notice of nondelivery	.05	.05
Alteration of charges or delivery	.10	.10

§ 53.3 *Mailing*—(a) *Payment of fees and postage.* Fees and postage must be prepaid. The sender guarantees to pay any return and forwarding postage unless otherwise specified on the parcel.

(b) *Where to mail.* You must mail c. o. d. parcels at a post office, branch, or station or give them to a rural carrier. They may not be placed in mail drops at post offices, nor in or on street mail boxes. They may not be left on, but may be placed in, rural mailboxes. (See also paragraph (h) of this section regarding mailing c. o. d. matter on rural routes.)

(c) *Individual receipts for mailing.* You are issued a receipt for each c. o. d. parcel mailed.

(d) *Firm mailing books, c. o. d. tags, and addressed labels.* Firm mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be sent c. o. d. The sheets of these books become the senders' receipts and the post office records. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) The postmaster will assign a series of numbers. The mailer must number the articles and the items to correspond. Entries must be made in duplicate with carbon paper.

(2) A c. o. d. tag must be securely fixed by the sender to each c. o. d. article showing post office and date of mailing, article number, names and addresses of sender and addressee, amount due sender, and amount of money order fee necessary to make remittance. The necessary particulars must be filled in by sender. Stock tags are furnished by the post office without charge. There are three types of tags eyeletted for tying to parcels, and one uneyeletted type for attaching by gummed tape. Specially printed c. o. d. tags approved by the Postal Service are also used. The eyeletted tag, Form 3816, composed of delivery office portion, delivering employee's coupon, mailing office record and sender's receipt, is intended for use by patrons mailing less than three articles at one time.

(3) The particulars required on the tag must be filled in by the sender with ink, indelible pencil (not ordinary lead pencil), or typewriter. The Postal Service is not responsible for errors by senders in stating charges to be collected.

(4) When the c. o. d. remittance is to be sent to someone other than the actual mailer, the name and address of the person to whom the money is to be sent must appear in the proper spaces on the address side of the c. o. d. tag. The name and address of the actual mailer must be placed on the back of the delivery office portion of the tag. The name and address of the person to whom the money is to be paid must be shown as sender on the c. o. d. parcel itself, together with directions as to return, if undeliverable.

(e) *Nursery stock shipments.* Firms mailing nursery stock may print special c. o. d. tags bearing instructions as to disposition of shipments that are not immediately delivered. These tags must contain a coupon that will be returned with the money order. The following rules apply:

(1) If the sender does not desire to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery-office portion of the c. o. d. tag (i), and on the sender's coupon (ii), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 15 days, destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, or is destroyed after 15 days, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.

☐ Destroyed after 15 days.

(2) If sender desires to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery office portion of the c. o. d. tag (i), and on the sender's coupon (ii), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered and if no reply is received in 15 days, sell to highest bidder and remit proceeds less commission. If sale cannot be made destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, is destroyed after 15 days, or is sold, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.

☐ Destroyed after 15 days.

☐ Sold for $_____. Remittance, less commission, herewith.

(f) *Multiple mailing forms.* Specially designed and privately printed multiple mailing forms are found by many mailers to be advantageous. They provide in one operation, by carbon or spot carbon process, address labels, firm mailing and post office records, and c. o. d. tags or labels to be stuck on stock c. o. d. tags. Specially designed recapitulation sheets are used for receipting purposes. Mailers desiring to use multiple forms should consult printers specializing in business forms, and submit specimen proofs to their local postmasters before printing.

(g) *Temporary receipt.* When, at the discretion of the postmaster, the number of articles presented for c. o. d. at one time warrants, a temporary receipt showing only the total number of parcels accepted may be issued. The permanent receipt will be issued as soon as possible.

(h) *Mailing on rural routes.* You may present mail to rural carriers for c. o. d. service. For c. o. d. mail the sender must fill in a c. o. d. tag with ink, indelible pencil (not ordinary lead pencil), or typewriter. You may leave mail in rural mail boxes for c. o. d. service provided sufficient stamps are fixed for postage and fee, or money for postage and fee is left in the box. If indemnity coverage for more than the c. o. d. charges is desired, a note should be left so stating. The Postal Service assumes no responsibility for articles or money left in rural mail boxes until the articles are receipted for.

§ 53.4 *Special services*—(a) *Restricted delivery service.* You may, at the time of mailing, direct that a c. o. d. parcel be delivered only to the addressee or to someone named by him in writing. The mail will be endorsed "Deliver to Addressee Only" or "Deliver to Addressee or Order."

(b) *Alteration or cancellation of c. o. d. charges or delivery.* Alteration or cancellation of c. o. d. charges or delivery to another address may be directed by the sender upon payment of the prescribed additional fee. The request must be made at office of mailing. Such change may be directed by telegram, the telegram being authorized and paid for by the sender but sent in the name of the postmaster.

§ 53.5 *Delivery*—(a) *At letter carrier offices.* (1) A c. o. d. parcel will be delivered to your home once, or if you receive your mail in a post office box or through general delivery, you will be furnished a notice of the arrival of the parcel. If the parcel is undeliverable after five days, a second notice will be sent you. If you do not accept the parcel when it is delivered to you, it will be returned to the post office and held for the length of time directed by the sender, but never more than 15 days. You may go to the post office and obtain the parcel or you may request that it be delivered to your home again. The mailer may also request that it be delivered again.

(2) A request that a second attempt be made by a carrier to deliver a c. o. d. parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be delivered a second time only if the addressee gives assurance that it will be accepted; and no extra postage will be charged. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

(3) When delivery of a c. o. d. parcel has been attempted twice by carrier, postage at the local rate must be paid for each additional attempt.

(4) No local rate of postage is charged for renewed attempts to deliver c. o. d. mail prepaid at the letter rate of postage.

(b) *At offices not having carrier delivery service.* You will be notified when a c. o. d. parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box.

(c) *On star routes affording delivery service.* Your c. o. d. mail will not be delivered by star route carrier unless you so request in a written order filed with the postmaster. When the order is given, the carrier is regarded as your representative and the responsibility of the Postal Service ends when delivery has been made to the carrier. Delivery of c. o. d. mail is not made to a star route carrier until the c. o. d. charges are paid.

(d) *Type of delivery service.* C. o. d. parcels are delivered in accordance with the regulations for delivery of registered mail (see § 51.7 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Delivery receipts are obtained by the delivering carrier.

(e) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from c. o. d. mail while it is in the possession of the postal employee. Examination of the contents may be made only after the c. o. d. charges have been paid and delivery has been made.

§ 53.6 *Registered c. o. d. mail.* Sealed domestic mail of any class bearing postage at the first-class rate may be sent as registered c. o. d. mail. Such mail is handled the same as other registered mail. The maximum amount of charges collectible on a parcel is $200, but additional indemnity may be obtained over $200 up to the regular registry limit of $1,000 by payment of a higher fee. Registered c. o. d. mail is subject to surcharges applicable to other registered mail, except that the basis of the surcharge is the amount by which the declared actual value of the article exceeds

the limit of liability covered by the fee paid.

PART 54—PAYMENT FOR LOSSES

Sec.
54.1 Payments permitted.
54.2 Payments refused.
54.3 Requests for payment of postal insurance.
54.4 Information required.
54.5 Recovery.

AUTHORITY: §§ 54.1 to 54.5 issued under R. S. 161, 396, 3928 as amended, sec. 1, 41 Stat. 581; 5 U. S. C. 22, 369, 39 U. S. C. 381, 382.

§ 54.1 *Payments permitted.* The amount paid for registered, insured, and c. o. d. losses will not exceed the maximum amount of liability prescribed in §§ 51.4, 52.2, and 53.2 of this chapter, for the fee paid. The following rules apply to payments by the Postal Service:

(a) When an article is lost or damaged so that it cannot be repaired, the market value of the article at the time of loss, or its value on the date of mailing if the date of loss cannot be ascertained, is paid.

(b) In case of partial damage, the amount of the damage, or the actual and necessary cost of repairs, is paid.

(c) Actual, direct, and necessary expenses of duplicating valuable papers, or original cost when not duplicated, is paid. Attorneys' fees incurred in the duplication of valuable papers, bonds, or securities will not be paid.

(d) Payment is made for remittances not received for delivered c. o. d. articles.

(e) Claims involving mail that is also insured with commercial insurance companies or other insuring agencies, will be adjusted by the Post Office Department on a pro rata basis as a coinsurer with the commercial insurance companies or other insuring agencies.

(f) When the sender is incompetent or deceased and has no legal representative or cannot be located, the Department reserves the right to pay such relative or representative of the sender as may in its judgment be entitled to receive the amount due. The Department also reserves the right to pay the addressee or the owner of the matter mailed, when payment is claimed by him under these circumstances, without the consent of the sender.

(g) The postage (not the fee) paid on any article lost or totally damaged will be refunded.

(h) The total amount to be paid to the claimant (insurance plus postage) will be included in one check, covering also any unearned special delivery or special handling charges.

(i) The limit of liability for registered articles mailed to the Canal Zone from Alaska, Hawaii, and all island possessions of the United States is $100.

(j) In all claims involving insured mail, and those involving c. o. d. mail which was delivered to the addressee, the Federal or State sales tax on merchandise lost or irreparably damaged may be allowed, when claimed, within the limit prescribed for the fee paid.

(k) If no agreement is reached in the case of a conflicting claim, payment will be made to such person as may legally be entitled to receive it.

§ 54.2 *Payments refused.* Payments will not be made:

(a) For the loss, rifling, or damage to, any matter that was not rightfully in the mails, or in the registered, insured, or c. o. d. mails, or was not lost, rifled, or damaged while in the custody of the Postal Service, or for which other compensation or reimbursement has been made through the Postal Service.

(b) When the sender knowingly and willfully failed to state, at the time of mailing, the full value of registered or insured mail treated as registered mail, except that the Department may pay such an amount as is considered equitable in the light of the evidence.

(c) For the loss or rifling of, or damage to, any article remailed after proper delivery, unless the article was reregistered or reinsured after delivery, and evidence is established that the loss, rifling, or damage occurred in the Postal Service.

(d) For indirect, remote, and unnecessary expenses incident to repairs, or duplication of papers.

(e) For the loss or rifling of, or damage to, any article without intrinsic value.

(f) For loss resulting from delay to a registered article.

(g) For the loss or rifling of, or damage to, an article before acceptance or after proper delivery.

(h) For loss of or damage to any registered mail or insured mail treated as registered mail on which postage, fee, or any required surcharge has not been paid.

(i) For damage to incandescent lamps, radio tubes, and the like, where the glass bulbs are intact (not damaged or broken), unless it is established that the damage was due to improper handling in the mails.

(j) For damage to articles not marked as required by § 15.5 of this chapter.

(k) If the receipt issued at the time of mailing of an insured parcel, or the wrapper of the article bearing names and addresses of sender and addressee and the endorsement that the mail was insured, is not submitted.

(l) For consequential loss resulting from nondelivery, wrong delivery, damage, or delay in dispatch, transmission, or delivery of any article as distinguished from the actual value of, or the cost of repairs to, the article itself.

(m) For death of baby poultry, honeybees, and harmless live animals, unless their death is the fault of the Postal Service.

(n) For abrasion, scarring, or scraping of suitcases, handbags, and the like, when they were not packaged.

(o) For the spoiling or deterioration of perishable matter because of delays beyond the control of the Postal Service.

p. For the freezing, melting, spoiling, or deterioration of matter directly due to the temperature (natural or artificial) to which such matter may have been subjected while in the custody of the Postal Service, except that payment will be made where such damage was directly due to the fault of the Postal Service.

(q) For spoiling of perishable matter when the parcel could not possibly have reached the addressee in good condition in the ordinary course of the mails.

(r) For the loss of or injury to any matter mailed in the execution of any fraudulent scheme or enterprise.

(s) For damage to fragile type phonograph records.

(t) For the amount of an agent's commission, as distinguished from the amount of deposit by the addressee on the contents of a c. o. d. parcel, included as a part of the charges thereon, usually involved in shipments by mail order companies.

(u) If claim is not made within 1 year from the date of mailing of the article, unless it is established to the satisfaction of the Department that the delay in filing the claim was unavoidable and not the fault of the claimant.

(v) For incidental first- or second-class matter enclosed in insured parcels sent by airmail.

§ 54.3 *Requests for payment of postal insurance*—(a) *Request forms.* You must use Form 565 to request payment for registered mail losses, and Form 3812 to request payment for insured and c. o. d. mail losses. Copies of these forms may be obtained from your local postmaster.

(b) *Where to file requests.* You may file Forms 565 and 3812 at any post office. They do not have to be filed at the office where the articles were mailed or the offices to which they were addressed.

(c) *Who may file requests.* Forms 565 and 3812 may be filed by the person or firm who mailed the article or by the person or firm to whom the article was mailed.

(d) *Waiting period before filing claim.* A reasonable time must have elapsed for the article to have been received by the addressee, taking into account that the mail may be held at the post office of address if undelivered for varying periods before return. These retention periods are governed by the sender's instructions on the article mailed. If no retention period was stated on the mail, the following periods, plus transportation time, must be observed before claim is filed:

(1) Registered mail: 10 days.
(2) Insured mail: 15 days.
(3) C. o. d. mail: 15 days.

(e) *Time limit for filing claim.* All claims must be filed within 1 year from the date of mailing of registered, insured, or c. o. d. articles.

§ 54.4 *Information required.* Evidence that the mail was registered, insured, or sent c. o. d. must be submitted with Forms 3812 and 565. This evidence is either:

(a) The receipt issued at the time of mailing, or

(b) The wrapper or envelope of the article bearing names and addresses of sender and addressee and the endorsement that the mail was sent registered, insured, or c. o. d.

§ 54.5 *Recovery.* When a lost registered, insured, or c. o. d. article is recovered, you may accept the article and re-

imburse the United States for the full amount paid if the article is undamaged, or such pro rata amount as may be determined equitable by the Post Office Department if the article is damaged or has depreciated in value, or if the contents are not intact.

PART 55—CERTIFICATES OF MAILING

Sec.
55.1 Purpose.
55.2 Fees.
55.3 Forms.
55.4 Additional certificates after mailing.
55.5 Payment and certification.

AUTHORITY: §§ 55.1 to 55.5 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 55.1 *Purpose.* Certificates of mailing furnish evidence of mailing only. A receipt is not obtained upon delivery of the mail to the addressee. The fee paid for certificates of mailing does not insure the article against loss or damage.

§ 55.2 *Fees*—(a) *Ordinary mail of any class.*

Original certificate: 3 cents for each piece of mail described.
Additional certificates (or copies): 1 cent for each piece of mail described.

(b) *Identical pieces of first- and third-class mail.*

Certificate covering:	Cents
1–200 pieces	10
201–1,000 pieces	15
Each additional 1,000 pieces, or fraction	3

When the time required by postal employees to make the count and issue the certificate is longer than 30 minutes, the fee charged will be based on the time consumed at an hourly rate of $1.62. The fee for additional (duplicate) certificates is 5¢ each.

(c) *Registered, insured, and c. o. d. mail.* No charge other than the prescribed registration, insurance, or c. o. d. fee is made for the original certificate. Each additional certificate will cost 1¢ for each piece of mail described.

§ 55.3 *Forms*—(a) *Who prepares.* (1) Certificates of mailing are prepared by the mailer, except mailers on rural routes. Individual and firm mailing book certificates must show the name and address of both the sender and the addressee, and may show the amount of postage paid. Identifying invoice or order numbers also may be placed on the certificate.

(2) Patrons of rural routes may deliver mail to the rural carrier together with the fee for the certificate. The carrier will obtain the certificate at the post office, attach the stamps, cancel them by postmark, and deliver the certificate to the sender on his next trip.

(b) *Individual certificates.* Form 3817 is used for an individual certificate for ordinary mail of any class.

(c) *Firm mailing books.* Firm mailing books Forms 3877 or 3877–A or forms printed at the mailer's expense may be used for certificates for three or more pieces of mail of any class presented at one time. Individual certificates may be obtained.

(d) *Bulk mailings.* Certificates for mailings of identical pieces of first- and third-class advertising matter are made on Form 3606. This is a certification that a specified number of pieces has been mailed.

(e) *Quantity mailings.* When the number of articles ordinarily presented justifies such action, mailers will be required to comply with the following:

(1) When individual certificates on Form 3817 are desired, the forms must either be fixed by the stub to the articles or the forms must be consecutively numbered and fastened together. If the certificates are numbered, the articles also should be lightly numbered at a uniform place to permit relating the parcels and certificates.

(2) When the articles are descriptively listed on firm mailing sheets or on special approved forms, they should, if practicable, be presented in the order in which they are entered on the sheets; otherwise, each entry must be consecutively numbered by the mailer, and the articles must be lightly numbered to show the sheet and line number on which they are described.

§ 55.4 *Additional certificates after mailing.* To obtain an additional certificate after mailing domestic ordinary mail, the sender must present the original certificate issued together with the additional certificate to be issued, the latter being endorsed "duplicate" or "copy." The additional certificate must show the dates of mailing of the matter involved, and will be postmarked to show the current date.

§ 55.5 *Payment and certification.* Mailers are required to fix uncanceled stamps or meter stamps to cover the fee for certificates of mailing. The stamps will be canceled by the postmark of the mailing office. Signatures or initials of accepting employees are not required on Form 3817 or on firm mailing sheets when used as certificates of mailing for ordinary mail. The postmark shows the genuineness of the certificate. Form 3606 for bulk mailings will be certified by the postmaster.

PART 56—SPECIAL DELIVERY

Sec.
56.1 Description of special delivery.
56.2 Payment for special delivery.
56.3 Hours of delivery.
56.4 Delivery procedures.
56.5 Undelivered mail.
56.6 Acceptance by letter carriers and messengers.

AUTHORITY: §§ 56.1 to 56.6 issued under R. S. 161, 396, sec. 12, 65 Stat. 676; 39 U. S. C. 246f.

§ 56.1 *Description of special delivery*—(a) *Points of delivery.* Special-delivery mail is given immediate delivery at the office of address during prescribed hours to:

(1) Points within a radius of 1 mile of any post office, station, or branch.

(2) Points within the delivery limits of any post office having letter carrier service.

(3) Points within one-half mile of a rural route, if there is a passable road leading to the addressee's dwelling or place of business.

(b) *Transporting and delivering.* Special-delivery mail is handled and transported in the same manner and with the same expedition as first-class mail. Payment of a special-delivery fee does not insure safety of delivery or provide for the payment of indemnity. Money or other valuables sent special delivery should also be registered. Insured and c. o. d. mail may be sent special delivery.

§ 56.2 *Payment for special delivery*—(a) *Special-delivery fees.*

Class of mail	Weight		
	Not more than 2 pounds	More than 2 pounds but not more than 10 pounds	More than 10 pounds
	Cents	Cents	Cents
First class	20	35	50
All other classes	35	45	60

Special-delivery fees on airmail are chargeable according to the class of matter being transported.

(b) *Prepayment of fee.* Prepay the special-delivery fee by special-delivery stamps, ordinary postage stamps, or meter stamps. The special-delivery fee must be prepaid in addition to regular postage. Official matter in penalty or franked envelopes is not entitled to free special delivery, except urgent official communications of the Post Office Department.

(c) *Insufficient postage*—(1) *Letters.* The failure of the sender to place the correct postage on a special-delivery letter will not hinder or delay the transmission and special delivery of the letter. Postage due will be collected as provided in subparagraph (4) of this paragraph.

(2) *First-class mail other than letters.* First-class mail other than letters, when prepaid one full rate by stamps in addition to the special-delivery stamp, is dispatched and postage due will be collected as provided in subparagraph (4) of this paragraph. Matter with postage wholly unpaid, although bearing a special-delivery stamp, will be held for postage.

(3) *Second-, third-, and fourth-class mail.* Insufficiently prepaid matter of the second, third, or fourth class, although bearing a special-delivery stamp, is held for postage, provided that when through error a third- or fourth-class parcel prepared for special delivery is partly but not fully prepaid, and it is not practicable to collect the deficiency from the sender without delaying the parcel, it is rated with the amount due and dispatched.

(4) *Postage-due collections.* Postage due on special-delivery matter is collected on delivery. The regular first-class rate of postage is required on special-delivery first-class letters weighing 1 ounce or less when sent without prepayment of postage. On first-class letters weighing more than 1 ounce and sent without prepayment of postage, the deficient postage at the regular rate, plus an additional charge of 1 cent for each ounce, computed on the unpaid weight, is collected on delivery. All other special-delivery mail that reaches its destination with no prepayment of postage is charged with postage due at double rates.

§ 56.3 *Hours of delivery*—(a) *Weekdays.* Special delivery is made at city-delivery offices from 7 a. m. to 11 p. m.

and at all other post offices from 7 a. m. to 7 p. m. and after the arrival of the last mail if that is not later than 9 p. m. Later hours for delivery may be fixed in particular cases.

(b) *Sundays and holidays.* Special delivery is made at first- and second-class offices on Sunday and at other offices if the mail or mails arrive between the closing hour on Saturday and 6 p. m. on Sunday. Special delivery is made at all offices on holidays.

§ 56.4 *Delivery procedures*—(a) *To whom delivery may be made.* Ordinary special-delivery mail is delivered to the addressee or to anyone authorized to receive his mail. At letter-carrier offices, special-delivery mail, other than registered and insured, addressed to a post office box, or to the general delivery, is delivered to the box or held for delivery through the general delivery window, unless the addressee has given written notice that such mail be delivered to his residence or place of business. When special-delivery mail is received at a letter-carrier office addressed to a street address and the addressee usually receives his mail through a post office box or through the general-delivery window, the mail is delivered as addressed, unless the addressee files a written notice directing delivery to his box or through the general-delivery window. At offices not having letter-carrier service, all special-delivery mail is delivered to the residence or place of business of the addressee, unless the addressee files a written request that such mail be deposited in his post office box or held for delivery through the general-delivery window.

(b) *Delivery in mail receptacles.* When no one is at the address to receive mail, the messenger, if he can determine that the occupants are absent for not more than 1 day, will leave the mail and a notice on Form 3955.

(c) *Notice of attempted delivery.* When mail cannot be delivered as described in paragraph (b) of this section, the notice Form 3955, left under the door or in the receptacle, will state where the special-delivery mail is being held, the name of the addressee, the messenger's number, the date, and whether it is registered, insured, c. o. d., or marked or known to be perishable.

(d) *Delivery to rural boxes.* Special-delivery mail for an addressee who lives more than one-half mile from the rural route is delivered to his box. If he lives within one-half mile of the route and delivery cannot be made to his residence or place of business, it is deposited in his box, and a notice of non-delivery on Form 3955 is left at his residence or place of business. (See § 46.3 (b) of this chapter for parcels that are too large for the box.)

(e) *Military posts and camps.* No special-delivery service is provided by military personnel at military posts and camps. Special delivery by messenger is made only to addresses such as officer's homes, headquarters, hospitals, and other places where it is definitely known that delivery can be made.

(f) *Forwarded special-delivery mail.* Special-delivery mail that is forwarded is not entitled to special delivery at the second office, unless a forwarding order had been given by the addressee at the office of original address in advance of the arrival of the mail. Registered mail will not be forwarded without authority as explained in Part 51 of this chapter.

§ 56.5 *Undelivered mail.* Special-delivery mail is not delivered in receptacles, left under the door, or delivered a second time if the mail bears a specific request that it be returned to the sender if prompt delivery cannot be made. Special-delivery mail that cannot be delivered is treated the same as other undeliverable matter.

§ 56.6 *Acceptance by letter carriers and messengers.* Letter carriers, whether assigned to delivery or collection duty, and special-delivery messengers, will accept prepaid matter bearing a special-delivery stamp handed to them on their trips, and deliver it to the proper clerk immediately upon their arrival at the post office. Letter carriers will not turn over local matter for special delivery directly to messengers.

PART 57—SPECIAL HANDLING

Sec.
57.1 Description of special handling.
57.2 Special-handling fees.
57.3 Marking of parcels.
57.4 Forwarding.

AUTHORITY: §§ 57.1 to 57.4 issued under R. S. 161, 396, sec. 204, 62 Stat. 1262, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 292a.

§ 57.1 *Description of special handling.* Special-handling service is available for fourth-class mail only including that which is insured or sent c. o. d. It provides the most expeditious handling, dispatch, and transportation available, but does not provide special delivery. Special-handling parcels are delivered as parcel post is ordinarily delivered, on regular scheduled trips. The special-handling fee must be paid on all parcels that must be given special attention in handling, transportation, and delivery, such as parcels containing baby chicks or other baby poultry, package bees carried outside mail bags, baby alligators, etc.

§ 57.2 *Special-handling fees.*

Weight:	Fee (cents)
Not more than 2 pounds	15
More than 2 pounds but not more than 10 pounds	20
More than 10 pounds	25

The special-handling fee is in addition to regular fourth-class postage, and may be prepaid by special-handling stamps, by ordinary postage stamps, or by meter stamps.

§ 57.3 *Marking of parcels.* The words "Special Handling" should be marked or stamped immediately above the name of the addressee.

§ 57.4 *Forwarding.* Parcels undeliverable as originally addressed and forwarded to the addressee at a new address are given special handling without requiring an additional special-handling fee. Additional postage at the regular fourth-class rate is collected on delivery.

Subchapter G—Nonmail Services

PART 61—MONEY ORDERS

Sec.
61.1 How to buy a domestic money order.
61.2 How to buy an international money order.
61.3 How to cash a money order.
61.4 Lost or damaged money orders.

AUTHORITY: §§ 61.1 to 61.4 issued under R. S. 161, 396, 4027, secs. 304, 309, 42 Stat. 24, 25, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 711.

§ 61.1 *How to buy a domestic money order*—(a) *Where to buy.* You may buy domestic money orders at all post offices, branches, and stations in the United States and its possessions, except for certain offices in Alaska. You may buy international money orders at many of these offices and stations. Money order facilities are also provided for members of the Armed Forces of the United States. Special procedures for rural patrons are explained in paragraph (e) of this section.

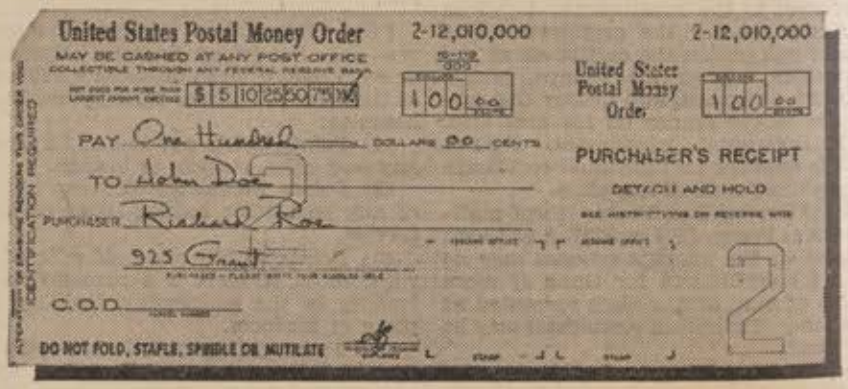
(b) *Money order fees.*

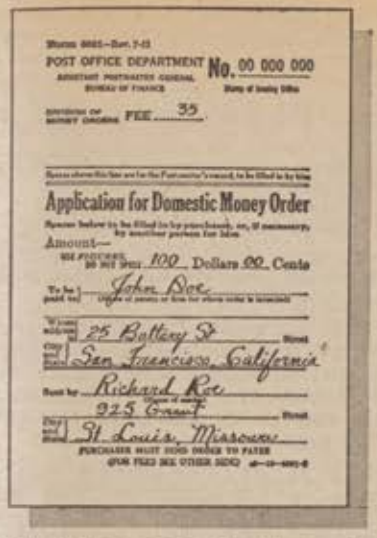
Amount of money order	Amount of fee	
	Domestic	International
$0.01 to $5	$0.10	$0.20
$5.01 to $10	.15	.30
$10.01 to $50	.25	.50
$50.01 to $100	.35	.70

(c) *Making application*—(1) *Application form.* To buy a money order you must obtain an application, Form 6001, at any post office. Enter on this form:

(i) The amount.

(ii) The name and address of the person (payee) to whom the order is to be made payable.





POST OFFICE DEPARTMENT No. 00 000 000

FEE 35

Application for Domestic Money Order

Amount—
100 Dollars 00 Cents

To be paid to John Doe

25 Battery St
San Francisco, California

Sent by Richard Roe
225 Grant
St. Louis, Missouri

PURCHASER MUST SEND ORDER TO PAYEE



Fees for Money Orders Drawn on Domestic Form

Payable in the United States, including Alaska, Hawaii, Puerto Rico, and the United States Virgin Islands, or in Guam and Tutuila (Samoa); also for orders payable in Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Virgin Islands, Canada, Canal Zone, Cuba, Dominica, Grenada, Jamaica, Montserrat, Nevis, St. Kitts, St. Lucia, St. Vincent, and Trinidad and Tobago.

For Orders From $0.01 to $5.00... 10 cents.
From $5.01 to $10.00... 16 cents.
From $10.01 to $30.00... 25 cents.
From $30.01 to $100.00... 35 cents.

Memoranda of Issuing Postmasters

Carrier's receipt No. _____

_____, Carrier.

(iii) The name and address of the purchaser (or purchasers).

Business concerns who wish to include money order applications with advertising matter to their customers may obtain them through their local postmaster.

(2) *To whom payable.* Money orders may be made payable:

(i) To yourself, if desired.

(ii) To only one firm or person, by complete name. Don't put the name "Smith" for an individual. But you may address "Smiths" if it is the name of a company or firm.

(iii) To payees (the persons to whom payable) by their official titles. For example, you can designate: Cashier, First National Bank; Superintendent of Insurance, New York State; Director of Internal Revenue, Baltimore.

(iv) To persons who have adopted a name in a religious order, such as Sister Theresa, or Brother Joseph.

(3) *Identifying data.* Always add your insurance account, policy number, or other identification to help speed payment. Designate government agencies directly, as: Director of Internal Revenue; Superintendent of Documents; Veterans Administration.

(4) *Money order amounts.* The maximum amount for a single money order is $100. There is no limitation on the number of orders that may be purchased at one time, except when the Department may impose temporary restrictions.

(5) *Paying for your money order.* Money order fees are stated in paragraph (b) of this section. Pay for your money order in American money. You cannot use promissory notes in payment. Postmasters may accept, at their own risk, from a person whose endorsement is acceptable, a Federal Government check in payment for a money order. Post office personnel are not required to accept personal checks in payment of money orders.

(d) *Errors and alterations.* Make sure that the money order you receive agrees with the application form you submitted. If you discover an error, request that another order be issued to you. Never make an alteration on a money order. That could make it invalid. If you must return a money order after it has been issued and made a matter of record, your postmaster will issue a new one. If he was at fault, no fee will be charged for the new one.

(e) *Procedures for rural patrons*—(1) *Application form.* Obtain an application from your rural carrier. You will be given a numbered receipt when you return the completed application form with the money. If the carrier cannot give you the correct change in payment, he will meet you on his next trip or place the change in a special envelope and place it in your rural box. Never deposit money in your rural box. You do so at your own risk. When carriers do find money in a box with a completed application, Form 6001, they will take it to their post office for issue of the money order. Carriers will deliver the money orders, with receipts attached, to patrons on their next regular trip.

(2) *Requesting the mailing of order to payee.* If you want the money order mailed to the payee the carrier will do so if you furnish a stamped addressed envelope. No extra charge is made for this service. As the carrier has already given you a receipt for your money, the one detached from the money order will not be delivered to you.

§ 61.2 *How to buy an international money order*—(a) *Where to buy.* You may buy an international money order at almost all first-class post offices. Some second-, third-, and fourth-class post offices have been designated to provide this service. International money orders will be issued to addressees in those countries that have agreed with the United States to conduct such business.

(b) *Making application.* (1) Apply for an international money order on Form 6701.

(2) For some countries, you use the same form as for a domestic money order. Your post office will advise you. Canada, Cuba, Canal Zone, Bermuda and Trinidad are in this category.

(3) For money order service to European, African, and Asiatic countries, use the international money order form. In some cases, the order is written in foreign currency. In most cases, the amount is written in United States dollars and converted into foreign currency in the country where payable.

(4) You must use Form 6083, written in the foreign language, when you send money orders payable in Greece, Lebanon, Syria, Yugoslavia, and Japan.

(5) When the international money order form is used, you will be given a receipt. The postmaster will arrange for sending the order abroad.

(6) You must state the following details in your application regarding the payee: full name, exact address, name of city, town, or village; name of the canton, department, or district as the case may be. If the payee is a woman, state whether single, married, or a widow.

(c) *Refunds.* The amounts of orders sent on the international form may not be repaid to you here until authorized by foreign postal department.

§ 61.3 *How to cash a money order*—(a) *Time limits.* You must cash a money order within 1 year from the last day of the month in which it was issued. For example, a money order purchased on October 2 of one year must be cashed on or before October 31 of the next year. To obtain payment of a money order that is more than 1 year old, consult your local postmaster.

(b) *Where to cash.* (1) You may cash a domestic or international money order at full face value in American money at any post office, station, or branch. They may also be cashed by banks.

(2) If you are a patron of a rural route, your rural carrier will cash your money order. You must endorse it in his presence. No fee or compensation is required for this service.

(3) Money orders issued at military post offices are payable only at military post offices or at banks located in the United States, its possessions or Territories, and countries with which the United States transacts domestic-international money-order business. If the purchaser or payee of a money order issued at a military post office transfers ownership by endorsement to another, the endorsee must cash the money order at either a military post office or at a post office located in the United States, its possessions or Territories.

(c) *Signature requirements*—(1) *Acceptance of signature.* The paying post office may accept any signature of the payee, purchaser, or endorsee that is not different from the name given on the order.

(2) *Signature by mark.* Patrons who cannot write must use a mark. Marks (usually X) must be witnessed by someone who is not a post office employee.

(3) *Signature by firms, organizations, and their representatives.* All money orders payable to a business firm, an organization, society, institution, or government agency must be signed in the name of the organization by a representative authorized to do so. It may be necessary for such authority to be presented and filed. The representative must also sign with his own name and organizational title. If drawn in favor of an official by name and presented by a successor, the latter must sign as follows:

"William Jones, Treasurer, successor to George Thompson."

(4) *Use of titles.* Use of such titles as "Dr., Rev., Prof., Madam, Mrs., M. D.," or "D. D. S.," are not required in signing a money order for payment, whether or not such title is used on the face of the money order.

(5) *Stamped signatures.* A stamped signature is acceptable as an endorsement on a money order when drawn in favor of a firm, corporation, association, society, or individual, provided the money order is presented to a bank for payment. A post office will accept stamped signatures, provided an agreement is filed in advance regarding the responsibility for the correctness of such payments.

(d) *Identification.* You must be able to prove your identity if you want your money order cashed. Your driver's permit, military identification card, or similar items are helpful in establishing identity.

(e) *Payment of orders to other than payee*—(1) *Tranfer of money order*—(i) *By purchaser or payee.* The payee or purchaser of a money order may endorse it to any other person or firm.

(ii) *On power of attorney.* A person with a power of attorney may cash money orders in behalf of the payee who gave him that authority. The power of attorney must be filed at the office of payment.

(iii) *On separate written order.* You may file a separate written order with the post office authorizing payment to another person. The person must be designated by name as the one to receive payment.

(2) *Upon assignment.* When a payee, such as an individual or firm, makes an assignment, and intends that money orders be paid to the assigned person, he must file a power of attorney or a written order in the post office. The person designated to receive payment must receipt the money order and indicate below his signature the capacity in which he acts.

(3) *On death of payee.* A money order belonging to a deceased owner may be paid or repaid to the executor or administrator of the estate appointed by the court. A certified copy of the appointment as executor or administrator must be filed with the local postmaster. Payments will be made in accordance with the laws of the State of which the deceased was a resident.

(4) *To a concern no longer in business.* Money orders will be paid to the legal representative of a firm, association, or company that has ceased to exist.

(5) *To a committee or a guardian.* Money orders will not be issued or paid to a ward when declared incompetent by a court. They will be paid only to the committee, guardian, or other duly authorized person.

(6) *To minors.* A money order payable to a minor may be paid to the father or mother as natural guardian unless prohibited by court order.

(f) *When orders will not be paid*—(1) *When there is a second endorsement.* A money order with more than one endorsement is invalid. Consult your local post office for proper procedure to obtain a duplicate.

(2) *When there is a question on a c. o. d. parcel.* No payment will be made when a money order has been issued in return for a c. o. d. parcel, and is presented by the addressee (purchaser) and the money order has not been endorsed by the payee (shipper) or the payee has not expressly authorized payment to the purchaser by written approval.

(g) *Non-payment because of fraud*—(1) *Stop payment.* If you are the purchaser and you have proof that the order was purchased because of false representations or other fraudulent action of the payee, or that the payee is engaged in conducting a scheme or device for obtaining money fraudulently through the mails, you may request the post office to withhold payment. The post office will take appropriate action.

(2) *When payments are forbidden.* Your post office will not make payments under any circumstances when an order has been issued by the Postmaster General forbidding payment of money orders to any person or firm.

§ 61.4 *Lost or damaged money orders*—(a) *When you lose a money order.* A money order that is lost within 1 year from the last day of the month of issue will be replaced without charge by the Post Office Department. Make application through your local postmaster.

(b) *Making application.* The postmaster at the issuing office will wait 36 days after the date of the issue of the original order before forwarding the application for the duplicate, except that an application may be accepted, certified, and forwarded at once if the person in whose favor the application is made executes Indemnity Bond, Form 6116. The Indemnity Bond must be in an amount not less than that of the money order, conditioned on refund if after payment of the duplicate a valid claim is presented.

(c) *Consent of payee or endorsee.* Where a money order has been endorsed, the consent of the payee or the endorsee must be obtained before a duplicate can be issued. If a money order is lost before endorsement, a duplicate will be issued to the payee on application. A duplicate will be issued to the purchaser on consent of the payee, or endorsee if any, unless the order was lost before mailing or the mutilated order accompanies the application, in which case consent is not required. When a waiver of claim is shown on the application form for a duplicate, Form 6402, the payee's or endorsee's signature must be certified by his local postmaster. When the payee or endorsee is deceased, his legal representative must sign the form and produce necessary authority that he properly acts in that capacity.

(d) *When original order is not available.* If the original order is not available, the local post office will send your application to the issuing post office for processing.

(e) *Payment of duplicate orders.* A duplicate money order will be paid at any post office under the same conditions governing the payment of the original money order.

PART 62—NON-POSTAL STAMPS, AND BONDS

Sec.

62.1 Documentary internal revenue stamps.
62.2 Migratory-bird hunting stamps.
62.3 United States savings stamps.
62.4 United States savings bonds.

AUTHORITY: §§ 62.1 to 62.4 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 711.

§ 62.1 *Documentary internal revenue stamps.* You may purchase documentary internal revenue stamps at all first- and second-class post offices, and at third- and fourth-class offices located in county seats.

§ 62.2 *Migratory-bird hunting stamps*—(a) *Availability.* You may purchase migratory-bird hunting stamps at all first- and second-class post offices, and at certain designated third- and fourth-class offices where there is a demand for them.

(b) *Price.* Migratory-bird hunting stamps cost $2 each.

§ 62.3 *United States savings stamps*—(a) *Availability.* You may purchase United States savings stamps at any post office where there is a demand for them. Postmasters sell savings stamps to business houses, schools, institutions, or other organizations that desire to purchase them for resale, but do not extend any savings-stamp credits.

(b) *Denominations.* Savings stamps are furnished in sheets in denominations of 10, 25 and 50 cents, and $1 and $5. The 10-cent and 25-cent stamps are also available bound in books. Books of fifty 10-cent savings stamps sell for $5 and books of forty 25-cent stamps for $10.

(c) *Savings-stamp albums.* Savings stamps will not be redeemed until stuck in an album of the appropriate denomination. You may obtain savings-stamp albums for each denomination free from the postmaster.

(d) *Payment to bearer.* Savings stamps are transferable, and are payable to bearer at any post office. Savings stamps will be redeemed for cash when presented by banks and other institutions that have accepted them in payment for United States savings bonds.

(e) *Mutilated stamps.* (1) The postmaster will accept at face value any savings stamp that has been torn, burned, or badly mutilated, when one or more fragments can be identified as constituting clearly more than one half of the same stamp. If the fragment or fragments are not so identifiable, send them (with the entire album, if the stamp had been stuck in an album before it was mutilated) to the Treasurer of the United States, Washington 25, D. C.

(2) If stamps have adhered to each other so that they cannot be separated and their value determined (which can usually be done by soaking the stamps in warm water), forward them to the Treasurer of the United States.

§ 62.4 *United States savings bonds*—(a) *Availability.* The Post Office De-

partment acts as agent of the Treasury Department for the sale of Series E United States savings bonds at post offices in communities where no banks sell the bonds or where there are no other issuing agents.

(b) *Denominations.* Savings bonds are sold in denominations of $25, $50, $100, $200, $500, and $1,000 maturity value and in registered form only. The purchase price is 75 percent of the maturity value.

(c) *Purchase.* Application for U. S. Savings Bonds, Form 920, is supplied by the postmaster. State on the form, by denomination, the number of bonds applied for, the total amount of the purchase, and the name and address to be inscribed on the face of the bond. Form 920 may also be used in applying for bonds by mail to a Federal Reserve bank or the Treasury Department.

(d) *Errors on bonds.* If an error is discovered on a bond after it is issued, return the bond to the postmaster for correction. If returned during the month of issue and if the error was made by the postmaster, he will issue a new bond in its stead. If the bond is returned after the month of issue, or if the error was not the fault of the postmaster, he will give a receipt for it and forward it to Washington for reissue.

(e) *Safekeeping.* The postmaster will assist owners in arranging with Federal Reserve banks for the safekeeping of bonds, but will not act as safekeeping agent. Form PD 1423, used for this purpose, is available at the post office.

(f) *Certification for payment.* Postmasters do not cash savings bonds but will certify them for payment if sufficient identification is furnished and if the bonds are to be forwarded by the owner to a Federal Reserve bank or to the Treasurer of the United States for payment.

PART 63—POSTAL SAVINGS

Sec.
63.1 Purpose.
63.2 Accounts.
63.3 Deposits.
63.4 Ownership.
63.5 Interest.
63.6 Withdrawals.
63.7 Privacy of accounts.
63.8 Nuisance accounts.
63.9 Claims.

AUTHORITY: §§ 63.1 to 63.9 issued under R. S. 161, 396, sec. 1, 36 Stat. 814, as amended, secs. 304, 309, 42 Stat. 24; 5 U. S. C. 22, 369, 39 U. S. C. 951.

§ 63.1 *Purpose.* The Postal Savings System was established to provide facilities for the deposit of savings at interest with the security of the United States Government for repayment. The Postmaster General selects and designates post offices that are to be postal savings depositories.

§ 63.2 *Accounts—(a) Who may open—(1) Persons.* Any person 10 years of age or over may open a postal savings account in his or her own name. Accounts are opened in the names of individuals only. No person is permitted by law to have more than one postal savings account at the same time in his own right. A married woman may open an account in her own name, and free from any control or interference by her husband. Joint accounts may not be opened nor may a beneficiary be named.

(2) *Officials.* Officers and agents in charge of bankrupt funds may deposit them without limit in postal savings depositories in cases where local banks are unable or unwilling to give the required security.

(b) *How to open an account—(1) In person.* To open an account, apply in person at a depository post office.

(2) *Through a representative.* If, because of infirmity or for other reason, you are unable to appear in person, you may apply through a representative.

(3) *By mail.* If you live in a community where there is no postal savings depository, you may apply at any post office to open an account by mail at a depository post office. The money to be deposited must accompany the application, preferably by money orders, but if in cash by registered mail. The depository postmaster will issue certificates in the amount requested and mail them to you.

(4) *Identification data.* You are required to furnish information to be used in identifying yourself when the certificates are presented for payment and may be required to furnish fingerprints.

(5) *Signature.* If you usually sign your given name or names by initials, your full name must be written on the form and the application signed twice, first using your full name and then your initials or initial in the manner in which you wish the account to be maintained and certificates issued.

(c) *Record of account—(1) Form.* When you open an account, a card record is established, a number assigned the account, and the record maintained as the official record of the account at the office where opened.

(2) *Name.* Your name is entered on the account card in the manner in which the account is to be maintained and certificates issued.

(3) *Change in name.* A woman who marries after opening an account, or a depositor whose name is changed by court order, should so inform the postmaster and present all outstanding postal savings certificates to him. The depositor will be required to sign the new name on the record of the account, and the postmaster will annotate the certificates to show the new name. Until the depositor presents his or her certificates for proper notation, the postmaster, if aware of the change of name by marriage or by court order, will receive no further deposits for the account nor make any partial or interest payments but will make full payment to close the account if satisfied as to the depositor's identity.

(4) *Entries.* The amount of each deposit, the amount of each withdrawal and the balance on deposit are entered on the record.

(d) *Maximum balance.* The maximum balance permitted, exclusive of accrued interest, is $2,500, except for deposits of bankruptcy funds, where there is no limit.

§ 63.3 *Deposits—(a) Amount.* Deposits must be made in whole dollar amounts only.

(b) *Evidence of deposit—(1) Issuance of certificates.* Nontransferable and nonnegotiable certificates of deposit, in fixed denominations of $1, $5, $10, $20, $50, $100, $200, $500, $1,000, and $2,500, are issued as evidence of deposits. Certificates are delivered to depositors when issued, and postmasters are not authorized to accept them after issue for safekeeping.

(2) *Correction.* If an error is found in a certificate after issue, the depositor should advise the issuing postmaster. The postmaster will give the depositor a receipt for the certificate, and forward the certificate to the Department for correction of the error.

(3) *Replacement.* A depositor should advise the postmaster at the office where his account is held when any of his certificates are lost, stolen, destroyed, or improperly withheld. The postmaster will furnish the depositor with an application, Form PS 607, for replacements and will send the completed application to the Department. If approved, new certificates identical with the originals but marked "Reissued" will be issued. If a certificate is found after it has been reissued it must be given to the depository postmaster.

§ 63.4 *Ownership.* The determination of any court of competent jurisdiction, unless appealed, is accepted as conclusive of title to postal savings accounts, and payment in accordance with such determination operates as a full and complete discharge of the United States from any further claim. An authenticated copy of the court determination must be submitted to the post office.

§ 63.5 *Interest—(a) Rate.* Interest is payable at 2 percent per year, except in Mississippi where the rate is 1½ percent.

(b) *Start.* Deposits begin to earn interest on the first day of the month following the date of deposit.

(c) *Compound interest.* Interest is compounded annually on whole dollar amounts on certificates issued on or after September 1, 1954.

(d) *Simple interest.* Certificates surrendered between annual periods, or for periods of less than 1 year, earn simple interest computed quarterly. Deposits made before September 1, 1954, earn simple interest until the certificates are surrendered or exchanged.

(e) *Collection.* The interest that accrues during any quarter is payable on or after the first day of the next quarter and may be collected by surrendering the certificate at the office of issue. However, the interest date for the certificate evidencing the redeposit will be the first day of the following month.

(f) *Taxation.* Interest credited to postal savings accounts on moneys deposited on and after March 1, 1941, is not exempt from Federal income taxes, but interest credited to postal savings accounts on moneys deposited prior to March 1, 1941, is wholly exempt from Federal income tax.

§ 63.6 *Withdrawals—(a) On demand at office of issue.* You may withdraw on

demand all or any part of funds deposited at the office of issue. You will receive immediate payment unless the amount is large and the postmaster has to obtain the necessary funds. If a withdrawal is made within 1 month from the date of issue as shown on the certificate, a service charge of 10 cents will be made for each certificate regardless of denomination.

(b) *In person.* The certificates will be paid at the office of issue if the postmaster is satisfied as to your identity.

(c) *Through a representative.* If you are unable to appear in person, you may designate a representative to make a withdrawal. When it has been shown to the postmaster's satisfaction that you cannot appear in person, he will furnish the necessary blank order form. When the executed order and endorsed certificates are presented to the postmaster, he will make payment if satisfied as to your identity and that of your representative.

(d) *Powers of attorney.* Powers of attorney will be accepted only when executed by members of the Armed Forces of the United States serving abroad and must be accompanied with a statement from the attorney-in-fact that the depositor is still living and is stationed outside the United States. The papers will be submitted by the postmaster to the Department for approval and no payment will be made until he has received approval.

(e) *By mail.* You may withdraw by mail, using Form PS 315, which will be furnished by the postmaster. The completed form and endorsed certificates must be mailed to the postmaster who, if satisfied as to your identity, will effect payment.

(f) *Withdrawal of bankruptcy funds.* Certificates must be endorsed by the depositing officer or agent (or his successor, whose appointment must be evidenced by a court order), and in addition may be countersigned by another individual in his representative court capacity if it is the requirement of the referee having jurisdiction over the funds in question.

(g) *Deceased depositors*—(1) *Accounts of $20 or less.* A postmaster may, without specific authority, pay an account of $20 or less to the following upon presentation of proper evidence and written request by the applicant.

(i) Administrator or executor.

(ii) An entitled distributee or legatee on behalf of other distributees or legatees under a decree of distribution.

(iii) Surviving spouse, child, or parent, in the order named, or in the absence of any one of these, a brother or sister, if no administration on the depositor's estate has been asked for or granted.

(iv) The undertaker or other preferred creditor in the absence of administration or next of kin.

(2) *Accounts not requiring administration.* If a depositor dies intestate and the amount on deposit is small ($500 or less, except when the laws of the State in which the money is deposited provide either specifically or by court decision for the payment of a larger amount without administration), the next of kin or the person who paid the funeral expenses may apply for payment.

(3) *Accounts requiring administration.* When the amount on deposit is such that more than $500 will be available for distribution to heirs after allowing for payment of preferred claims, the amount due a deceased depositor in the final settlement of his account will be payable only to the legal representative appointed under the laws of the State in which the money is deposited, unless administration is not required by the State laws. Proper authority of the legal representative must be presented to the postmaster where the account is held.

(h) *Incompetent depositors.* In cases of mental disability or other legal incompetence of a depositor, other than minority, the amount on deposit will be payable to the guardian, committee, conservator, or other legally appointed representative on presentation of proper evidence of appointment. In cases where the depositor has been judicially declared incompetent and no guardian or other legal representative has been appointed and the gross value of the incompetent's estate is sufficiently small, application for withdrawal may be made by a State official or a member of the family if permissible under the laws of the State where the account is held.

§ 63.7 *Privacy of accounts.* Postmasters and postal employees shall not disclose the name of any postal savings depositor nor give any information concerning a particular account to any person other than the depositor himself without specific authority, except that the balance on deposit may be given in the following circumstances:

(a) When a depositor is deceased or has been adjudged mentally incompetent, the information may be furnished to the duly appointed legal representative or next of kin.

(b) On the request of any State or county supervisor of old-age or unemployment assistance established pursuant to the Social Security Act, if the supervisor states he believes the applicant may have a postal savings account.

(c) When applicant for relief has given written permission to representatives of relief agencies not connected with the Social Security Act, if the relief supervisor states he believes the applicant may have a postal savings account.

§ 63.8 *Nuisance accounts.* Accounts which persistently show a rapid turnover of deposits or which are intended to serve as a safe place to leave funds for brief periods or which otherwise indicate an unreasonable use of postal savings facilities are considered nuisance accounts. Postmasters are authorized to notify holders of these accounts that, unless they make a more conservative use of the Postal Savings System, they will refuse further deposits. If a depositor does not comply with the request, the postmaster may refuse to accept further deposits. The postmaster may also refuse to open a new account if it is known that an applicant had previous accounts at the office that were nuisance accounts.

§ 63.9 *Claims.* When there is any dispute as to ownership, or a claim by other than the depositor is made for payment of a postal savings account, the postmaster will withhold payment of withdrawals from the account involved pending instructions from the Post Office Department in Washington.

Subchapter H—Transportation of the Mails

PART 92—TRANSPORTATION OF THE MAILS BY RAILROADS

PART 93—TRANSPORTATION OF THE MAILS BY URBAN AND INTERURBAN ELECTRIC RAILWAY COMMON CARRIERS

PART 94—MAIL-MESSENGER SERVICE

PART 96—AIR MAIL SERVICE

NOTE: Parts 92, 93, 94, and 96 are retained without change in this revision. See 39 CFR 1949 Ed. and Supp.

Subchapter I—Special Regulations

PART 97—APARTMENT HOUSE REGULATIONS

§ 97.1 *Apartment house mail receptacles.* (a) The delivery of mail in apartment houses, family hotels, residential flats, and business flats in residential areas containing three or more apartments having a common street entrance shall be contingent upon the installation and maintenance of United States Post Office approved mail receptacles, one for each apartment, including resident manager and janitor unless the management has arranged that the mail be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation are paid for by the owner of the building.

(b) (1) Postmasters shall take steps to inform themselves as to the proposed erection or remodeling of apartment houses. They shall inform builders and owners of the requirements of these regulations and shall cause suitable inspection to be made for the purpose of seeing that receptacles of safe and durable construction are installed in conformity with these regulations.

(2) Apartment houses, family hotels, and flats, equipped with old-type apartment house mail receptacles, when remodeled to provide additional apartments or when a material change in the location of boxes is made, shall be equipped with approved receptacles, and owners and managers must be urged to install such up-to-date and approved receptacles to assure more adequate protection of the mails of occupants.

(c) The receptacles shall be manufactured of material, of such substantial strength and thickness, as to render mail deposited therein reasonably safe.

(d) The receptacles shall be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and they shall be so constructed and of such height or length and capacity that magazines 14¼ inches in length and 2½ inches in diameter, if rolled, may be deposited therein by the carrier and removed therefrom by the tenants with facility.

(e) (1) Where it is necessary or desirable to install apartment-house mail receptacles in conjunction with a telephone unit of a standard size they may be placed in two tiers, or they may be installed in groups or batteries of less than eight if required for the proper arrangement of the groups in the two tiers. This applies only where it is desirable to install a telephone unit in connection with mail receptacles and does not apply to cases where the telephone unit is installed independently of mail receptacles. While there is no objection to combining these two services, the mail receptacles must be separated from the telephone or electrical unit. There is no objection to the use of electric push buttons in the flange of the face of the nests of apartment-house mail receptacles connecting with wires outside the mail receptacles, provided the push buttons may be removed from the outside and provided that in the repair of the wire connection with such push buttons it will not be necessary to remove the receptacles.

(2) In installations in which telephone units are combined with mail receptacle units, they should be so constructed that access to the telephone unit is not dependent on entering the mail receptacle, and the latter must not be accessible when the telephone unit is opened.

(f) (1) Where no telephone units are connected therewith the receptacles shall be arranged in groups, as many in each group as is consistent with safety, but in no case shall there be less than eight receptacles in a group, except where the number of apartments is less than eight or where the number of boxes cannot be evenly divided into multiples of eight.

(2) Receptacles in apartment houses shall be located at points reasonably near the entrance in vestibules, halls, or lobbies adequately lighted, so as to afford the best protection to the mail and enable the carriers to read the addresses on mail and the names on boxes without undue strain on their eyes and without molestation by swinging or opening doors.

(g) (1) Each group shall be equipped with a master door or device on the opening of which the entire group of receptacles is accessible for the deposit of mail by carrier. The master door or device shall be secured by a master lock furnished by the Post Office Department for use so long as mail is delivered by letter carriers, the key of which lock shall be in the custody of postal employees. The plate to which the master lock will be fastened should be riveted to the face of the box. (See paragraph (n) of this section.)

(2) Architects, builders, and owners of apartment houses should arrange for the installation of boxes under such conditions as will permit the installation of the largest number of boxes with the smallest number of master locks. The minimum number of boxes to which one master lock may be attached is three.

(3) Not more than two tiers of boxes may be installed. The receptacles shall be so placed that the center of the barrel of the master lock of the upper tier will not be more than 5½ feet from the floor, and the center of the barrel of the master lock of the lower tier will not be less than 30 inches from the floor. If fastened to the wall with screws, roundhead screws should be used.

(h) (1) Each individual receptacle shall be equipped with a door through which the mail may be removed from such receptacles by the holder. The doors of the several receptacles shall be secured by key locks or combination keyless locks. In case key locks are furnished, manufacturers shall make provisions for a sufficient number of key changes to prevent the opening of receptacles by the use of the key to any other receptacle in the same house and in the immediate locality. These locks must be securely fastened to the door or receptacle. Each lock should be clearly numbered on the back so that if key is lost a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(2) Apartment-house managers shall maintain a record of key numbers furnished by manufacturers and jobbers relating the key number to the receptacle number so that when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as it is thus possible for unauthorized persons to secure keys and gain access to the boxes. In the case of keyless locks, apartment-house managers should be instructed to keep a record of the combinations so that new tenants may be advised. These records of key numbers and combinations shall be kept in the custody of the manager himself or a trusted employee.

(i) In the face of each receptacle a slot 2 inches in length and one-eighth inch wide for the deposit of carrier and special delivery notices shall be provided.

(j) Mail receptacles shall be satisfactorily numbered or lettered in numerical or alphabetical sequence from left to right so as to enable the carrier to expeditiously deliver the mail.

(k) (1) Each receptacle shall be fitted with clasps or holders for placing a card on which shall be placed a list of the names of persons receiving mail through such receptacles. There is no objection to placing the holders for the lists of names on the outside of the receptacles instead of the inside, but in such case the holders shall be wide enough for not less than three names, and shall be placed so that the carrier while in a standing position may easily read the names when the master door is open.

(2) In all apartment houses where there are 25 or more receptacles, a complete directory, alphabetical by surname, of all persons receiving mail shall be maintained and kept corrected to date. The receptacle number and apartment number should always be the same, and the apartment number should appear on the right of the name on the directory. If, for any cause, the apartment number is different from the number on the receptacle, the receptacle number should appear on the left of the name in the directory. The same arrangement shall be followed where the apartments and receptacles are either lettered or lettered and numbered.

(3) The directory shall be prepared by the use of legible type in a suitable frame for protection purpose, and attached to the wall immediately above or to the side of the mail receptacles where it can be easily read. In all cases where an attendant such as telephone operator, doorman, or elevator conductor, is on duty between the hours of 7 a. m. and 11 p. m. and mail is delivered to either approved apartment-house receptacles or in bulk for distribution by employees of the building, the directory may be kept in the custody of the employee on duty in the building so that it may be available for use by the carrier or special-delivery messenger on request.

(4) Where an apartment house is divided into units with separate entrances and 25 or more receptacles are installed to the unit, a separate directory shall be provided for each unit. In addition, where mail is not generally addressed to specific units, a directory shall be kept at the main unit of the building, listing all persons receiving mail in the various units.

(l) (1) The owners or managers of buildings shall keep receptacles in good repair, and when apartment buildings are remodeled mail receptacles in conformity with these regulations shall be installed.

(2) Carriers shall report all cases where apartment houses are being remodeled and where mail boxes in apartment houses are not locked or are out of repair.

(Form 3521, "Carriers' Report of Condition of Mail Receptacle," is to be used for this purpose.)

(3) Upon receipt of a report of lack of repair or irregularity in the operation of

apartment-house mail receptacles postmasters will have prompt investigation made, and direct what repairs must be made by and at the expense of the owners or managers. In order that there shall be no question as to the disposition or treatment of mail, repairs must be made only when a representative of the post office is present. It is unlawful for other than postal employees to open receptacles and expose mail.

(4) Failure to keep boxes locked or in proper repair as directed by postmasters is sufficient justification for withholding delivery of mail therein and requiring the occupants of the apartments to call for their mail at the post office, if this action is believed advisable for safety reasons. When such action is contemplated, a reasonable notice of approximately 30 days should be given in writing to the patrons and owner or manager of the apartment building.

(5) Complaints of loss, theft, or injury of mail deposited by carrier in apartment-house mail receptacles, shall be investigated and where it is shown that someone has willfully or maliciously injured, defaced, or destroyed mail deposited in such mail receptacles or has willfully taken or stolen mail from such receptacles, suitable action shall be taken to have the matter investigated by a post office inspector.

(m) Sections 1702, 1704, 1705, and 1708 of title 18, United States Code, prescribe penalties for the wrongful possession of mail locks and the willful or malicious injury or destruction of letter boxes and the theft of mail therefrom. Manufacturers are authorized to place on each installation of apartment-house mail receptacles the words "U. S. Mail" and a warning notice of these provisions of law. Manufacturers are also authorized to place inconspicuously on each installation their name and the words "Approved by the Postmaster General," where the designs have been approved by the Post Office Department.

(n) (1) Postmasters shall furnish inside letter-box arrow locks for use on master doors, upon request of owners or builders of apartment houses for attachment to mail receptacles when inspection discloses that such receptacles can be approved by the Department and are installed in conformity with these regulations. The locks shall be attached to the group of receptacles by the owner or builder of the apartment house or by his direction, under the supervision of a representative of the postmaster, who shall see that they are securely attached.

(2) Postmasters shall make requisition on the Assistant Postmaster General, Bureau of Facilities, for a suitable supply of inside letter-box arrow locks when they find there is need for such locks and shall maintain a suitable reserve stock. Requisitions for locks should include a statement as to the number of keys required. Any locks that become defective or by reason of renovation of the building are no longer needed shall be returned to the postmaster. All delivering employees and all postmasters must see that such locks are properly accounted for when buildings are torn down or remodeled and that defective locks are recovered.

NOTE: The names of manufacturers of approved apartment-house mail receptacles may be procured on application to postmasters.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24; 5 U. S. C. 22, 369)

Subchapter J (Reserved)

Subchapters K–T—International Mail

Subchapter K—Postal Union Mail

PART 100—POSTAL UNION ARTICLES

Sec.
100.1 Services available and airmail rates.
100.2 Index of countries.

AUTHORITY: §§ 100.1 and 100.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 100.1 *Services available and airmail rates.* (For surface postage rates, see Parts 101 through 108.)

(See list of countries in § 100.2 for destinations not specified in table)

Key to symbols:
×=No service.
√=Accepted.
*=Accepted at risk of sender.
—=Airmail letter rate applies.

COUNTRY	Letters and letter packages, per ½ ounce	Air letter sheets and post cards	Other Postal Union articles: First 2 ounces	Other Postal Union articles: Additional 2 ounces	Registration (fee)	5-ounce merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
Aden	$0.25	$0.10	$0.60	$0.40	$0.55	×	√	×	√	×
Afghanistan	.25	.10	—	—	.55	×	√	×	√	×
Albania	.15	.10	—	—	.55	×	√	×	√	×
Algeria	.15	.10	0.48	0.28	.55	×	√	×	√	×
Andorra	.15	.10	.45	.25	.55	×	*	×	√	×
Anglo-Egyptian Sudan	.25	.10	—	—	.55	×	×	×	√	×
Argentina	.10	.10	.58	.38	.40	√	√	×	√	×
Ascension	.15	.10	—	—	.55	×	√	×	√	×
Australia	.25	.10	.84	.63	.55	×	√	[2] √	√	×
Austria	.15	.10	.45	.24	.55	×	√	[2] √	√	×
Azores	.15	.10	.41	.20	.55	×	×	×	[2] √	×
Bahamas	.10	.10	.28	.07	.55	×	√	×	√	×
Barbados	.10	.10	.38	.17	.55	×	√	×	√	×
Bechuanaland Protectorate	.25	.10	.68	.47	.55	×	√	×	√	×
Belgian Congo	.25	.10	.59	.38	.55	×	√	×	√	×
Belgium	.15	.10	.42	.21	.55	×	√	×	√	×
Bermuda	.10	.10	.27	.06	.55	×	√	×	√	×
Bolivia	.10	.10	.40	.20	.40	√	*	×	×	√
Brazil	.10	.10	.55	.35	.40	√	√	×	×	√
British Cameroons	.25	.10	—	—	.55	×	√	×	√	×
British Guiana	.10	.10	.40	.19	.55	×	√	×	√	√
British Honduras	.10	.10	.30	.10	.55	×	√	[4] √	√	√
Brunei	.25	.10	—	—	.55	×	√	×	√	×
Bulgaria	.15	.10	—	—	.55	×	×	×	√	√
Burma	.25	.10	.90	.70	.55	×	×	×	[5] √	×
Cambodia	.25	.10	—	—	.55	×	×	×	√	×
Canada	[6].06	(8)	—	—	[6].55	√	×	[7] √	[9] √	√
Cape Verde Islands	.25	.10	—	—	.55	×	×	×	√	×
Ceylon	.25	.10	.69	.49	.55	×	√	×	√	×
Chile	.10	.10	.48	.28	.40	√	×	×	√	×
China	.25	.10	.65	.45	[10].55	×	×	[11] √	√	×
Colombia	.10	.10	.39	.19	.40	√	×	×	[12] ×	√
Corsica	.15	.10	—	—	.55	×	√	×	√	×
Costa Rica	.10	.10	.34	.14	.40	√	√	×	√	×
Cuba	.10	.10	.28	.07	.40	√	×	×	√	×
Cyprus	.25	.10	.50	.30	.55	×	√	[13] √	√	×

[1] Except in the capital cities, special delivery articles will be delivered by special messenger only if the addressee is located within 1½ miles of a post office at which a telegraph messenger is employed.

[2] Articles for special delivery in localities outside the post office town are subject to collection from the addressee of a fee which is calculated in accordance with the distance of the place of destination from the post office.

[3] Accepted, if registered.

[4] Belize only.

[5] Articles which are prepaid at the letter rate and are known or thought to contain merchandise shall be returned to the senders if the necessary green labels are not affixed to the covers. On return the articles must be appropriately endorsed as to the reason for the return.

[6] Per ounce.

[7] Available only for letters or articles prepaid at the letter rate.

[8] Single post cards, 4 cents each.

[9] The maximum weight limit of letter packages to the Yukon district and to members of the Canadian Armed Forces overseas addressed for delivery through the Canadian Army Post Office is 4 pounds 6 ounces.

[10] Registry service is available only to the island of Taiwan (Formosa).

[11] Special delivery service in China is confined to the delivery radius of Chinese express or delivery offices. The service is not available to Manchuria.

[12] Such articles when wrongly accepted for mailing are delivered on payment of double duty if registered and triple duty if ordinary. If refused by the addressees, they are seized by the customs.

[13] Delivery service limited to within the municipal limits of Famagusta, Kyrenia, Larnaca, Limassol, Nicosia, and Paphos.

Key to symbols:
X = No service.
✓ = Accepted.
* = Accepted at risk of sender.
— = Airmail letter rate applies.

COUNTRY—continued	Letters and letter packages, per ½ ounce	Air letter sheets and post cards	Other Postal Union articles: First 2 ounces	Other Postal Union articles: Additional 2 ounces	Registration (fee)	8-ounce merchandise package	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
Czechoslovakia	$0.15	$0.10	$0.44	$0.23	$0.55	X	✓	[34] ✓	✓	X
Dahomey	.25	.10	—	—	.55	X	✓	X	✓	X
Denmark	.15	.10	.43	.23	.55	X	✓	✓	✓	✓
Dominican Republic	.10	.10	.31	.11	.40	✓	✓	✓	✓	✓
Ecuador	.10	.10	.36	.16	.40	✓	✓	✓	✓	X
Egypt	.15	.10	.32	.31	.55	X	X	X	X	X
Eritrea	.25	.10	—	—	.55	X	X	X	X	X
Estonia [34]	.15	.10	.32	.31	.55	X	X	X	X	X
Ethiopia (Abyssinia)	.25	.10	—	—	.55	X	X	X	X	X
Falkland Islands	.10	.10	.38	.38	.55	X	X	X	X	X
Faroe Islands	.15	.10	.43	.23	.55	X	X	X	X	X
Fiji Islands	.25	.10	.70	.50	.55	X	✓	X	X	X
Finland	.15	.10	.46	.25	.55	X	X	[12] ✓	✓	X
France	.15	.10	.42	.21	.55	X	✓	✓	✓	X
French Cameroons	.25	.10	—	—	.55	X	✓	X	✓	X
French Equatorial Africa	.25	.10	.65	.45	.55	X	✓	X	✓	X
French Guiana	.10	.10	.42	.22	.55	X	✓	X	✓	X
French Guinea	.25	.10	—	—	.55	X	✓	X	✓	X
French Oceania	.25	.10	—	—	.55	X	✓	X	✓	X
French Somaliland	.25	.10	—	—	.55	X	✓	X	✓	X
French Sudan	.25	.10	—	—	.55	X	✓	X	✓	X
French Togoland	.25	.10	—	—	.55	X	✓	X	✓	X
Gambia	.25	.10	—	—	.55	X	✓	X	✓	X
Germany	.15	.10	.43	.22	.55	X	✓	✓	✓	X
Gibraltar	.15	.10	.45	.25	.55	X	✓	✓	✓	X
Gilbert and Ellice Islands Colony [32]	.25	.10	—	—	.55	X	✓	X	✓	X
Gold Coast Colony	.25	.10	.32	.31	.55	X	✓	✓	✓	X
Great Britain and Northern Ireland	.15	.10	.41	.20	.55	X	✓	✓	✓	X
Greece	.15	.10	.48	.28	.55	X	✓	X	✓	X
Greenland	X	X	X	X	.55	X	✓	X	✓	X
Guadeloupe	.10	.10	.34	.14	.55	X	✓	X	[21] ✓	X
Guatemala	.10	.10	.33	.12	.40	✓	✓	X	✓	✓
Haiti	.10	.10	.31	.10	.40	✓	✓	X	✓	✓
Honduras (Republic of)	.10	.10	.34	.14	.40	✓	✓	X	✓	✓
Hong Kong	.25	.10	.90	.70	.55	X	✓	X	✓	X
Hungary	.15	.10	—	—	.55	X	✓	[33] ✓	✓	X
Iceland	.15	.10	.37	.16	.55	X	✓	X	✓	✓
India	.25	.10	.64	.44	.55	X	X	[22] ✓	✓	X
Indonesia	.25	.10	.85	.65	.55	X	X	X	✓	X
Iran	.25	.10	.56	.35	.55	X	✓	X	✓	X
Iraq	.25	.10	.56	.35	.55	X	X	X	✓	X
Ireland (Eire)	.15	.10	.39	.18	.55	X	X	[23] ✓	✓	X
Israel	.25	.10	.52	.31	.55	X	✓	✓	✓	X
Italy	.15	.10	.45	.24	.55	X	X	✓	X	X

[34] Special delivery articles addressed for delivery beyond the free delivery zone of the post office of destination are subject to an additional charge to be collected from the addressee based on the distance traversed to effect delivery beyond the said zone.

[15] Articles addressed for delivery within the carrier-delivery limits of the cities of Guayaquil and Quito only will be given the benefit of special delivery service.

[16] Accepted, if registered.

[17] The addressees of articles prepaid at the letter rate, whether ordinary or registered, supposed to contain dutiable articles and received without the green label, Form 2976 (C 1), affixed, are summoned to witness their opening by the customs for disposal under the regulations. Requests for return of such articles to the senders are not complied with in any case.

[18] Regulations prescribed by U. S. S. R. authorities.

[20] Special delivery service is limited to cities.

[32] Ocean and Gilbert Islands, onward from Australia by ordinary means. Ellice, Fanning, Washington and Christmas Islands, onward from Fiji by ordinary means.

[21] Accepted, if registered.

[22] Where the domicile of the addressee is located outside of the local radius, a special fee is collected at the time of delivery.

[23] Service applicable only to unregistered letters, post cards, and printed matter.

[24] Dutiable letter packages received unaccompanied by the green label, Form 2976 (C 1), or paper customs declaration, Form 2976–A, are subject to a heavy fine in addition to the customs duty.

[26] Articles sent from this country for special delivery in Ireland at a distance over 1 mile from the post office of destination are subject to the collection from the addressee of 6 pence for each additional mile or part of a mile, after the first mile.

Key to symbols:
X = No service.
✓ = Accepted.
* = Accepted at risk of sender.
— = Airmail letter rate applies.

COUNTRY—continued	Letters and letter packages, per ½ ounce	Air letter sheets and post cards	Other Postal Union articles: First 2 ounces	Other Postal Union articles: Additional 2 ounces	Registration (fee)	8-ounce merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
Ivory Coast	$0.25	$0.10	—	—	$0.55	X	✓	X	✓	X
Jamaica	.10	.10	$0.30	$0.10	.55	X	✓	X	✓	X
Japan	.25	.10	.65	.45	.55	X	✓	[31] ✓	✓	X
Jordan (Hashemite Kingdom)	.25	.10	—	—	.55	X	✓	X	✓	X
Kenya and Uganda	.25	.10	.65	.45	.55	X	✓	[31] ✓	✓	X
Korea	.25	.10	.70	.49	.55	X	X	X	X	X
Lebanon	.25	.10	—	—	.55	X	✓	X	✓	X
Laos	.25	.10	—	—	.55	X	X	X	X	X
Latvia [34]	.15	.10	.52	.31	.55	X	X	X	X	X
Lebanon (Republic of)	.25	.10	.52	.31	.55	X	✓	X	✓	X
Leeward Islands	.10	.10	[35] .33	[35] .13	.55	X	✓	X	✓	X
Liberia	.25	.10	.48	.27	.55	X	✓	X	✓	X
Libya (United Kingdom of)	.15	.10	—	—	.55	X	✓	X	✓	X
Lithuania [34]	.15	.10	.52	.31	.55	X	X	X	X	X
Luxembourg (Grand Duchy)	.15	.10	.42	.21	.55	X	✓	X	✓	X
Macao	.25	.10	—	—	.55	X	✓	X	✓	X
Madagascar and Dependencies	.25	.10	—	—	.55	X	✓	X	✓	X
Madeira Islands	.15	.10	.44	.24	.55	X	✓	[21] ✓	✓	X
Malaya	.25	.10	.90	.70	.55	X	✓	X	✓	X
Malta	.15	.10	.43	.25	.55	X	✓	[21] ✓	✓	X
Martinique	.10	.10	.35	.15	.55	X	✓	[21] ✓	✓	X
Mauritania	.25	.10	—	—	.55	X	✓	X	✓	X
Mauritius and Dependencies	.25	.10	—	—	.55	X	✓	X	✓	X
Mexico	.06	[32] ✓	.30	.09	.40	✓	✓	X	✓	✓
Morocco (French Zone)	.15	.10	.45	.25	.55	X	✓	X	✓	X
Morocco (Spanish Zone)	.15	.10	.45	.25	.40	✓	X	[33] ✓	✓	X
Morocco Tangier (International Zone)	.15	.10	.45	.25	.55	X	[34] ✓	[21] ✓	✓	X
Nauru Islands	.25	.10	—	—	.55	X	✓	[21] ✓	✓	X
Netherlands	.15	.10	.42	.21	.55	X	✓	X	✓	X
Netherlands, New Guinea	.25	.10	—	—	.55	X	✓	X	✓	X
Netherlands, West Indies	.10	.10	.38	.18	.55	X	✓	X	✓	X
New Caledonia and Dependencies	.25	.10	—	—	.55	X	✓	X	✓	X
New Guinea Mandated Territory	.25	.10	—	—	.55	X	✓	X	✓	X
New Hebrides	.25	.10	—	—	.55	X	✓	X	✓	X
New Zealand	.25	.10	.79	.59	.55	X	✓	X	✓	X
Nicaragua	.10	.10	.35	.14	.40	✓	✓	X	✓	✓
Niger	.25	.10	—	—	.55	X	✓	X	✓	X
Nigeria	.25	.10	.54	.34	.55	X	✓	X	✓	X
North Borneo	.25	.10	—	—	.55	X	✓	X	✓	X
Norway	.15	.10	.43	.23	.55	X	✓	[27] ✓	✓	X
Nyasaland Protectorate	.25	.10	—	—	.55	X	✓	X	✓	X
Pakistan	.25	.10	.63	.43	.55	X	✓	X	[21] ✓	X
Palestine, Western Arab	.25	.10	—	—	X	X	✓	X	✓	X

[36] No service to Central Arab Palestine.

[27] Special delivery service is confined to Eldoret, Entebbe, Jinja, Kampala, Kisumu, Kitale, Lamu, Mbale, Mombasa, Nairobi, Nakuru, and Nyeri.

[28] This rate applies to Antigua only.

[29] Accepted, if registered.

[30] The importation of dutiable articles (merchandise) into Martinique in letters or letter packages is subject to the obtaining of an authorization delivered prior to the mailing at the request of the importers, by the chief of the customs service.

[31] The importation of dutiable articles (merchandise) into Mauritania in letters or letter packages is subject to the obtaining of an authorization delivered to the addressee prior to the mailing at the request of the importers, by the chief of the customs service.

[35] Per ounce (letters). Single post cards, 4 cents each.

[33] Special delivery service is confined to offices of Alcazarquivir, Arcila, Larache, Nabor, Targuist, Tetuan, Villa Alhucemas, and Xauen.

[34] Small packets accepted for British and French Post Offices only.

[25] Through British Post Office only.

[38] Articles sent from this country for special delivery in the Netherlands, at a distance beyond the limits of local distribution at the post office of address, are subject to collection from the addressee of a fee of 40 cents for each delivery.

[37] In Norway special delivery service is limited to first-class offices.

[39] Dutiable letter packages received unaccompanied by the green label, Form 2976 (c 1), or paper customs declaration, Form 2976–A, are subject to a heavy fine in addition to the customs duty.

Key to symbols:
X = No service.
✓ = Accepted.
* = Accepted at risk of sender.
— = Airmail letter rate applies.

COUNTRY—continued	Letters and letter packages, per ½ ounce	Air letter sheets and post cards	Other Postal Union articles: First 2 ounces	Other Postal Union articles: Additional 2 ounces	Registration (fee)	8-ounce merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
Panama	$0.10	$0.10	$0.33	$0.13	$0.40	✓	X	✓	[39] ✓	X
Papua	.25	.10	—	—	.55	X	✓	X	✓	X
Paraguay	.10	.10	.50	.30	.40	✓	X	X	✓	X
Persian Gulf Ports:										
Ports, Bahrein only	.25	.10	.60	.40	.55	X	✓	X	✓	X
Ports other places	.25	.10	—	—	.55	X	✓	X	✓	X
Peru	.10	.10	.45	.25	.40	✓	X	X	[6] ✓	X
Philippines	[40] .25	.10	.81	.60	.55	X	✓	✓	✓	✓
Pitcairn Island	.25	.10	—	—	.55	X	*	X	*	X
Poland	.15	.10	.46	.25	.55	X	✓	✓	✓	✓
Portugal	.15	.10	.41	.20	.55	X	X	✓	✓	X
Portuguese East Africa	.25	.10	.69	.49	.55	X	X	X	✓	X
Portuguese India	.25	.10	.65	.45	.55	X	X	X	✓	X
Portuguese Timor	.25	.10	[6] .63	—	.55	X	X	X	✓	X
Portuguese West Africa	.25	.10	[6] .63	.43	.55	X	X	X	✓	X
Reunion Island	.25	.10	—	—	.55	X	✓	X	✓	X
Rhodesia, Northern	.25	.10	—	—	.55	X	✓	X	✓	X
Rhodesia, Southern	.25	.10	—	—	.55	X	✓	X	✓	X
Rumania	.15	.10	—	—	.55	X	X	X	✓	✓
Ryukyu Islands	.25	.10	.65	.45	.55	X	✓	X	✓	X
St. Helena	.25	.10	.68	.47	.55	X	✓	X	✓	X
St. Pierre and Miquelon	[44] .68	[44] —	—	—	.55	X	✓	X	✓	X
El Salvador	.10	.10	.33	.13	.40	✓	[42] ✓	✓	✓	✓
Santa Cruz Islands	.25	.10	—	—	.55	X	✓	X	✓	X
Sarawak	.25	.10	—	—	.55	X	✓	X	✓	X
Saudi Arabia	.25	.10	.60	.40	.55	X	✓	X	✓	X
Senegal	.25	.10	.44	.23	.55	X	✓	X	✓	X
Seychelles	.25	.10	—	—	.55	X	✓	X	✓	X
Sierra Leone	.25	.10	—	—	.55	X	✓	X	✓	X
Solomon Islands	.25	.10	—	—	.55	X	✓	X	✓	X
Somalia	.25	.10	—	—	.55	X	✓	[42] ✓	✓	X
Somaliland Protectorate	.25	.10	—	—	.55	X	✓	X	✓	X
Southwest Africa	.25	.10	.68	.47	.55	X	X	X	✓	X
Spain	.15	.10	.45	.25	.40	✓	[43] ✓	✓	✓	X
Spanish Guinea	.25	.10	—	—	.40	✓	✓	✓	X	X
Spanish West Africa	.25	.10	—	—	.40	✓	✓	✓	X	X
Surinam	.10	.10	.41	.20	.55	X	✓	X	✓	X
Sweden	.15	.10	.45	.24	.55	X	✓	[41] ✓	✓	✓
Switzerland	.15	.10	.43	.22	.55	X	✓	✓	✓	X
Syria	.25	.10	.52	.31	.55	X	✓	X	✓	X
Tanganyika Territory	.25	.10	.65	.45	.55	X	✓	✓	✓	X
Thailand	.25	.10	.95	.75	.55	X	✓	✓	✓	X
Tonga Islands	.25	.10	—	—	.55	X	✓	X	✓	X
Trieste	.15	.10	.45	.24	.55	X	X	X	✓	X
Trinidad and Tobago	.10	.10	.38	.17	.55	X	✓	X	✓	X
Tristan da Cunha	.25	.10	.68	.47	.55	X	✓	X	*	X
Tunisia	.15	.10	.47	.26	.55	X	✓	✓	✓	X
Turkey	.15	.10	.49	.28	.55	X	[47] ✓	✓	[47] ✓	X
Turks Island	.10	.10	—	—	.55	X	✓	[48] ✓	✓	✓
Union of South Africa	.25	.10	.68	.47	.55	X	X	X	[49] X	X
U. S. S. R.	.15	.10	.52	.31	.55	X	X	X	[49] X	X
Upper Volta	.25	.10	—	—	.55	X	✓	X	[6] ✓	X
Uruguay	.10	.10	.58	.38	.40	✓	X	X	✓	X
Vatican City State	.15	.10	.45	.24	.55	X	X	✓	✓	X
Venezuela	.10	.10	.38	.18	.40	✓	✓	X	X	X
Viet Nam	.25	.10	—	—	.55	X	✓	X	*	X
Western Samoa (British)	.25	.10	—	—	.55	X	✓	X	*	X
Windward Islands	.10	.10	—	—	.55	X	✓	X	✓	X
Yemen	.25	.10	—	—	.55	X	✓	X	✓	X
Yugoslavia	.15	.10	.43	.22	.55	X	✓	✓	[6] ✓	X
Zanzibar and Pemba	.25	.10	.65	.45	.55	X	✓	X	✓	X

[39] Accepted: if registered.
[40] When mailed in Guam the rate is 10 cents per half ounce.
[41] Accepted, if registered.
[42] Other articles, rate applies only to Angola.
[43] Available only in the cities of Mogadishu, Merca, Kismayu, Isha Baidoa and Bender Kassim. Special delivery articles are delivered free up to 1 mile from the office of destination. A charge of 50 cents (East African currency) is made for each additional mile or part of a mile.
[44] Per ounce (letters). Post cards, 8 cents each.
[45] Small packets are accepted for Spain only. Small packets not accepted for Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa.
[46] The obligation of delivery by special messenger is limited to places served by city carriers. In other localities delivery is effected by special messenger, if possible; otherwise the addressee is notified by telephone or in some other way of the arrival of the articles so he may call at the post office for them.
[47] Generally limited to articles not subject to import quota restrictions.
[48] Special delivery articles are delivered only from head and branch offices where telegraph messengers are located. Free delivery is effected to any point within 1 mile of the special delivery office; beyond that distance there is collected a charge of 6 pence per mile or fraction thereof, in addition to the cost of any conveyance necessary.
[49] Limited to duty-prepaid packages of medicine.
[50] Accepted if registered. Such articles not bearing the green label, Form 2976 (C 1), are subject to confiscation.
[51] Accepted if registered.

§ 100.2 *Index of countries.*

Abyssinia (see Ethiopia).
Aden.
Admiralty Islands (see New Guinea, Mandated Territory).
Afghanistan.
Aitutaki (Cook Islands) (see New Zealand).
Albania.
Alderney (Channel Islands) (same as Great Britain).
Algeria.
Alhucemas (see Spain).
Alofi Island (see New Caledonia).
Amatongaland (see Union of South Africa).
Andaman Islands (see India).
Andorra (Republic of).
Anglo-Egyptian Sudan.
Angola (see Portuguese West Africa.
Anguilla (see Leeward Islands).
Anjouan (see Madagascar and dependencies).
Annam (see Viet-Nam).
Annobon Island (see Spanish Guinea).
Antigua (see Leeward Islands).
Arabia (see Saudi Arabia, Kingdom of).
Argentina.
Aruba (see Netherlands West Indies).
Ascension.
Ashanti (see Gold Coast Colony).
Astypalaia (see Greece).
Atafu (see Western Samoa [British]).
Atiu (Cook Islands) (see New Zealand).
Australia.
Austria.
Avarua (see New Zealand).
Azores.
Bahamas.
Bahrein (see Persian Gulf Ports).
Balearic Islands (see Spain).
Baluchistan (see Pakistan).
Banks Island (see New Hebrides).
Barbados.
Barbuda (see Leeward Islands).
Barthelemy (see Guadeloupe).
Basutoland (see Union of South Africa).
Bechuanaland, British (see Union of South Africa).
Bechuanaland Protectorate.
Belgian Congo.
Belgium.
Bermuda.
Bhutan (see India).
Bismarck Archipelago (see New Guinea, Mandated Territory).
Bolivia.
Bonaire (see Netherlands West Indies).
Borabora (see French Oceania).
Borneo (see North Borneo, State of).
Borneo (Kalimantan) (see Indonesia).
Bougainville (see New Guinea, Mandated Territory).
Bourbon (see Reunion Island).
Brazil.
British Bechuanaland (see Union of South Africa).
British Cameroons.
British Guiana.
British Honduras.
British Somaliland (see Somaliland Protectorate).
British Togoland (see Gold Coast Colony).
British Virgin Islands (see Leeward Islands).
British West Indies (see Bahamas, Barbados, Jamaica, Leeward Islands, Trinidad and Tobago, Turks Island, or Windward Islands).
Brunei.
Buka (see New Guinea, Mandated Territory).
Bulgaria.
Burma.
Caicos Islands (see Turks Island).
Cambodia.
Cameroons (British).
Cameroons (French).
Canada (including Newfoundland and Labrador).
Canary Islands (see Spain).
Cape of Good Hope, Province (see Union of South Africa).
Cape Verde Islands.
Cayman Islands (see Jamaica).
Ceuta (see Spain).
Ceylon.
Chaferinas Islands (see Spain).
Chalki (see Greece).
Chankiangshih (Kwangchowwan) (see China).
Channel Islands (Jersey, Guernsey, Alderney, and Sark). (Same as Great Britain.)
Chile.

China.
Chosen (see Korea).
Christmas Island (see Gilbert and Ellice Islands Colony).
Christmas Island (see Malaya).
Cochin-China (see Viet-Nam).
Cocos Islands (see Malaya).
Colombia.
Colony of Singapore (see Malaya).
Comoro Islands (see Madagascar).
Cook Islands (same as New Zealand).
Corisco Island (see Spanish Guinea).
Corsica.
Costa Rica.
Crete (see Greece).
Cuba (including Isle of Pines).
Cumino Island (see Malta).
Curacao (see Netherlands West Indies).
Cyprus.
Cyrenaica (see Libya).
Czechoslovakia.
Dahomey.
Damao (see Portuguese India).
Danger (see New Zealand).
Denmark.
Desirade Island (see Guadeloupe).
Diu (see Portuguese India).
Dodecanese Islands (see Greece).
Doha Qatar (see Persian Gulf Ports).
Dominica (see Windward Islands).
Dominican Republic.
Dubai (see Persian Gulf Ports).
Ecuador.
Egypt.
Egyptian Sudan (see Anglo-Egyptian Sudan).
Eire (see Ireland).
Ellice Islands (see Gilbert and Ellice Islands Colony).
Elobey Island (see Spanish Guinea).
El Salvador (see Salvador, El).
England (see Great Britain and Northern Ireland).
Eritrea.
Estonia.
Ethiopia (Abyssinia).
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Falkland Islands.
Fanning Island (see Gilbert and Ellice Islands Colony).
Faroe Islands.
Federation of Malaya (see Malaya).
Fernando Po Island (see Spanish Guinea).
Fezzon (see Libya).
Fiji Islands.
Finland.
Formosa (Taiwan) (see China).
France.
French Cameroons.
French Equatorial Africa.
French Guiana.
French Guinea.
French Morocco (see Morocco, French zone).
French Oceania.
French Somaliland.
French Sudan.
French Togoland.
French West Africa (see Dahomey, French Guinea, French Sudan, Ivory Coast, Mauritania, Niger, Senegal, or Upper Volta).
French West Indies (see Guadeloupe or Martinique).
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Futuna and Alofi Islands (see New Caledonia).
Gabon (see French Equatorial Africa).
Gambia.
Gambier (see French Oceania).
Germany.
Gibraltar.
Gilbert and Ellice Islands Colony.
Goa (see Portuguese India).
Gold Coast Colony.
Gozo Island (see Malta).
Grand Comoro (see Madagascar).
Great Britain and Northern Ireland.
Greece.
Greenland.
Grenada (see Windward Islands).
Grenadines (see Windward Islands).
Guadeloupe.
Guatemala.
Guernsey (Channel Islands) (same as Great Britain).
Guiana (British).
Guiana (French).
Guiana (Netherlands) (see Surinam).
Guinea (French).
Guinea, New (Mandated Territory).
Guinea (Portuguese) (see Portuguese West Africa).
Guinea (Spanish) (see Spanish Guinea).
Haiti.
Hashemite Kingdom of Jordan (see Jordan, Hashemite Kingdom).
Hervey (Cook Islands) (see New Zealand).
Hivaoa (see French Oceania).
Holland (see Netherlands).
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Honduras, Republic of.
Hong Kong.
Huahine (see French Oceania).
Huan Islands (see New Caledonia).
Hungary.
Iceland.
Ifni, Territory of (see Spanish West Africa).
India.
India, Portuguese.
Indo-China (see Cambodia, Laos and Viet-Nam).
Indonesia.
Iran.
Iraq.
Ireland (Eire).
Ireland (Northern) (see Great Britain and Northern Ireland).
Isle of Pines (see New Caledonia).
Isle of Pines, West Indies (see Cuba).
Israel, State of.
Italy.
Ivory Coast.
Jamaica.
Japan.
Jersey (Channel Islands) (same as Great Britain).
Johore (see Malaya).
Jordan (Hashemite Kingdom).
Jugoslavia (see Yugoslavia).
Kalymnos (see Greece).
Kamaran (see Aden).
Karpathos (see Greece).
Kassos (see Greece).
Kastellorizon (see Greece).
Kedah (see Malaya).
Keeling Islands (see Malaya).
Kelantan (see Malaya).
Kenya and Uganda.
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Kos (see Greece).
Kowloon (see Hong Kong).
Kuchinoshima (see Ryukyu Islands).
Kuwait (see Persian Gulf Ports).
Labrador (see Canada).
Labuan.
Laos.
Latakia (see Syria).
Latvia.
Lebanon, Republic of.
Leeward Islands (French) see French Oceania).
Leeward Islands.
Leipsos (see Greece).
Leros (see Greece).
Les Saintes Island (see Guadeloupe).
Liberia.
Libya, United Kingdom of.
Liechtenstein (see Switzerland).
Lithuania.
Lord Howe Island (see Australia).
Loyalty Islands (see New Caledonia).
Luxembourg (Grand Duchy).
Macao.
Macau (same as Macao).
Madagascar and dependencies.
Madeira Islands.
Malacca (see Malaya).
Malaya.
Malta.
Mangaia (Cook Islands) (see New Zealand).
Manahiki (see New Zealand).
Manual (Cook Islands) (see New Zealand).
Marie Galante (see Guadeloupe).
Marquesas Islands (see French Oceania).
Martinique.
Mauke (Cook Islands) (see New Zealand).
Mauritania.
Mauritius and dependencies.
Mayotte (see Madagascar and dependencies).
Melilla (see Spain).
Mexico.
Miquelon (see St. Pierre and Miquelon).
Mitiaro (Cook Islands) (see New Zealand).
Moheli (see Madagascar and dependencies.
Monaco (see France).
Montserrat (see Leeward Islands).
Moorea (see French Oceania).
Morocco, French Zone.
Morocco, Southern Protectorate of (see Spanish West Africa).
Morocco, Spanish Zone (including the Spanish Post Office in the International Zone of Tangier).
Morocco, Tangier (International Zone).
Moyen (Middle) Congo (see French Equatorial Africa).
Mozambique (see Portugese East Africa).
Muscat (see Persian Gulf Ports).
Nansei (see Japan).
Natal, Province (see Union of South Africa).
Nauru Island.
Negri Sembilan (see Malaya).
Nepal (see India).
Netherlands.
Netherlands New Guinea.
Netherlands West Indies.
Nevis (see Leeward Islands).
New Britain (see New Guinea, Mandated Territory).
New Caledonia and dependencies.
Newfoundland (see Canada).
New Guinea (Mandated Territory).
New Guinea (Netherlands) (see Netherlands New Guinea).
New Hanover (see New Guinea, Mandated Territory).
New Hebrides.
New Ireland (see New Guinea, Mandated Territory).
New South Wales (see Australia).
New Zealand.
Nicaragua.
Niger.
Nigeria.
Nissiros (see Greece).
Niue (see New Zealand).
Norfolk Island (see Australia).
North Borneo (State of).
Northern Ireland (see Great Britain and Northern Ireland).
Northern Rhodesia (see Rhodesia, Northern).
Northern Territories (see Gold Coast Colony).
Norway.
Nossi-be (see Madagascar and dependencies).
Nukahiva (see French Oceania).
Nukunonu (see Western Samoa [British]).
Nyasaland Protectorate.
Oceania (see French Oceania).
Ocean Island (see Gilbert and Ellice Islands Colony).
Okinawa (see Ryukyu Islands).
Orange Free State (see Union of South Africa).
Oubangui-Chari (see French Equatorial Africa).
Pahang (see Malaya).
Pakistan.
Palestine (Arab controlled):
Central (see Jordan).
Western (Gaza and Khan Yunis).
Palmerston (Avarua) (see New Zealand).
Panama, Republic of.
Papua (Territory of).
Paraguay.
Parry (Cook Islands) (see New Zealand).
Pasni (Baluchistan) (see Pakistan).
Patmos (see Greece).
Pemba (see Zanzibar and Pemba).
Penang (see Malaya).
Penon de Velez de la Gomera (see Spain).
Penrhyn (Tongareva) (see New Zealand).
Perak (see Malaya).
Perim (see Aden).
Perlis (see Malaya).

Persia (see Iran).
Persian Gulf Ports.
Peru.
Petite Terre (see Guadeloupe).
Philippines, Republic of the.
Pitcairn Island.
Poland.
Portugal.
Portuguese East Africa (Mozambique).
Portuguese Guinea (see Portuguese West Africa).
Portuguese India.
Portuguese Timor.
Portuguese West Africa.
Prince Island (see Portuguese West Africa).
Province Wellesley (see Malaya).
Pukapuka (see New Zealand).
Qatar (see Persian Gulf Ports).
Queensland (see Australia).
Raiatea (see French Oceania).
Rakaanga (see New Zealand).
Rapa (see French Oceania).
Rarotonga (Cook Islands) (see New Zealand).
Redonda (see Leeward Islands).
Republic of the Philippines (see Philippines).
Reunion (Bourbon) Island.
Rhodesia, Northern.
Rhodesia, Southern.
Rio de Oro (see Spanish West Africa).
Rio Muni (see Spanish Guinea).
Rodos (see Greece).
Rodrigues (see Mauritius and dependencies).
Rumania.
Ryukyu Islands.
Saar Territory (see France).
Saba (see Netherlands West Indies).
Sahara, Spanish (see Spanish West Africa).
St. Bartholomew (see Guadeloupe).
St. Christopher (see Leeward Islands).
St. Eustatius (see Netherlands West Indies).
St. Helena.
St. Kitts (see Leeward Islands).
St. Lucia (see Windward Islands).
St. Martin (Netherlands part) (see Netherlands West Indies).
St. Martin (French part) (see Guadeloupe).
St. Pierre and Miquelon.
St. Thomas Island (see Portuguese West Africa).
St. Vincent (see Windward Islands).
Ste. Marie de Madagascar (see Madagascar).
Salvador (El).
Samoa, Western (British) (see Western Samoa).
San Marino (Republic of) (see Italy).
Santa Cruz Islands.
Sarawak.
Sark (Channel Island) (same as Great Britain).
Saudi Arabia (Kingdom of).
Savage Island (Niue) (see New Zealand).
Savaii Island (see Western Samoa [British]).
Scotland (see Great Britain and Northern Ireland).
Sekia el Hamra (see Spanish West Africa).
Selangor (see Malaya).
Senegal.
Seychelles.
Sharja (see Persian Gulf Ports).
Shikoku (see Japan).
Siam (see Thailand).
Sierra Leone.
Singapore (see Malaya).
Society Islands (see French Oceania).
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Solomon Islands (Bougainville and Buka only) (see New Guinea Mandated Territory).
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Somaliland (French).
Somaliland Protectorate.
South Africa (see Union of South Africa).
South Australia (see Australia).
South Georgia (see Falkland Islands).
Southern Protectorate of Morocco (see Spanish West Africa).
Southern Rhodesia (see Rhodesia, Southern).
South-West Africa (including Walvis Bay).
Spain.
Spanish Guinea.
Spanish Morocco (see Morocco, Spanish Zone).
Spanish Sahara (see Spanish West Africa).
Spanish West Africa.
Spitzbergen (see Norway).
Sudan (Anglo-Egyptian).
Sudan (French).
Surinam.
Suwarrow Islands (see New Zealand).
Swaziland (see Union of South Africa).
Sweden.
Switzerland.
Symi (see Greece).
Syria, Republic of.
Tahaa (see French Oceania).
Tahiti (see French Oceania).
Taiwan (Formosa) (see China).
Tanganyika Territory.
Tangier (International Zone) (see Morocco, Tangier (International Zone)).
Tasmania (see Australia).
Tchad (see French Equatorial Africa).
Territory of Ifni (see Spanish West Africa).
Thailand (formerly Siam).
Thursday Island (see Australia).
Tibet (see India).
Tilos (see Greece).
Timor (Nethelands) (see Indonesia).
Timor (Portuguese).
Tobago (see Trinidad and Tobago).
Togoland (British) (see Gold Cost Colony).
Togoland (French) (see French Togoland).
Tokelau (Union) Group (see Western Samoa, British).
Tonga (Friendly) Islands.
Tongareva (see New Zealand).
Tonkin (see Viet-Nam).
Torres Island (see New Hebrides).
Trans-Jordan (see Jordan (Hashemite Kingdom)).
Transvaal (see Union of South Africa).
Trieste, Free Territory of
Trengganu (see Malaya).
Trinidad and Tobago.
Tripolitania (see Libya).
Tristan da Cunha.
Tuamotou (see French Oceania).
Tubuai (see French Oceania).
Tunisia.
Turkey.
Turks Island.
Uganda (see Kenya and Uganda).
Union Group (see Western Samoa, British).
Union of South Africa.
Union of Soviet Socialist Republics.
Upolu Island (see Western Samoa [British]).
Upper Volta.
Uruguay.
Vatican City State.
Venezuela (Republic of).
Victoria (see Australia).
Viet-Nam.
Virgin Islands (British) (see Leeward Islands).
Wales (see Great Britain and Northern Ireland).
Wallis Island (see New Caledonia).
Walvis Bay (see South-West Africa).
Washington Island (see Gilbert and Ellice Islands Colony).
Wellesley, Province (see Malaya).
Western Australia (see Australia).
Western Samoa (British).
Windward Islands.
Yemen.
Yugoslavia.
Zafarani Islands (see Spain).
Zanzibar and Pemba.
Zululand (see Union of South Africa).

PART 101—LETTERS AND LETTER PACKAGES

Sec.
101.1 Surface rates.
101.2 Air rates.
101.3 Weight limits.
101.4 Dimensions.
101.5 Mailing requirements and restrictions.

AUTHORITY: §§ 101.1 to 101.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 101.1 *Surface rates.* The surface rate for letters and letter packages to Canada and Mexico is 3 cents per ounce. To all other countries it is 8 cents for the first ounce and 4 cents for each additional ounce.

§ 101.2 *Air rates.* For airmail rates, see § 100.1 of this chapter.

§ 101.3 *Weight limits.* The weight limit for letters and letter packages to all countries except Canada is 4 pounds 6 ounces; for Canada, 60 pounds.

§ 101.4 *Dimensions*—(a) *Maximum dimensions.* (1) Maximum length is 24 inches. Maximum length, breadth and thickness combined is 36 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 32 inches) plus twice the diameter, may not exceed 40 inches. However, in the case of indivisible objects sent to the countries listed in subparagraph (2) of this paragraph, the length (which may not exceed 40 inches) plus twice the diameter, may be 48 inches.

(2) Countries to which the conditions of the Postal Union of the Americas and Spain are applicable:

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
El Salvador.
Guatemala.
Haiti.
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
Philippines.
Republic of Honduras.
Spain (including Balearic Islands, Canary Islands and Spanish Offices in northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

(b) *Minimum dimensions.* Envelopes should not measure less than 4 inches in length and 2¾ inches in width.

§ 101.5 *Mailing requirements and restrictions*—(a) *Restrictions.* Letters and letter packages shall not contain any documents having the character of actual personal correspondence addressed to persons other than the addressee or persons living with the addressee.

(b) *Dutiable contents*—(1) *Mailability.* Articles liable to customs duty (merchandise) may be forwarded in letters or letter packages, provided such importation is not prohibited by the country of destination.

(2) *Customs label to be attached.* You must complete and fix to the address side of such article the green (customs) label, Form 2976, referred to in § 133.1 (a) of this chapter. If you know that the contents of the package are not dutiable you may, if you prefer, omit Form 2976. Acceptance for mailing will

then be at your risk, and the Post Office Department will assume no responsibility for the treatment that may be given the article by the foreign customs authorities. Omission of this form may, however, result in delayed delivery and possible penalties against the addressee, regardless of whether the contents are dutiable or not. Special restrictions exist with respect to certain countries.

(3) *Countries to which not acceptable.* The following countries will not accept dutiable articles sent in letters or letter packages. Countries marked with an asterisk (*) will accept dutiable articles sent in letters or letter packages only when registered:

*Azores.
Bolivia.
Brazil.
British Honduras.
China.
Colombia.
*Ecuador.
El Salvador.
Estonia.
*Guatemala.
Italy (see note).
Japan.
Korea.
Latvia.
Lithuania.
*Madeira Islands.
*Panama.
*Peru.
Rumania.
Ryukyu Islands.
Spanish Guinea.
Spanish West Africa.
Union of Soviet Socialist Republics.
*Uruguay.
Venezuela.

NOTE: Italy will accept packages containing only small quantities of streptomycin and penicillin sent as gifts. The medicine must be prepared to be used directly for personal treatment, and will be admitted on condition that the addressees submit to the customs office the regulation permit from the Italian health authorities.

(4) *Acceptance at sender's risk.* A letter or package containing merchandise offered for mailing to one of the countries named in subparagraph (3) of this paragraph may be accepted only on condition that the sender knows that the contents are not dutiable in the country of destination, in which case Form 2976 may be omitted.

(c) *Endorsement.* Senders should add the words "Letter (lettre)" on the address side of letters and letter packages which, because of the volume or packing, may be mistaken for matter of another class.

PART 102—POST CARDS

Sec.
102.1 Surface rates.
102.2 Airmail rates.
102.3 Dimensions.
102.4 Mailing requirements.
102.5 Reply-paid post cards.

AUTHORITY: §§ 102.1 to 102.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 102.1 *Surface rates.* Surface rate for post cards to Canada and Mexico is 2 cents single; 4 cents reply paid. To all other countries, 4 cents single; 8 cents reply paid.

§ 102.2 *Airmail rates.* For airmail rates see § 100.1 of this chapter.

§ 102.3 *Dimensions.* Maximum dimensions, 6 by 4¼ inches. Minimum dimensions, 4 by 2¾ inches.

§ 102.4 *Mailing requirements*—(a) *Form*—(1) *How made.* Post cards shall be made of cardboard that meets the material and color specifications in § 21.2 or of paper strong enough not to withstand handling. Government postal cards may be used, adding postage as required. Folded sheets of paper having the two inner faces glued completely one over the other, so that there is no danger of other articles slipping inside, are treated as post cards. No writing is allowed on the inside of the two halves which must be firmly glued together and conform to the dimensions prescribed in § 102.3.

(2) *Enclosure prohibited.* Post cards shall be sent unenclosed, without wrapper or envelope.

(3) *Spaces for address and message.* The right half, at least, of the address side is reserved for the address of the addressee and the notations or labels relating to the service. The sender may use the back and the left half of the address side.

(4) *How postage is affixed.* Postage must appear on the address side, in the upper right corner of the card.

(b) *Attachments.* You may not join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels and clippings of any kind, of paper or other very thin material, as well as address labels or slips to be folded back, may be glued thereto, on condition that they do not alter the character of the post cards and that they adhere completely to the card. These articles may be glued only on the back or left half of the address side of the card except address labels or slips which may occupy the entire address side. Stamps of any kind, likely to be confused with postage stamps, may be placed only on the back.

(c) *When treated as letters.* Post cards which do not fulfill the conditions laid down for that class of articles are treated as letters, with the exception of those on which the irregularity consists solely of the application of the stamps on the back. The latter are considered as unprepaid and are treated accordingly. Double post cards, except those prepared as reply-paid post cards (see § 102.5), are subject to the letter rate of postage, unless they are admitted as printed matter. See § 104.5 (b) of this chapter regarding cards admitted as printed matter.

§ 102.5 *Reply-paid postal cards*—(a) *Availability.* Reply-paid postal cards, bearing the required endorsements, are available at post offices in two denominations: 2 cents on each half for Canada and Mexico; 4 cents on each half for other countries. The domestic reply-paid postal card shall not be used in international mails.

(b) *Privately printed cards.* (1) Double cards which are privately printed for use as reply-paid cards in the international mails shall have on the front, in the French language, as the heading of the first or message part, the words Carte postale avec réponse payee (post card with reply paid), and the words Carte postale réponse (reply post card) as the heading on the second or reply part. Each of the two parts must fulfill the other conditions laid down for a single card.

(2) Prepayment of the two halves shall be by means of United States postage stamps (2 cents for Canada and Mexico and 4 cents for other countries) affixed to each half.

(c) *Form.* The two parts of a reply-paid card must be folded one part over the other, so that the fold forms the upper edge, and they may not be sealed in any manner. The sender may put his name and address on the address side of the reply half, either by writing, printing, or label. The address on the reply half shall be folded on the inside. The sender may have printed on the back of the reply half a questionnaire to be filled in by the addressee. The latter may return the inquiry half attached to the reply-portion, in which case the address on the inquiry half shall be crossed out and folded on the inside of the card.

(d) *Validity of postage.* The prepayment of the reply half by means of postage stamps of the country which has issued the cards is valid only if the two parts of the card with the reply paid have arrived joined together from the country of origin and if the reply half is sent from the country where it arrived by mail and is addressed to the country of origin. If these conditions are not fulfilled, it is treated as an unprepaid post card.

PART 103—COMMERCIAL PAPERS

Sec.
103.1 Surface rates.
103.2 Airmail rates.
103.3 Weight limits.
103.4 Dimensions.
103.5 Description.
103.6 Reference slips.
103.7 Endorsements and sealing.

AUTHORITY: §§ 103.1 to 103.7 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 103.1 *Surface rates.* Surface rate for commercial papers for all countries is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction of 2 ounces. Minimum charge is 10 cents.

§ 103.2 *Airmail rates.* For airmail rates, see § 100.1 of this chapter.

§ 103.3 *Weight limits.* Weight limit for commercial papers is 4 pounds 6 ounces.

§ 103.4 *Dimensions*—(a) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with countries, listed in § 101.4 (a) of this chapter, the length (40 inches maxi-

mum) plus twice the diameter may be as much as 48 inches.

(b) *Minimum dimensions.* Envelopes should measure not less than 4 inches in length and 2¾ inches in width.

§ 103.5 *Description.* The following are considered commercial papers, provided they do not have the character of actual and personal correspondence:

(a) All papers and documents, wholly or partly written or drawn, such as out-of-date articles of correspondence (opened letters and post cards, even though they bear canceled postage stamps or postage paid impressions which have served to pay the original postage) which have already reached their original destination, and copies thereof.

(b) Papers of legal procedure.

(c) Documents of all kinds drawn up by ministerial officers.

(d) Waybills or bills of lading.

(e) Invoices.

(f) Certain documents of insurance companies.

(g) Copies of or extracts from documents under private seal written on stamped or unstamped paper.

(h) Scores or sheets of music in manuscript.

(i) Manuscripts of books or of newspapers sent separately.

(j) Original and corrected exercises of students, but without any notes not relating directly to the execution of the work.

(k) All articles (even when they have the character of actual and person correspondence) containing correspondence exchanged between students in schools: *Provided*, That such articles are sent through the intermediary of the heads of the schools concerned.

§ 103.6 *Reference slips.* The documents enumerated in § 103.5 may be accompanied by reference slips or memoranda bearing notations showing the number of the pieces composing the shipment, or references to correspondence exchanged between the sender and addressee, such as: "Enclosure to our letter of _____ addressed to _____. Our reference _____. Customer's reference _____."

§ 103.7 *Endorsements and sealing.* Commercial papers must be endorsed "Commercial Papers" and must not be sealed.

PART 104—PRINTED MATTER

Sec.
104.1 Surface rate.
104.2 Air mail rates.
104.3 Weight limits.
104.4 Dimensions.
104.5 Description.
104.6 Mailing requirements.
104.7 Raised print for the blind.
104.8 Books.
104.9 Endorsements and sealing.

AUTHORITY: §§ 104.1 to 104.9 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 104.1 *Surface rate.* Surface rate for printed matter to all countries is 2 cents for the first 2 ounces and 1½ cents for each additional 2 ounces or fraction. See § 22.1 (d) for special rates on second-class mail to certain other countries. Special rates apply to raised print for the blind. See § 104.7.

§ 104.2 *Air mail rates.* For airmail rates see § 100.1 of this chapter.

§ 104.3 *Weight limits*—(a) *In general.* Subject to the exceptions noted in paragraph (b) of this section, the weight limit for printed matter in general is 6 pounds 9 ounces, and for a single volume of a printed book it is 11 pounds.

(b) *Exceptions*—(1) To Paraguay and Peru the weight limit is 11 pounds.

(2) To Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexico, Morocco (Spanish Zone), Nicaragua, Panama, El Salvador, Spain (including Balearic Islands, Canary Islands, and Spanish Offices in Northern Africa), Spanish Guinea, Spanish West Africa, Uruguay and Venezuela the weight limit is 22 pounds.

(3) To the Philippines the weight limit is 11 pounds, except that packages containing legal, medical, scientific or educational books addressed to cities in the Philippines may weigh up to 22 pounds.

(4) A single volume to Canada may weigh up to 11 pounds; to Cuba, Mexico, Panama, and El Salvador it may weigh up to 60 pounds.

§ 104.4 *Dimensions*—(a) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with the countries listed in § 101.4 (a) of this chapter, the length (40 inches maximum) plus twice the diameter, may be as much as 48 inches combined.

(b) *Minimum dimensions.* Envelopes should measure not less than 4 inches in length and 2¾ inches in width.

§ 104.5 *Description*—(a) *General definition.* The term "printed matter" applies to all impressions or reproductions obtained upon paper, or materials similar to paper, parchment, or cardboard, by means of printing, engraving, lithography, photography, or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter.

(b) *What is admissible as printed matter.* The following are admitted as printed matter:

(1) Newspapers and periodicals.

(2) Books and pamphlets.

(3) Sheet music.

(4) Visiting cards, address cards.

(5) Printing proofs (with or without the relative manuscripts).

(6) Unframed photographs, engravings.

(7) Albums containing photographs.

(8) Printed pictures, drawings, plans, maps.

(9) Patterns to be cut out.

(10) Calendars (except calendar pads with blank pages for memoranda).

(11) Catalogs, prospectuses, advertisements.

(12) Notices.

(13) Cards although bearing the title "Post Card" provided they fulfill the general conditions for prints. Those which do not fulfill these conditions are treated as post cards, or, if occasion arises, as letters.

(14) Matrices of material similar to paper or cardboard.

(15) Reproductions of handwriting or typewriting obtained by means of the printing press, mimeograph, multigraph, or similar mechanical process are acceptable as printed matter under the same conditions as are applied in the domestic service.

(c) *Not admissible as printed matter.* The following are not acceptable at the printed matter rate:

(1) Printed papers which bear any marks whatever capable of constituting a conventional language or with the additions specifically authorized by paragraph (d) of this section, those of which the text has been modified after printing.

(2) Stamps or forms of prepayment, canceled or not, including Internal Revenue strip stamps, and all printed papers representing a monetary value.

(3) Articles of stationery, when it appears clearly that the printed text is not the essential part of the article.

(4) Framed photographs and certificates.

(5) Photographic negatives and slides.

(6) Films.

(7) Phonograph records, and perforated papers intended to be used on automatic musical instruments.

(8) Disc or wire recordings of correspondence, etc.

(9) Bulk shipments of printed envelopes, letterheads, billheads, calendar pads, and similar articles, as well as diaries (books), check books, greeting cards or folders, and the like, which, although containing some printed matter, such as dates, headings, etc., have blank spaces or pages in which entries are to be made in manuscript or on the typewriter. Check books to Great Britain and Northern Ireland must be sent exclusively in the letter mails.

(10) Typewritten matter, or carbon copies thereof, except as authorized in paragraphs (d) and (e) of this section.

(d) *Permitted additions.* The following additions may be made, either by hand or by mechanical process, on the outside or inside of printed articles:

(1) The name, title, profession, firm, and address of the sender and the addressee; the date of mailing; the signature; telephone number and telephone exchange; telegraphic address and code; current postal check or bank account of the sender; an order or entry number relating exclusively to the article.

(2) Corrections of mistakes in printing.

(3) Striking, underlining or encircling of certain words or passages of the printed text, unless intended as personal correspondence.

(4) On notices concerning the departure and arrival of ships and planes:

the dates and time of such departures and arrivals, as well as the names of the ships, planes, ports of departure, call, and arrival.

(5) On travelers' announcements: the name of the traveler, the date, time, and name of the place through which he contemplates passing as well as the place where he is stopping.

(6) On order, subscription or offer blanks for publications, books, newspapers, engravings, and pieces of music: the publications and number of copies ordered or offered, the prices of such publications, as well as notations representing price factors, terms of payment, the edition, the names of the authors or publishers, the catalog number and the words "broché" (stitched or paper-bound), "cartonné" (boards) or "relié" (bound).

(7) On forms used in connection with loans from libraries, the titles of books, number of copies requested or sent, names of authors or publishers, catalog numbers, number of days permitted for reading, name of person desiring to consult the book, as well as other brief indications relating to the books in question.

(8) On illustrated cards, printed visiting cards, as well as on Christmas and New Year cards: good wishes, greetings, congratulations, thanks, condolences, or other forms of politeness expressed in not more than five words or by means of not more than five conventional initials.

(9) On printing proofs: such changes and additions as relate to the correction, form and printing, as well as notes such as "Ready for printing," "O. K. for printing," or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets.

(10) On fashion plates, maps, etc.: the colors.

(11) On current price lists, offers for advertisements, market and stock quotations, commercial circulars and prospectuses: figures and any other annotations representing price factors.

(12) On books, pamphlets, newspapers, photographs, engravings, sheet music, and in general, on all printed, engraved, lithographed, or autographed literary or artistic productions: a dedication consisting of a simple tribute; and on photographs or engravings, a very concise explanatory legend as well as other summary information concerning the photograph or engraving itself.

(13) On passages cut from newspapers and periodicals: the name, date, number, and address of the publication from which the article is taken.

(14) An order or entry number relating exclusively to the articles contained in the package.

(15) On notices of change of address: the old and the new address as well as the date of the change.

(e) *Permitted attachments.* Articles sent as prints may have the following attachments:

(1) The manuscript to corrected or uncorrected printing proofs.

(2) To books, pamphlets, newspapers, photographs, engravings, sheet music, and, in general, all prints and engraved, lithographed or autographed literary or artistic productions: an open invoice covering the article sent, reduced to its essential terms.

(3) A card, envelope or wrapper bearing the address of the sender which may be prepaid for return by means of postage stamps of the country of destination of the article of printed matter.

(4) Cut-out patterns which are marked to show that they are an integral part of a fashion magazine with which they are mailed.

§ 104.6 *Mailing requirements*—(a) *Wrapping.* Prints must be placed either under wrapper, in rolls, between cardboard, in an open case, or in an unsealed envelope, provided, if need be, with easily removable fasteners offering no danger, or be fastened with a string which can be easily untied. Articles of printed matter should not be prepared in such a manner as to allow other articles to slip into them. Prints of the shape and consistency of a card and either folded (in such a way that they can not unfold during transportation) or unfolded may be forwarded without wrapper, envelope, or fastener.

(b) *Addressing and affixing of stamps.* The right half, at least, of the address side of prints sent in the form of cards, including illustrated post cards, must be reserved for the address of the recipient and the service notes or labels. The postage stamps or postage-paid impressions must be placed on the address side, and so far as possible on the right half of the cards.

(c) *Prohibited enclosures.* Newspapers, periodicals, or other articles of printed matter addressed to several different subscribers or addressees must not be enclosed in the same package with postage stamps affixed only to the outside wrapper of the package. However, several newspapers, periodicals, or other articles of printed matter, without separate address, may be enclosed in the same package.

(d) *Return request.* Senders desiring that ordinary (unregistered) prints be returned if they prove to be undeliverable as addressed must place on the package their return address and a notation, in a language known in the country of destination, requesting its return.

(e) *Dutiable prints.* Prints which are dutiable in the country to which they are addressed should have a green (customs) label, Form 2976, fixed to the address side of the article. (See § 133.1 (a) of this chapter.)

§ 104.7 *Raised print for the blind*—(a) *Surface rate.* Surface rate for raised print for the blind is 1 cent for each pound or fraction, except that matter that is accepted free of postage in the United States domestic mails, not exceeding 15 pounds 6 ounces, may be sent free of postage to Bolivia, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, El Salvador, Uruguay, and Venezuela.

(b) *Airmail rate.* For airmail rate see § 100.1 of this chapter.

(c) *Weight limit.* Weight limit is 15 pounds 6 ounces.

(d) *Dimensions.* See § 104.4.

(e) *Description.* Printing plates with characters for the use of the blind are treated as raised print for the blind. The same applies to sound recordings and special paper intended only for the use of the blind, provided they are sent by an officially recognized institution for the blind or addressed to such an institution.

§ 104.8 *Books*—(a) *Surface rate.* Surface rate for books, as defined in § 25.2 (a) (4) of this chapter is 8 cents each pound or fraction when addressed to the following countries:

Argentina.	Haiti.
Bolivia.	Mexico.
Brazil.	Nicaragua.
Chile.	Panama.
Colombia.	Paraguay.
Costa Rica.	Peru.
Cuba.	Philippines.
Dominican Republic.	Republic of Honduras.
Ecuador.	Uruguay.
El Salvador.	Venezuela.
Guatemala.	

(b) *Airmail rates.* For airmail rates to individual countries see column headed Other Postal Union Articles in § 100.1 of this chapter.

(c) *Weight limit and dimensions.* Weight limit and dimensions are the same as for printed matter in general. See §§ 104.3 and 104.4.

(d) *Permissible enclosures.* Permissible enclosures are listed in § 25.6 (b) of this chapter.

§ 104.9 *Endorsements and sealing.* Printed matter, matter for the blind, and books must be endorsed "Printed Matter" or "Printed Matter for the Blind", "Books", as the case may be, and must not be sealed.

PART 105—SAMPLES OF MERCHANDISE

Sec.

105.1 Surface rate.
105.2 Airmail rates.
105.3 Weight limit.
105.4 Dimensions.
105.5 Description.
105.6 Mailing requirements.
105.7 Packing requirements for certain articles.
105.8 Endorsements and sealing.

AUTHORITY: §§ 105.1 to 105.8 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 105.1 *Surface rate.* Surface rate for samples of merchandise is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction.

§ 105.2 *Airmail rates.* For airmail rates, see § 100.1 of this chapter.

§ 105.3 *Weight limit.* Weight limit is 18 ounces.

§ 105.4 *Dimensions*—(a) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with the countries listed in § 101.4 (a) of this chapter, the length

(40 inches maximum) plus twice the diameter may be as much as 48 inches combined.

(b) *Minimum dimensions.* Envelopes should measure not less than 4 inches in length and 2¾ inches in width.

§ 105.5 *Description.* The following are admitted at the sample rate: Electrotypes; single cut-out patterns; keys sent singly; fresh cut flowers; articles of natural history (dried or preserved animals and plants, geological specimens, etc.); tubes of serum and vaccines; medicaments of urgent need difficult to obtain; pathological objects rendered harmless by their mode of preparation and packing. These articles, except tubes of serum and vaccines, and medicaments of urgent need difficult to obtain, sent in the general interest by laboratories, or institutions officially recognized, must not be sent for commercial purposes.

§ 105.6 *Mailing requirements* — (a) *Packing.* Samples of merchandise must be made up in such a way that they can be easily inspected. They shall be placed in bags, boxes, or wrappers which are unsealed or which have a removable fastener. No packing is required for articles consisting of a single piece, such as pieces of wood, metal, etc., which it is not customary to pack in commercial usage, on the condition that the address and the postage stamps be placed on a tag if necessary. However, the address must always be reproduced on the article itself, in the absence of which packing is required.

(b) *Prohibited contents.* Packages containing samples of merchandise shall not contain any article of salable value. Goods sent as gifts or in execution of an order, no matter how small the quantity, are not transmissible at the postage rates and conditions applicable to samples of merchandise. Except as provided in paragraph (c) of this section, samples of merchandise must not bear any notation or contain any document having the character of actual personal correspondence, nor contain any postage stamps, any cancelled or uncancelled form of prepayment, or any paper representing a value. Pairs of articles, such as gloves, shoes, socks, etc. (but not suspenders or drawers), are not transmissible by mail to other countries at the postage rates and conditions applicable to samples of merchandise, but one article of a pair may be so transmitted.

(c) *Permitted notations.* You may indicate, by hand or by a mechanical process, on the outside or on the inside of packages of samples, and in the latter case, on the sample itself or on a special sheet relative thereto: the name, title, profession, firm, and address of the sender and the addressee, as well as the date of mailing, the signature, telephone number and exchange, telegraphic address and code current postal check or bank account of the sender, a factory mark or trade mark, a brief indication concerning the manufacturer and the jobber of the merchandise or concerning the person to whom the sample is addressed, as well as order or entry numbers, prices and any other annotations representing price factors, particulars relative to weight, measurement and size, or to the quantity to be disposed of, and such as are necessary to determine the origin and character of the goods.

§ 105.7 *Packing requirements for certain articles*—(a) *Glass.* Articles of glass or other fragile materials must be securely packed (in boxes of metal, wood, or strong corrugated cardboard), so as to avoid all danger to postal employees and the mails.

(b) *Liquids, oils, etc.* Liquids, oils, and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood or strong corrugated cardboard containing enough sawdust, cotton, or spongy material to absorb the liquid in the event of breakage of the receptacle. The cover of the box must be fastened in such a way that it cannot be easily detached.

(c) *Fatty substances.* Fatty substances which do not easily liquefy, such as ointments, soft soap, resin, etc., as well as silkworm eggs, the transmission of which presents fewer difficulties, must be enclosed in an inside cover (box, canvas bag, parchment, etc.), which must itself be placed in a second box of wood, metal, or stout, thick leather.

(d) *Dry powdered dyes.* Dry powdered dyes such as aniline, etc., are not admitted unless enclosed in stout tin boxes, placed in turn inside wooden boxes, with sawdust between the two packings; dry noncoloring powders must be placed in boxes of metal, wood, or cardboard. These boxes themselves must be enclosed in a canvas bag or parchment.

(e) *Live organisms.* Live bees, leeches, silkworm eggs, and parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies shall be enclosed in boxes so constructed as to avoid all danger.

(f) *Deteriorating articles.* Articles which would deteriorate if packed in accordance with the general rules (as well as samples placed in transparent containers permitting verification of their contents, may, as an exception, be admitted in hermetically sealed containers. The same applies to samples of industrial or vegetable products mailed under seal by the factory or sealed by the inspection authorities of the country of origin. In such cases, the postal administration concerned may require the sender or the addressee to facilitate the verification of the contents either by opening certain articles indicated by them or in some other satisfactory manner.

§ 105.8 *Endorsements and sealing.* Samples of merchandise must be endorsed "Samples of Merchandise" and must not be sealed.

PART 106—SMALL PACKETS

Sec.
106.1 Surface rates.
106.2 Airmail rates.
106.3 Weight limit.
106.4 Dimensions.
106.5 Preparation and packing.
106.6 Limitations and restrictions.
106.7 Endorsements, sealing and documentation.

AUTHORITY: §§ 106.1 to 106.8 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 106.1 *Surface rates.* Surface rate for all countries accepting small packets (see § 100.1) is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. Minimum charge, 20 cents per packet.

§ 106.2 *Airmail rates.* For airmail rates, see § 100.1 of this chapter.

§ 106.3 *Weight limit.* Weight limit for small packet is 2 pounds 3 ounces.

§ 106.4 *Dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches. However, in the case of indivisible objects exchanged with Argentina, Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Philippines, El Salvador, Spain, and Venezuela, the length (the maximum of which is 40 inches) plus twice the diameter may be as much as 48 inches.

§ 106.5 *Preparation and packing.* In general, "small packets" are subject to the provisions applicable to "Samples of Merchandise" with respect to preparation and packing. (See § 105.7 of this chapter.)

§ 106.6 *Limitations and restrictions*—(a) *Permitted enclosures.* You may enclose in "small packets" an open invoice reduced to its essential terms. While the full name and address of the addressee as well as that of the sender must appear on the outside of the packet, a simple copy thereof may also be included therein. Small packets may contain articles liable to customs duty and upon receipt in the country of destination will be subject to the customs regulations of such country.

(b) *Prohibited enclosures.* Small packets may not contain any letter, note or document having the character of actual personal correspondence; nor coins, bank notes, paper money, postage stamps canceled or uncanceled, or any values payable to the bearer; platinum, gold, or silver, manufactured or unmanufactured; precious stones, jewelry, or other precious articles.

§ 106.7 *Endorsements, sealing and documentation*—(a) *Endorsements and sealing.* Small packets must be endorsed "Petit Paquet" (small packet), and must not be sealed.

(b) *Documentation.* Small packets, whether or not they are subject to customs inspection, must bear the green (customs) label, Form 2976. See § 133.1 (a) of this chapter.

PART 107—EIGHT-OUNCE MERCHANDISE PACKAGES

Sec.
107.1 Surface rate.
107.2 Airmail rate.
107.3 Dimensions.
107.4 Weight limit.
107.5 Description.

Sec.
107.6 Sealing and documentation.
107.7 Countries for which accepted.

AUTHORITY: §§ 107.1 to 107.7 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 392.

§ 107.1 *Surface rate.* The surface rate for 8-ounce merchandise packages is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction.

§ 107.2 *Airmail rate.* For airmail rates, see § 100.1 of this chapter.

§ 107.3 *Dimensions.* Same as for letter packages. See § 101.4 of this chapter.

§ 107.4 *Weight limit.* Weight limit for 8-ounce merchandise packages is 8 ounces.

§ 107.5 *Description.* "Eight-ounce merchandise packages" are not parcel post, but fall within the broad classification of "Postal Union Mails".

§ 107.6 *Sealing and documentation.* Eight-ounce merchandise packages must not have customs declarations attached and generally must not be sealed. However, when addressed to Canada they may be sealed if marked "May be opened for postal inspection if necessary".

§ 107.7 *Countries for which accepted.* Packages of merchandise weighing 8 ounces or less are accepted for the following countries:

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Republic of Honduras.
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
El Salvador.
Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

PART 108—COMBINATION PACKAGES; ARTICLES GROUPED TOGETHER

Sec.
108.1 Combination packages.
108.2 Articles grouped together.

AUTHORITY: §§ 108.1 and 108.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 108.1 *Combination packages*—(a) *Definition.* Combination packages are packages made up of two parts, firmly attached together, both addressed for delivery to the same addressee, and consisting of a sealed envelope containing a written or printed communication; and an unsealed container, with samples of merchandise or printed matter enclosed.

(b) *Postage rates.* Each part of a combination package must be fully prepaid at the appropriate rate of postage.

(c) *Countries for which accepted.* The following countries accept combination packages in the ordinary mail only, except as noted:

Austria.
Bolivia.
Brazil.
British Guiana.
British Honduras.
Bulgaria.
Canada.
Colombia.
Denmark.
Dominican Republic (ordinary or registered).
Faroe Islands.
Greenland.
Haiti.
Republic of Honduras (registered only).
Iceland.
Jamaica.
Mexico.
Nicaragua.
Norway.
Philippines (Republic of).
Poland.
Rumania.
El Salvador.
Sweden.
Turks Islands.

§ 108.2 *Articles grouped together*—(a) *Grouping permitted.* You may include in a single package, commercial papers, samples of merchandise, and printed matter subject to the conditions set forth in paragraph (b) of this section.

(b) *Conditions of grouping.* The articles specified in paragraph (a) of this section may be grouped together under the following conditions:

(1) Each article taken singly must not exceed the limits of weight applicable to it.

(2) The total weight must not exceed 4 pounds 6 ounces per package if it consists solely of commercial papers and samples.

(3) The weight limit is raised to 6 pounds 9 ounces if the package also contains prints, but in such case the total weight of the commercial papers and samples must not exceed 4 pounds 6 ounces.

(4) The dimensions of the package must not exceed those of letters.

(c) *Surface rate.* Postage will be charged at the rate of 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. The postage paid must be at least the minimum for commercial papers (10 cents) if the package contains commercial papers.

(d) *Airmail rate.* For airmail rates see § 100.1 of this chapter.

PART 109—AIRMAIL

Sec.
109.1 Weight limits and dimensions.
109.2 Rates.
109.3 Double or reply-paid post cards.
109.4 Endorsement.
109.5 Prepayment.
109.6 "AO" articles.
109.7 Air letter sheets.

AUTHORITY: §§ 109.1 to 109.7 issued under R. S. 161, 396, 398, sec. 32, 20 Stat. 362, as amended, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372, 39 U. S. C. 358.

§ 109.1 *Weight limits and dimensions.* In general, the limits of weight and dimensions and other conditions (but not postage rates) prescribed for surface mails apply to Postal Union articles for dispatch by airmail. (See Subchapter L of this chapter concerning conditions applicable to international air parcel post.)

§ 109.2 *Rates.* For air rates, including postage and the fee for air service, see § 100.1 of this chapter. The weight of the card prepared as the return receipt of a registered airmail article is not included with the weight of the article in determining the postage required.

§ 109.3 *Double or reply-paid post cards.* For double post cards or reply-paid cards, the initial or message half must be prepaid at the airmail letter rate to the country of address in order to be entitled to transmission by air.

§ 109.4 *Endorsement.* Articles to be sent by air should have affixed in the upper-left hand corner of the envelope or cover, immediately below the return card of the sender, the blue "Par Avion/By Airmail" label Form 2978. Envelopes bearing distinctive air mail markings may show the printed or rubber stamped endorsement "Par avion/by airmail" in blue capital letters instead of Form 2978.

§ 109.5 *Prepayment.* Airmail articles must be fully prepaid to assure dispatch without delay. If they are returned to sender for additional postage, the stamps originally attached will be accepted in the amount of their face value.

§ 109.6 *"AO" articles.* Articles in the Postal Union Mails classified as commercial papers, printed matter, raised print for the blind, samples of merchandise, and small packets, as well as 8-ounce merchandise packages, combination packages and articles grouped together, may be sent by air provided they are prepared for mailing as prescribed for the class of article involved, as set forth in this subchapter and are prepaid at the appropriate air mail rate. This rate will be the letter rate unless a special "Other Articles" rate is in effect to the countries concerned, in which case the latter rate will apply. In either case the rate is shown in § 100.1 of this chapter.

§ 109.7 *Air letter sheets.* Air letters (aerogramme) of approved size and weight which can be folded into the form of an envelope and sealed, may be sent by air at a uniform rate of 10 cents each to all countries. Air letter sheets with printed postage and air mail markings are sold at all post offices at 10 cents each. Air letter sheets manufactured by private individuals or concerns, if approved by the Post Office Department for such use, may also be accepted for mailing after affixing postage of 10 cents (6 cents for Canada and Mexico, 8 cents for St. Pierre and Miquelon). All parts of air letter sheets may be used for the sender's message except the address side. No enclosures are permitted. Air letter sheets may be sent under registration upon payment of the required registry fee in addition to the postage.

Subchapter L—International Parcel Post

PART 110—RATES AND SHIPPING REQUIREMENTS

§ 110.1 *Rates and shipping requirements.* (See Index of Countries at end of Part 100 of this chapter for destinations not specified in table.)

Country	Weight limit (pounds)	Dimensions: Greatest length (feet)	Dimensions: Greatest length and girth combined (feet)	Sealing: R=required; O=optional	Group shipments: Y=permitted; N=not permitted (numeral indicates limit, if any, of number of parcels permitted in group)	Form 2966, customs declaration (number required)	Form 2972, dispatch note (number required)	Form 2922, parcel post sticker (number required)	Registration: Y=permitted; N=not permitted	Insurance: Y=available; N=not available	Surface parcel post rates: First pound	Surface parcel post rates: Each additional pound	Air parcel post rates: First 4 ounces	Air parcel post rates: Each additional 4 ounces
Aden	22	3½	6	O	N	1	0	1	N	N	$0.65	$0.25	$1.80	$0.75
Afghanistan [46]	11	3½	6	O	Y-3	2	1	1	N	N	.94	.23		
Albania [47]	22	3½	6	R	N	2	0	1	N	N	1.14	.22		
Algeria	44	(See France)		O	N	1	1	1	N	N	.63	.24		
Andorra	44	(See France)		R	N	1	1	1	N	N	.45	.22		
Anglo-Egyptian Sudan	22	[20] 3½	[20] 6	O	Y-3	2	1	1	N	N	.91	.22		
Argentina	44	[21] 3½	[21] 6	R	[14] Y-3	2	1	1	N	Y	.48	.25	1.51	0.75
Ascension	11	3½	6	O	N	1	0	1	N	N	.61	.38		
Australia	11	3½	6	(2)	Y	1	0	1	N	Y	.49	.26	1.62	1.27
Austria	22	[20] 3½	[20] 6	(2)	N	2	1	1	N	Y	.73	.25	1.05	.49
Azores	11	3½	6	(2)	N	2	0	1	[3] Y	[3] Y	.45	.22	.71	.44
Bahamas	22	[20] 3½	[20] 6	(2)	Y	1	0	1	N	Y	.45	.22	.83	.14
Barbados	22	[20] 3½	[20] 6	(2)	[4] Y	1	0	1	N	Y	.45	.22	.65	.35
Bechuanaland Protectorate	11	3½	6	O	N	1	0	1	N	N	[37] .57	.34	1.30	.94
Belgian Congo	44	3½	6	R	N	3	1	1	Y	N	.56	.27	1.38	.79
Belgium	44	[20] 3½	[20] 6	(2)	[4] Y	2	1	1	N	Y	.45	.22	.98	.43
Bermuda	22	[20] 3½	[20] 6	O	Y	1	0	1	Y	N	.45	.22	.76	.13
Bolivia	44	[20] 3½	[20] 6	R	N	2	0	1	Y	N	[38] 1.10	.30	1.08	.40
Brazil	[5] 22, 44	[20] 3½	[20] 6	R	N	2	1	1	Y	N	.78	.24	1.48	.64
British Cameroons	22	3½	6	O	[7] Y	1	0	1	N	N	1.05	.28		
British Guiana	22	[20] 3½	[20] 6	(2)	[4] Y-3	1	1	1	N	Y	.45	.22	1.07	.39
British Honduras	22	[20] 3½	[20] 6	O	Y	1	0	1	Y	N	.45	.22	.80	.20
Brunei	22	3½	6	O	N	1	0	1	N	N	.98	.29		
Bulgaria	22	3½	6	R	Y	1	0	1	N	N	.47	.24		
Burma	22	3½	6	O	N	2	1	1	N	N	.76	.26		
Cambodia	22	3½	6	R	N	1	1	1	N	N	.78	.23		
Canada	[5] 15	3½	6	[3] O	[4] Y	1	0	1	N	[3] Y	.45	.22		
Cape Verde Islands	22	[20] 3½	[20] 6	(2)	Y-3	1	1	1	Y	Y	.68	.25		
Ceylon	22	3½	6	R	Y-3	1	1	1	N	N	.93	.29	1.75	1.00
Chile	22	[20] 3½	[20] 6	R	[4] Y-3	2	0	1	Y	N	.70	.22	1.31	.55
China	22, [10] 44	3½	[22] 7	O	N	2	0	1	N	N	.53	.30	1.43	1.08
Colombia	44	3½	6	R	[4] Y-3	2	1	1	N	Y	[39] .78	.34	1.21	.49
Corsica	44	(See France)		(2)	N	1	1	1	N	Y	.63	.24		
Costa Rica	44	[20] 3½	[20] 6	R	N	1	0	1	Y	N	.45	.22	.79	.29
Cuba	22	[20] 3½	[20] 6	R	N	1	0	1	Y	N	[32] .45	.22	(32)	
Cyprus	22	3½	6	O	N	1	0	1	N	N	.81	.23	1.30	.60
Czechoslovakia	44	[20] 3½	[20] 6	(2)	N	1	0	1	N	Y	.57	.26	.88	.48
Dahomey	44	3½	6	O	N	1	0	1	N	N	.72	.26		
Denmark	44	[20] 3½	[20] 6	(2)	Y	1	0	1	N	Y	.45	.22	.97	.47
Dominican Republic	44	[20] 3½	[20] 6	R	[4] Y-3	1	0	1	Y	N	.58	.22	.86	.22
Ecuador	44	[20] 3½	[20] 6	R	[4] Y-3	1	0	1	Y	Y	.86	.22	1.24	.33
Egypt	22	[20] 3½	[20] 6	O	Y-3	1	1	1	N	N	.66	.22	1.35	.64
Eritrea	22	[20] 3½	[20] 6	R	N	1	1	1	N	N	.63	.25		
Estonia	22	[20] 3½	[20] 6	R	N	3	1	1	N	N	.90	.23	1.66	.63
Ethiopia	44	3½	6	O	N	1	0	1	N	N	.73	.26		
Falkland Islands	22	3½	6	O	N	1	0	1	N	N	.80	.23	1.26	.76
Fiji Islands	22	3½	6	O	Y	1	0	1	N	N	.66	.28	1.67	1.00
Finland	44	[20] 3½	[20] 6	(2)	N	1	0	1	N	Y	.47	.24	.88	.51
France	44	[20] 3½	[20] 6	(2)	N	1	1	1	N	Y	.45	.22	1.22	.44
French Cameroons	22	3½	6	R	N	1	0	1	N	N	.49	.26		
French Equatorial Africa	[11] 22, 44	3½	6	R	N	1	0	1	N	N	.74	.26		
French Guiana	11	3½	6	R	Y	1	0	1	N	N	.65	.24	.79	.44
French Guinea	44	3½	6	O	N	1	0	1	N	N	.70	.25		
French Oceania	22	3½	6	O	N	1	0	1	N	N	.51	.28		
French Somaliland	22	3½	6	O	N	1	0	1	N	N	.45	.22		
French Sudan	44	3½	6	O	N	1	0	1	N	N	.70	.26		
French Togoland	44	3½	6	O	N	1	0	1	N	N	.72	.26		
Gambia	22	3½	6	O	N	1	0	1	N	N	.99	.28		
Germany	[13] 22, 44	3½	6	(2)	N	1	1	1	N	[13] Y	.45	.22	.95	.45
Gibraltar	22	[20] 3½	[20] 6	(2)	[4] Y	1	0	1	N	Y	.45	.22	.75	.50
Gilbert and Ellice Islands Colony	11	3½	6	O	N	1	0	1	N	N	.53	.27		
Gold Coast Colony	22	3½	6	(2)	N	1	0	1	N	Y	.45	.22	1.18	.64
Great Britain and Northern Ireland	22	3½	6	(2)	[4] Y	1	0	1	N	Y	.46	.23	1.00	.41
Greece	22	[20] 3½	[20] 6	O	N	1	1	1	N	N	.45	.24	1.07	.57
Guadeloupe	11	3½	6	O	Y	1	0	1	N	N	.45	.22	.65	.20
Guatemala	44	[20] 3½	[20] 6	R	[4] Y-3	1	0	1	N	Y	.70	.22	1.01	.25
Haiti	44	[20] 3½	[20] 6	R	N	1	0	1	Y	N	.61	.23	.72	.21
Honduras	[12] 22, 44	[20] 3½	[20] 6	R	N	1	0	1	N	N	.45	.22	.78	.28
Hong Kong	22	3½	6	O	Y	1	0	1	N	N	.45	.22	1.74	1.39
Hungary	44	[20] 3½	[20] 6	(2)	N	1	1	1	N	Y	.51	.28		
Iceland	44	[20] 3½	[20] 6	(2)	Y	2	0	1	N	Y	.61	.24	.89	.33
India	[9] 11, 22	3½	6	O	N	2	0	1	N	N	.70	.24	1.70	.96
Indonesia	11	[20] 3½	[20] 6	O	N	3	0	1	N	N	.61	.22	1.75	1.00
Iran	44	3½	6	R	Y-3	1	1	1	N	N	.45	.22	1.47	.72
Iraq	44	3½	6	R	Y-3	2	1	1	N	N	.66	.25	1.47	.72
Ireland (Eire)	15	3½	6	(2)	N	1	0	1	N	Y	.45	.22	.97	.37
Israel	22	3½	6	O	N	2	0	1	N	N	.66	.25	1.42	.67
Italy	44	[20] 3½	[20] 6	R	N	1	1	1	N	Y	.53	.22	1.08	.50
Ivory Coast	44	3½	6	O	N	1	0	1	N	N	.45	.22		
Jamaica	22	3½	6	O	N	1	0	1	Y	N	.45	.22		
Japan	22	[20] 3½	[20] 6	(2)	[4] Y	1	0	1	N	Y	.48	.25	1.27	.91
Jordan (Hashemite Kingdom)	22	3½	6	O	Y-3	1	1	1	N	N	[31] 1.01	.27		
Kenya and Uganda	11	3½	6	O	N	1	0	1	N	N	.53	.24	1.35	.85
Korea	22	[20] 3½	[20] 6	O	N	1	0	1	N	N	.48	.25	1.37	1.01
Labuan	22	3½	6	O	N	1	0	1	N	N	.78	.27		
Laos	22	3½	6	O	N	1	1	1	N	N	.78	.23		
Latvia	22	[20] 3½	[20] 6	R	N	3	1	1	N	N	.90	.23	1.66	.63

See footnotes at end of table.

Country	Weight limit (pounds)	Dimensions: Greatest length (feet)	Dimensions: Greatest length and girth combined (feet)	Sealing: R=required; O=optional	Group shipments: Y=permitted; N=not permitted (numeral indicates limit, if any, of number of parcels permitted in group)	Form 2966, customs declaration (number required)	Form 2972, dispatch note (number required)	Form 2922, parcel post sticker (number required)	Registration: Y=permitted; N=not permitted	Insurance: Y=available; N=not available	Surface parcel post rates: First pound	Surface parcel post rates: Each additional pound	Air parcel post rates: First 4 ounces	Air parcel post rates: Each additional 4 ounces
Lebanon (Republic of)	11, [13] 44	3½	6	R	N	2	1	1	N	N	$0.53	$0.22	$1.22	$0.64
Leeward Islands	22	3½	6	[2]	N	1	0	1	N	Y	[20] .45	[20] .22	[20] .50	[20] .20
Liberia	22	3½	6	O	N	1	0	1	N	N	.45	.22	.86	.56
Libya (United Kingdom of)	22	[20] 3½	[20] 6	R	N	1	1	1	N	N	.68	.24		
Lithuania	22	[20] 3½	[20] 6	R	N	3	1	1	N	N	.90	.23	1.66	.63
Luxembourg	44	[20] 3½	[20] 6	[2]	[4] Y	2	1	1	N	[5] Y	.45	.23	.98	.43
Macao	22	[20] 3½	[20] 6	O	N	1	0	1	N	N	.78	.23		
Madagascar and Dependencies	11	3½	6	O	N	1	0	1	N	N	.82	.25		
Madeira Islands	22	3½	6	[2]	Y-3	1	1	1	[5] Y	[5] Y	.93	.27	.75	.50
Malaya	22	3½	6	O	Y	1	0	1	N	N	.88	.26	1.75	1.00
Malta	22	3½	6	O	Y	1	0	1	N	N	.68	.24	1.10	.50
Martinique	11	3½	6	O	N	2	0	1	N	N	.45	.22	.65	.25
Mauritania	44	3½	6	O	N	1	0	1	N	N	.70	.25		
Mauritius and Dependencies	11	3½	6	O	N	1	0	1	N	N	.65	.42		
Mexico	44	[20] 3½	[20] 6	R	[4] Y-3	1	0	1	Y	N	.45	.22	.64	.18
Morocco, French Zone	44	3½	6	R	N	1	0	1	N	N	.85	.22	1.19	.54
Morocco, Spanish Zone	[18] 11, 44	[20] 3½	[20] 6	R	N	2	1	1	Y	N	.71	.24	1.19	.54
Morocco, Tangier (International Zone)	44	3½	6	R	N	1	0	1	N	[42] Y	.71	.24	1.19	.54
Nauru Island	11	3½	6	O	N	1	0	1	N	N	.53	.27		
Netherlands	44	[20] 3½	[20] 6	[2]	Y	3	1	1	N	Y	.45	.22	.89	.44
Netherlands New Guinea	11	[20] 3½	[20] 6	O	Y-3	2	0	1	N	N	.87	.25		
Netherlands West Indies	44	[20] 3½	[20] 6	[2]	Y	1	0	1	N	Y	.45	.22	.72	.36
New Caledonia and Dependencies	44	3½	6	O	N	1	0	1	N	N	.53	.24		
New Guinea Mandated Territory	11	3½	6	O	N	1	0	1	N	N	.53	.27		
New Hebrides	11	3½	6	O	N	1	0	1	N	N	.58	.28		
New Zealand	22	[20] 3½	[20] 6	[2]	[4] Y	1	0	1	N	Y	.45	.22	1.82	1.17
Nicaragua	44	[20] 3½	[20] 6	R	N	1	0	1	Y	N	.45	.22	.80	.29
Niger	44	3½	6	R	N	1	0	1	N	N	.72	.26		
Nigeria	[17] 11, 22	3½	6	O	Y	1	0	1	N	N	1.05	.28	1.25	.65
North Borneo	22	3½	6	O	Y	1	0	1	N	N	.98	.29		
Norway	44	3½	6	[2]	N	1	0	1	N	Y	.47	.24	1.02	.47
Nyasaland	11	3½	6	O	Y	1	0	1	N	N	.70	.47		
Pakistan	22	3½	6	O	N	2	1	1	N	N	[36] .70	.24	1.63	.84
Palestine, Western Arab	11	3½	6	O	Y-3	1	1	1	N	N	1.01	.25		
Panama (Republic of)	[18] 44, 70	[21] 3½	[21] 7	R	N	1	0	1	Y	N	.70	.22	.91	.21
Papua	11	3½	6	O	N	1	0	1	N	N	.53	.27		
Paraguay	22	[20] 3½	[20] 6	R	[4] Y-3	1	1	1	Y	N	.53	.24		
Persian Gulf Ports	22	3½	6	[2]	N	2	1	1	N	Y	.46	.23	[34] 1.35	.75
Peru	44	[20] 3½	[20] 6	R	N	1	0	1	Y	N	.86	.22	1.23	.37
Philippines (Republic of the)	[16] 11, 22, 44	[20] 3½	[20] 6	R	N	1	0	1	N	N	.45	.22	1.81	1.26
Pitcairn Island	11	3½	6	O	N	1	0	1	N	N	.45	.22		
Poland	44	[20] 3½	[20] 6	O	N	2	0	1	N	N	.53	.22	1.06	.52
Portugal	[19] 11, 22	3½	6	[2]	N	2	0	1	Y	Y	.45	.22	.71	.44
Portuguese East Africa (Mozambique)	22	[20] 3½	[20] 6	[2]	Y	1	1	1	N	Y	.53	.22	1.63	1.00
Portuguese India	11	3½	6	R	Y-3	1	1	1	N	N	.86	.23	1.83	.88
Portuguese Timor	22	2	4	R	Y-3	2	1	1	N	N	.74	.25		
Portuguese West Africa	22	[20] 3½	[20] 6	[2]	Y-3	1	1	1	N	Y	[20] .53	.22	[20] 1.45	.83
Reunion	44	3½	6	R	N	1	1	1	N	N	.81	.27		
Rhodesia, Northern	11	3½	6	O	N	1	0	1	N	N	.73	.50		
Rhodesia, Southern	11	3½	6	O	N	1	0	1	N	N	.65	.42		
Rumania [41]	4 lbs. 6 oz.	[20] 3½	[20] 6	O	Y-3	1	1	1	N	N	.73	.25		
Ryukyu Islands	22	[20] 3½	[20] 6	[2]	[4] Y	1	0	1	N	Y	[20] .50	.27	1.27	.91
St. Helena	11	3½	6	O	N	1	0	1	N	N	.61	.38	1.31	.94
St. Pierre and Miquelon	22	3½	6	O	Y	1	0	1	N	N	.45	.22		
El Salvador	44	[20] 3½	[20] 6	R	[4] Y-3	2	1	1	Y	N	1.19	.26	1.02	.26
Santa Cruz Islands	11	3½	6	O	N	1	0	1	N	N	.61	.26		
Sarawak	22	3½	6	O	N	1	0	1	N	N	.98	.29		
Saudi Arabia	22	3½	6	O	Y-3	2	0	1	N	N	.69	.24	1.60	.80
Senegal	44	3½	6	O	N	1	0	1	N	N	.70	.25	.90	.50
Seychelles	11	3½	6	O	N	1	0	1	N	N	.75	.39		
Sierra Leone	22	3½	6	O	N	1	0	1	N	N	.69	.23		
Solomon Islands	11	3½	6	O	N	1	0	1	N	N	.53	.27		
Somalia	22	[20] 3½	[20] 6	O	N	1	0	1	N	N	.68	.25		
Somaliland Protectorate	22	3½	6	O	Y	1	0	1	N	N	.68	.27		
Southwest Africa	11	3½	6	O	N	1	0	1	N	N	.57	.34	1.31	.94
Spain	[18] 11, 44	[20] 3½	[20] 6	R	N	[23] 3	1	1	Y	N	[20] .70	.23	[20] 1.25	.50
Spanish Guinea	44	[20] 3½	[20] 6	R	N	3	1	1	Y	N	.99	.26		
Surinam	44	[20] 3½	[20] 6	[2]	Y	2	1	0	1	N	.45	.22	.92	.41
Sweden	44	3½	[24] 6½	[2]	N	1	0	1	N	Y	.47	.24	.85	.49
Switzerland (including Liechtenstein)	44	[20] 3½	[20] 6	[2]	[4] Y-3	1	1	1	N	Y	.48	.25	.92	.46
Syria (Republic of)	[31] 11, 22, 44	3½	6	R	N	2	1	1	N	N	.63	.24	1.22	.64
Tanganyika Territory	11	3½	6	O	N	1	0	1	N	N	.53	.24	1.35	.85
Thailand	22	[20] 3½	[20] 6	O	Y	1	0	1	N	N	.69	.22	2.29	1.50
Tonga (Friendly) Islands	11	3½	6	O	N	1	0	1	N	N	.77	.28		
Trieste (Free Territory of)	22	[20] 3½	[20] 6	O	N	1	0	1	N	N	.53	.22	1.08	.50
Trinidad and Tobago	22	3½	6	O	Y	1	0	1	N	N	.45	.22	1.03	.35
Tristan da Cunha	11	3½	6	O	N	1	0	1	N	N	.57	.34	1.31	.94
Tunisia (Tunis)	44	3½	6	O	N	1	1	1	N	N	.53	.22	1.11	.54
Turkey	44	[20] 3½	[20] 6	O	Y-3	2	1	1	N	N	.47	.24	1.15	.57
Turks Island (including Caicos Islands)	22	3½	6	O	N	1	0	1	Y	N	.45	.22		
Union of South Africa	11	3½	6	O	N	1	0	1	N	N	.47	.28	1.31	.94
U. S. S. R.	22	[20] 3½	[20] 6	R	N	3	1	1	N	N	[40] .90	.23	1.66	.63
Upper Volta	44	3½	6	R	N	1	0	1	N	N	.45	.22		
Uruguay	44	3½	6	R	[4] Y-3	1	1	1	Y	N	[41] .45	.22	1.26	.70
Vatican City State	44	[20] 3½	[20] 6	R	N	1	0	1	N	N	.53	.22	1.08	.50
Venezuela (Republic of)	44	3½	6	R	[4] Y-3	4	1	1	Y	N	.88	.27	1.27	.36
Viet Nam	22	3½	6	R	N	1	1	1	N	N	.78	.23		
Western Samoa (British)	11	[20] 3½	[20] 6	[2]	[4] Y	1	1	1	N	N	.45	.22		
Windward Islands	22	3½	6	[2]	[4] Y	1	1	1	N	N	.45	.22		
Yugoslavia	44	[20] 3½	[20] 6	[2]	[4] Y	1	1	1	N	N	.47	.24	.87	.52
Zanzibar and Pemba	11	3½	6	O	N	1	0	1	N	N	1.01	.30	1.35	.85

See footnotes on next page.

[1] The relative customs declarations should indicate the number of parcels constituting the group (2 or 3) and the combined gross weight of the parcels comprised in the group, and bear the letter indicating the particular group in case there is more than one group.

[2] Registered or insured parcels must be sealed; sealing of ordinary parcels is optional.

[3] Same as for Portugal.

[4] Ordinary parcels only.

[5] Surface parcels only.

[6] Parcels exceeding 22 pounds accepted for the following offices only: Belem (Para), Belo Horizonte, Florianopolis, Fortaleza, Manaus, Pelotas, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Rio Grande (Rio Grande do Sul), Salvador (Bahia), Santos, and Sao Paulo.

[7] Permitted to Buca, Dalami, and Victoria only.

[8] Parcels for members of the Canadian Armed Forces overseas addressed for delivery through the Canadian Army Post Office must not exceed 10 pounds in weight.

[9] Insured parcels of more than ordinary value should be sealed.

[10] Parcels exceeding 22 pounds are accepted only for dispatch by surface means to Taipei, Chilung, and Kaohsiung, Taiwan.

[11] The following offices, listed by territories, are authorized to participate in the parcel post service up to the weight limits indicated:

Gabon: (44-pound limit) Cocobeach, Fernand-Vaz, Lambarene, Libreville, Mayumba, Mouila, M'Djole, N'Gomo, Owendo, Oyem, Port-Gentil, Sam-Kita, Sindara.

Moyen (Middle) Congo: (44-pound limit) Brazzaville, Dolisie, Impfondo, Loudima, Madingou, Mindouli, Mongoumbia, M'Vouti, N'Dongou, Quesso, Point Kilometrique 102, Pointe-Noire.

(22-pound limit) Berberati, Carnot, Franceville, Kouilou, Liranga, Nola.

Obangui-Chari: (22-pound limit) Bambari, Bangassou, Bangui, Bossangoa, Batangafo, Birao, Boali, Bouar, Bouca, Bozoum, Bria, Damara, Fort-Crampel, Fort-Sibut, M'Baiki, Mobaye, Moundou, Moissala, N'Dele, Zemio.

Tchad: (22-pound limit) Fort-Archambault, Fort-Lamy.

[12] Parcels weighing in excess of 22 pounds, and insured parcels, may be accepted "only" for the American, British and French Zones (Western Zone) of Germany, including the corresponding sectors of Berlin. Service to the Soviet Zone, including the Soviet sector of Berlin, is limited to uninsured parcels not exceeding 22 pounds in weight.

[13] Parcels exceeding 22 pounds accepted for Amapala, Comayagua, La Ceiba, Olanchito, Progreso, Puerto Castilla, Puerto Cortez, San Pedro Sula, Tegucigalpa, and Tela.

[14] Weight limit for Tibet.

[15] Parcels exceeding 11 pounds in weight are not accepted to the following offices: Ain-Zhalta, Baino, Falougha, Hermel, Koubayat, Maaser-el-Chouf, Ras-Baalbeck, Souk-el-Gharb.

[16] Air parcel limit.

[17] Parcel post packages exceeding 11 pounds in weight may be accepted for the following offices: Aba, Abakaliki, Abeokuta, Ado-Ekiti, Afikpo, Agbor, Agege, Agenebode, Akassa, Akure, Apapa, Asaba, Awka, Badagry, Bansara, Barakin Ladi, Baro, Bauchi, Benin City, Bida, Bonny, Brass, Bukuru, Burutu, Calabar, Damaturu, Degema, Duchi-Wai, Ebute Metta, Ede, Ejinrin, Enugu, Epe, Forcados, Funtua, Gusau, Ibadan, Ibara, Idah, Ife, Ifon, Ijebu Ode, Ikom, Ikotekpene, Ilaro, Ilesha, Ilorin, Imo River, Itu, Jebba, Jos, Kabba, Kaduna, Kaduna Junction, Kafanchan, Kano, Katsina, Kaura Namoda, Koko, Kwale, Lagos, Lokoja, Maiduguri, Makurdi, Mallam Maduri, Minna, Nembe, Nguru, Obubra, Offa, Ogbomosho, Obetim, Okigwi, Okitipupa, Okrika, Ondo, Onitsha, Opobo, Oron, Oshogbo, Oturkpo, Owerri, Owo, Oyo, Port Harcourt, Potiskum, Sapele, Sokoto, Umuahia, Uyo, Uzuakoli, Warri, Zaria.

[18] Parcels for the following offices are limited to 22 pounds in weight:

Post office	Province
Aborlan	Palawan.
Abra de Ilog	Mindoro.
Agdangan	Quezon.
Agoo	La Union.
Agutaya	Palawan.
Alabat	Quezon.
Allen	Samar.
Almagro	Quezon.
Alonero	Cavite.
Amadeo	Leyte.
Anahawan	Tarlac.
Anao	Pangasinan.
Anda	Pampanga.
Angeles	Pampanga.
Apalit	La Union.
Aringay	Camarines Sur.
Baao	Leyte.
Babatngon	Palawan.
Bacuit	Davao.
Baganga	Cavite.
Bailen	Palawan.
Balabac	Samar.
Balangiga	Samar.
Baleno	Masbate.
Bamban	Tarlac.
Banayoyo	Ilocos Sur.
Bantay	Ilocos Sur.
Bantayan	Cebu.
Basey	Samar.
Bato	Camarines Sur.
Bato	Leyte.
Banang	La Union.
Bautista	Pangasinan.
Bayambang	Pangasinan.
Bigaa	Bulacan.
Biliran	Leyte.
Binan	Laguna.
Bislig	Surigao.
Bobon	Samar.
Bocaue	Bulacan.
Bongao	Sulu.
Brooke's Point	Palawan.
Buenavista	Iloilo.
Buhi	Camarines Sur.
Bulacan	Bulacan.
Buluan	Cotabato.
Bunawan	Agusan.
Burdaos	Quezon.
Burgos	Ilocos Sur.
Caba	La Union.
Cabalian	Leyte.
Cabucgayan	Leyte.
Cabusao	Camarines Sur.
Cabuyao	Laguna.
Cagayan de Sulu	Sulu.
Calbiran	Leyte.
Cajidiocan	Romblon.
Calamba	Laguna.
Calasiao	Pangasinan.
Calauag	Quezon.
Calubian	Leyte.
Calumpit	Bulacan.
Camalig	Albay.
Candaba	Pampanga.
Candelaria	Quezon.
Caoayan	Ilocos Sur.
Capas	Tarlac.
Capul	Samar.
Caraga	Davao.
Caramay	Palawan.
Caramoan	Camarines Sur.
Carmona	Cavite.
Casiguran	Quezon.
Catanauan	Quezon.
Catarman	Misamis Oriental.
Catarman	Samar.
Cateel	Davao.
Catubig	Samar.
College	Laguna.
Concepcion	Iloilo.
Concepcion	Romblon.
Concepcion	Tarlac.
Corcuera	Romblon.
Cordova	Cebu.
Coron	Palawan.
Cuartero	Capiz.
Cullon	Palawan.
Cuyapo	Nueva Ecija.
Cuyo	Palawan.
Dao	Capiz.
Dapa	Surigao.
Dapitan	Zamboanga.
Daraga	Albay.
Dasmarinas	Cavite.
Del Gallego	Camarines Sur.
Dinegat	Surigao.
Duenas	Iloilo.
Dulawan	Cotabato.
Dumalag	Capiz.
Dumarao	Capiz.
Enrique Villanueva	Negros Oriental.
Esperanza	Agusan.
Fort Stotsenburg	Pampanga.
Gapan	Nueva Ecija.
General Luna	Quezon.
General Luna	Surigao.
Gerona	Tarlac.
Glan	Cotabato.
Governor Generoso	Davao.
Guiguinto	Bulacan.
Guinayangan	Quezon.
Guinobatan	Albay.
Gumaca	Quezon.
Hilongos	Leyte.
Hinatuan	Surigao.
Hindang	Leyte.
Hinunangan	Leyte.
Hinundayan	Leyte.
Hondagua	Quezon.
Imus	Cavite.
Inopacan	Leyte.
Iriga	Camarines Sur.
Isabel	Leyte.
Itbayat	Batanes.
Jaen	Nueva Ecija.
Jaro	Iloilo.
Jones	Romblon.
Jordan	Iloilo.
Jovellar	Albay.
Kabasalan	Zamboanga.
Kauayan	Leyte.
Kiamba	Cotabato.
Labangan	Zamboanga.
Labason	Zamboanga.
Laoang	Samar.
Larena	Negros Oriental.
Lavezares	Samar.
Lazi	Negros Oriental.
Lebak	Cotabato.
Lianga	Surigao.
Libagon	Leyte.
Libuanan	Camarines Sur.
Libon	Albay.
Ligao	Albay.
Liloan	Leyte.
Lopez	Quezon.
Loreto	Surigao.
Los Banos	Laguna.
Lubang	Mindoro.
Lucena	Iloilo.
Lumbatan	Lanao.
Lupi	Camarines Sur.
Lupon	Davao.
Mabalacat	Pampanga.
Macalelon	Quezon.
Madridejos	Cebu.
Magalang	Pampanga.
Magdiwang	Romblon.
Mahinog	Misamis Oriental.
Malangas	Zamboanga.
Malasiqui	Pangasinan.
Malita	Davao.
Mambajao	Misamis Oriental.

Post office	Province
Manay	Davao.
Mangaldan	Pangasinan.
Manito	Albay.
Mansalay	Mindoro.
Mapandan	Pangasinan.
Marabut	Samar.
Margosatubig	Zamboanga.
Maria	Negros Oriental.
Marilao	Bulacan.
Maripipi	Leyte.
Mati	Davao.
Mayantoc	Tarlac.
Merida	Leyte.
Meycauayan	Bulacan.
Minalin	Pamganga.
Moncada	Tarlac.
Mondragon	Samar.
Muntinlupa	Rizal.
Nagbukel	Ilocos Sur.
Nampicuan	Nueva Ecija.
Natividad	Pangasinan.
Naval	Leyte.
Noveleta	Cavite.
Nueva Valencia	Iloilo.
Numancia	Surigao.
Oas	Albay.
Opon	Cebu.
Padre Burgos	Quezon.
Pagbilao	Quezon.
Palapag	Samar.
Palompon	Leyte.
Pambujan	Samar.
Pamplona	Camarines Sur.
Panlqui	Tarlac.
Panitan	Capiz.
Pantukan	Davao.
Papaya	Nueva Ecija.
Passi	Iloilo.
Pateros	Rizal.
Pavia	Iloilo.
Penaranda	Nueva Ecija.
Pilar	Cebu.
Pili	Camarines Sur.
Pinabacdao	Samar.
Pitogo	Quezon.
Plaridel	Bulacan
Polangui	Albay.
Polillo	Quezon.
Porac	Pampanga.
Poro	Cebu.
Pototan	Iloilo.
Puerto Galera	Mindoro.
Pulilan	Bulacan.
Pura	Tarlac.
Quezon	Quezon.
Ragay	Camarines Sur.
Ramos	Tarlac.
Rapu-Rapu	Albay.
Rosales	Pangasinan.
Roxas	Mindoro.
Sabtang	Batanes.
Sagay	Misamis Oriental.
Samal	Davao
San Antonio	Nueva Ecija.
San Antonio	Samar.
San Carlos	Pangasinan.
San Fabian	Pangasinan.
San Fernando	Masbate.
San Fernando	Romblon.
San Francisco del Monte	Rizal.
San Isidro	Leyte.
San Jacinto	Masbate.
San Jose	Mindoro.
San Jose	Samar.
San Juan	Negros Oriental.
San Leonardo	Nueva Ecija.
San Luis	Pampanga.
San Manuel	Tarlac.
San Miguel	Tarlac.
San Narciso	Quezon.
San Nicolas	Pangasinan.
San Simon	Pampanga.
San Pascual	Masbate.
San Pedro	Laguna.
San Teodoro	Mindoro.
San Vincente	Ilocos Sur.
Santa Barbara	Iloilo.
Santa Catalina	Ilocos Sur.
Santa Fe	Cebu.
Santa Fe	Romblon.
Santa Rita	Pampanga.
Santa Rita	Samar.
Santa Rosa	Laguna.
Santo Nino	Samar.
Santo Tomas	La Union.
Sexmoan	Pampanga.
Siasi	Sulu.
Siocon	Zamboanga.
Sipocot	Camarines Sur.
Siquijor	Negros Oriental.
Sitangkai	Sulu.
Sogod	Leyte.
Suyo	Ilocos Sur.
Tagig	Rizal.
Tagkawayan	Quezon.
Tago	Surigao.
Talacogon	Agusan.
Talalora	Samar.
Talisay	Cebu.
Tamparan	Lanao.
Tandag	Surigao.
Tanza	Cavite.
Tilik	Mindoro.
Trinidad	Davao.
Tumbao	Cotabato.
Unisan	Quezon.
Urbiztondo	Pangasinan.
Villaba	Leyte.
Villareal	Samar.
Zumarraga	Samar.

Parcels for the following offices are limited to 11 pounds in weight:

Post office	Province
Alilem	Ilocos Sur.
Allacapan	Cagayan.
Angaki	Ilocos Sur.
Aurora	Quezon.
Baco	Mindoro.
Bagulin	La Union.
Balbalan	Mountain Province.
Baras	Catanduanes.
Barbasa	Antique.
Barlig	Mountain Province.
Bugasong	Antique.
Burney	Cagayan.
Balalacao	Mindoro.
Cagayancillo	Palawan.
Calayan	Cagayan.
Caluya	Antique.
Camaligan	Camarines Sur.
Capalonga	Camarines Norte.
Caramoran	Catanduanes.
Concepcion	Ilocos Sur.
Culasi	Antique.
Dingle	Iloilo.
Dumaran	Palawan.
Famy	Laguna.
Gainza	Camarines Sur.
Gamay	Samar.
Garchitorena	Camarines Sur.
General Nakar	Quezon.
Giporlos	Samar.
Ivana	Batanes.
Jabonga	Agusan.
Jasaan	Misamis Oriental.
Kabayan	Mountain Province.
Kabugao	Mountain Province.
Kapangan	Mountain Province.
Langiden	Abra.
Las Navas	Samar.
Laua-an	Antique.
Lemery	Iloilo.
Leyte	Leyte.
Libacao	Capiz.
Lidlidda	Ilocos Sur.
Lingig	Surigao.
Linugos	Misamis Oriental.
Lobo	Batangas.
Looc	Mindoro.
Loreto	Agusan.
Luba	Abra.
Madalag	Capiz.
Magallanes	Cavite.
Mahatao	Batanes.
Mamburao	Mindoro.
Manabo	Abra.
Mandaon	Masbate.
Maria Aurora	Quezon.
Mataasnakahoy	Batangas.
Mayoyao	Mountain Province.
Mulanay	Quezon.
Natonin	Mountain Province.
Nueva Era	Ilocos Norte.
Nuling	Cotabato.
Palanan	Isabela.
Paluan	Mindoro.
Pandan	Catanduanes.
Panganiban	Catanduanes.
Pantabangan	Nueva Ecija.
Patnongon	Antique.
Penablanco	Cagayan.
Perez	Quezon.
Pinappagan	Nueva Vizcaya.
Pintuyan	Leyte.
Placer	Masbate.
Prosperidad	Agusan.
Quinapandan	Samar.
Rizal	Cagayan.
Sablayan	Mindoro.
Sallapadan	Abra.
San Emilio	Ilocos Sur.
San Francisco	Cebu.
San Jacinto	Bohol.
San Luis	Batangas.
San Mateo	Isabela.
San Pablo	Isabela.
San Policarpo	Samar.
San Quintin	Abra.
Santol	La Union.
Santo Tomas	Isabela.
Saug	Davao.
Sigay	Ilocos Sur.
Siruma	Camarines Sur.
Sugpen	Ilocos Sur.
Talugtug	Nueva Ecija.
Tarangnan	Samar.
Taytay	Palawan.
Tibiao	Antique.
Tinambac	Camarines Sur.
Tinambacan	Samar.
Tubay	Agusan.
Tudela	Cebu.
Upi Agricultural High School	Cotabato.
Uyugan	Batanes.
Valderrama	Antique.
Victoria	Laguna.
Viga	Catanduanes.

[29] Parcels exceeding 11 pounds accepted for Lisbon only.
[30] Two forms required for Spanish Possessions.
[31] Parcels addressed to Chabba and Saikhad are limited to 11 pounds in weight, and parcels for Tel-Abiad and Yabroud to 22 pounds. To other places in Syria the weight limit is 44 pounds.
[32] Surface rate applies to weights over 8 oz. to one pound; air parcel rate, $1.10 over 8 ounces to 12 ounces, 15 cents each additional 4 ounces.
[33] For Antigua only.
[34] For Bahrein only.
[35] For Angola only.
[36] For Spain, Balearic Islands, Canary Islands, and Spanish offices in Northern Africa.

[37] Bechuanaland Protectorate:		
All places except Ghanzi and Kasane	$0.57	$0.34
Ghanzi only	.63	.40
Kasane only	.73	.50
[38] Bolivia:		
All places except below	$1.10	$0.30
Cochabamba	.94	.25
La Paz and Oruro	.73	.25
[39] Colombia:		
All places except below	$0.78	$0.34
Cauca and Valle (except Buenaventura)	.78	.27
Cities of Barranquilla, Buenaventura, Cartagena, Santa Marta, Tumaco	.78	.22

[40] Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.
[41] Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth. Round (spherical) parcels must not exceed 19 inches in diameter.
[42] Parcels exceeding 6 feet in combined length and girth are restricted to 2½ feet in length.
[43] Parcels exceeding 6 feet in combined length and girth shall not exceed 30 inches in length.

[44] Jordan:		
Central Arab Palestine	$1.01	$0.27
All other	.73	.23
[45] Leeward Islands:		
All except Montserrat	$0.45	$0.22
Montserrat	.48	.23
[46] Pakistan:		
Western	$0.70	$0.24
Eastern	1.02	.24
[47] Portuguese West Africa:		
Angola and Guinea	$0.53	$0.22
St. Thomas and Prince Island	.71	.24
[48] Ryukyu Islands:		
Regular	$0.50	$0.27
U. S. A. gift parcels	.46	.23
[49] Spain:		
Regular	$0.70	$0.23
Balearic Islands and North Africa	.78	.23
Canary Islands	.83	.24
[50] U. S. S. R.:		
Europe	$0.90	$0.23
Asia	1.56	.26
[51] Uruguay:		
Montevideo only	$0.45	$0.22
All other	.70	.22

[52] Insurance available to British Post Office only.
[53] Gift parcels only.
[54] Service limited to Kabul, Jallalabad, and Kandahar.
[55] Service only to: Berat, Bilisht, Delvine, Dures (Durazzo), Elbasan, Fier, Gjinkaster (Argirokastro), Himare, Kavaje, Klisyne, Klos, Kolonje, Konispol, Korce (Coritoza), Krue, Krume, Kucove, Kukes, Kurvelesh, Lesh (Alessio), Leskovik, Libhove, Librazh, Lushnje, Mallakaster, Miel (Vaudejs), Milot, Pazar (Shkoder), Pegin, Permet, Peshkopi, Pogradec, Puke, Santi Quaranta (Sarande), Shijak, Shkoder (Scutari), Tepelene, Tirana, Vlone (Valona), Wilson.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Sta t9.43; 5 U. S. C. 22, 369, 372)

PART 111—SERVICES AVAILABLE

Sec.
111.1 Registration, insurance and c. o. d.
111.2 Air parcel post.
111.3 Group shipment.
111.4 Special handling.
111.5 Certificates of mailing.
111.6 Receipt for ordinary (Americo-Spanish) parcels.
111.7 Recall and change of address.

AUTHORITY: §§ 111.1 to 111.7 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 111.1 *Registration and insurance.* For provisions relating to registry and insurance service for international parcel post, see Subchapter M of this chapter.

§ 111.2 *Air parcel post.* Parcels may be sent by air to those countries for which air parcel post rates are indicated in § 110.1 of this chapter. Air parcels are subject to the same limitations as to size and other conditions (but not postage rates) as are applicable to surface parcels. For documents required, see Part 114 of this chapter. Air parcels are forwarded by air to the country of destination.

§ 111.3 *Group shipment—(a) Description.* The "group shipment" of parcel post packages is an arrangement by which senders of parcel post packages for certain countries (see § 110.1 of this chapter) have the option of attaching a single customs declaration Form 2966 (or a single set when more than one customs declaration is required) to only one parcel of a consignment mailed simultaneously by the same sender to the same addressee at one address. In those cases where a dispatch note (Form 2972) is required, a single copy of this form is sufficient for a group. (See § 114.2 of this chapter.)

(b) *How marked.* Under the group shipment arrangement, each parcel must be clearly marked with a fractional number, the numerator of which will indicate, in Arabic figures, the number of the parcel, and the denominator the number of parcels comprising the shipment. For example, if a single shipment were composed of 12 parcels, each would be numbered, respectively, 1/12, 2/12, 3/12, etc. while a group shipment to certain countries is limited to 3 parcels, there may be any number of 3-parcel groups provided that in addition to the identification numbers 1/3, 2/3, and 3/3 each group is indicated by a letter A, B, C, etc. For example, when there are two groups of three parcels each, the parcels should be marked "A–1/3", "A–2/3", "A–3/3", "B–1/3", "B–2/3" and "B–3/3".

(c) *Attachments.* The customs declaration (or set of declarations, where a set is required) must be securely attached to one of the parcels (preferably to parcel No. 1 of the group), in order to prevent its becoming lost while the parcel is en route. The total number of parcels in a shipment must always be indicated on the customs declaration. On parcels for Guadeloupe and Mexico, the customs declaration must also show, separately, the contents of each parcel opposite the proper reference. For example, for a shipment of five parcels: Contents of ¼ ------, Contents of ⅖ ------ ------, etc.

§ 111.4 *Special handling.* The "special-handling" service for domestic parcel post is available also for international parcel post. (See Part 125 of this chapter.)

§ 111.5 *Certificates of mailing—(a) Issuance.* The postmaster at the office of mailing will upon request at the time of mailing, furnish to the sender of an ordinary parcel post package a certificate of mailing.

(b) *Charges.* A charge of 3 cents shall be made for each certificate issued and for each parcel described if a single certificate covers more than one parcel. Certificates of mailing will also be furnished as additional evidence of mailing for registered and insured parcels, subject to a charge of 1 cent. The charges shall be collected by means of postage stamps fixed to the certificates and canceled by the postmark of the mailing office showing the date.

(c) *Forms used—(1) Individual parcels.* Certificates of mailing for individual parcels shall be furnished on Form 3817, which must be filled out by the sender.

(2) *Firm mailing books.* Certificates of mailing for three or more parcels mailed at one time may be furnished on firm mailing books or looseleaf forms. These forms must be filled out by the sender.

(3) *Treasury Department forms.* Certificates of mailing will be furnished, on request, on Treasury Department (Internal Revenue) Forms P. T. 26, P. T. 27–A, or 550, certifying that the sender has waived the right to withdraw the parcels from the mails. These certificates are subject to a charge of 3 cents for each parcel described. See §§ 115.4 (b) and (c) of this chapter concerning certificates of mailing for parcels containing tobacco seeds and/or plants and dried whole eggs, respectively. Payment of the charge for a certificate of mailing does not insure a parcel against loss, rifling or damage, or provide for a receipt on delivery, but merely furnishes evidence of mailing.

§ 111.6 *Receipt for ordinary (Americo-Spanish) parcels—(a) Issuance and charges.* The mailer of an ordinary parcel to any of the countries named below receives a receipt entitling him to indemnity in case of loss. A charge of 3 cents is made for each receipt. The mailer may refuse the receipt, with the understanding that he thereby forfeits his right to indemnity for the parcel.

Argentina.
Bolivia.
Brazil.
Chile.
Colombia.
Costa Rica.

Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Republic of Honduras.
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
El Salvador.
Spain, including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa.
Spanish Guinea.
Uruguay.
Venezuela.

(b) *Forms used.* Receipts are issued on Form 2932 without carbon process, or on firm mailing sheets suitably modified to indicate that they cover ordinary parcels. Mailers must complete the receipts with name and address of the addressee.

§ 111.7 *Recall and change of address.* The conditions governing the recall and change of address apply both to articles in the Postal Union mails as well as to international parcel post packages, except that parcels for Aden, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gilbert and Ellice Islands, Great Britain and Northern Ireland, India, Ireland, Malaya, Nauru, Nigeria, North Borneo, Pakistan, Rhodesia (Northern), Rhodesia (Southern), Sarawak, Seychelles, Solomon Islands, Trinidad and Tobago, and Windward Islands cannot be recalled after they have left this service nor can the address be changed, unless the parcels are undeliverable at the original address. (See Part 126 of this chapter.)

PART 112—PREPARATION, ADDRESSING, AND MAILING

Sec.
112.1 Packing.
112.2 Dimensions.
112.3 Weight limits.
112.4 Permisaible enclosures.
112.5 Addressing and mailing.

AUTHORITY: §§ 112.1 to 112.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 112.1 *Packing*—(a) *In general.* (1) Every parcel shall be securely and substantially packed, having regard to the nature of the contents and climatic conditions, the length of the journey, and the numerous handlings and risks of concussion to which parcels for foreign destinations are unavoidably subjected en route.

(2) Packages must be packed in canvas or similar material, double-faced corrugated cardboard boxes, solid fiber boxes or cases, thick cardboard boxes, or strong wooden boxes made of lumber at least a half-inch thick or plywood of at least three plies. Ordinary pasteboard containers are wholly inadequate. Although it is permissible to use heavy wrapping paper or waterproof paper as the outside covering, for instance, of a carton, it shall not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by sewing may be used provided they conform to other conditions prescribed.

(3) The responsibility of properly enclosing, packing, and sealing parcels in the international mails rests with the sender, and the postal service will not assume liability for loss, rifling, or damage arising from defects which may not be observed at the time of mailing.

(4) For specific illustrations regarding recommended packing of parcels, see Part 11 of this chapter.

(b) *Specific articles.* (1) Articles of china, crockery, or glass, and hats, radios, or other articles of a fragile or easily breakable nature shall be packed in a strong (preferably wooden) box. Solid fiberboard or strong double-faced corrugated fiberboard boxes (not less than 200-pound test) enclosed in strong wooden crates are also preferred, especially in the case of overseas destinations. There shall be a space of at least 1½ inches between the article and the top, bottom, and sides of the box. This space may be filled with excelsior or other effective cushioning material, or with air-cushioned corrugated riders.

(2) Umbrellas, canes, golf clubs, fishing rods or sections thereof, and similar articles shall be packed in strong boxes made of wood at least three-eighths of an inch thick and a liberal supply of cushioning material used if parts of the article are brittle or fragile.

(3) All mailable liquids and substances which easily liquefy must be packed in two receptacles. Between the first (bottle, flask, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, strong fiberboard, or receptacle of equal strength) there shall be left a space to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage. Excelsior does not possess the necessary absorbent quality to meet the special requirements cited for internal packing. In the case of Great Britain and Northern Ireland, Ireland, Leeward Islands, Malaya, and Windward Islands, the outer receptable shall be of strong wood or metal. Metal containers closed with a screw-top cover must have sufficient screw threads to require at least one and one-half complete turns before the cover will come off and be provided with a washer so as to prevent possible leakage of the contents. Compression or friction top metal containers must be soldered in four different places, equally spaced.

(4) Mailable powders and dyes in powder form must be packed in metal containers securely sealed so that none of the contents will sift out and enclosed in substantial outer containers of double-faced corrugated, thick cardboard, fiberboard, or strong wood at least a half inch thick.

(5) Eggs addressed for delivery in all other countries (except Canada and hatching eggs for Cuba) must be placed in a metal egg container, and each egg in the square pockets must be surrounded with paper, excelsior, cotton, straw, or other similar material, while the metal egg container in turn must be enclosed in an outer container of wood with sufficient excelsior, straw, or similar material provided in the space between the inner and outer containers.

(6) Eggs destined for delivery in Canada may be packed either in the manner prescribed above or in wooden, papier-mache, or other box of a rigid material with a well-fitting tightly adjusted lid. Each egg must be wrapped in newspaper or other protecting material and placed on end, the vacant space in the box to be filled with newspaper or other packing material so as to prevent the eggs from striking together or against the sides, top, or bottom of the box.

(7) Eggs destined for delivery in Cuba, intended for hatching purposes, may be transmitted outside of mail sacks when each egg is wrapped separately and surrounded with excelsior, wood-wool, or other similar material and packed in a basket (preferably with a handle) or other suitable container, lined with paper, fiberboard, or corrugated pasteboard. Such parcels shall be marked "Eggs for hatching," "Keep from heat or cold," "Please handle with care," or other suitable words.

(8) Eggs addressed for delivery in Cuba, not intended for hatching purposes, shall be packed in the manner indicated in the preceding paragraph for transmission inside of mail sacks in regular course.

(c) *Sealing.* Parcels for certain countries must be sealed. To other countries sealing is compulsory for insured or registered parcels, optional for others (see § 110.1 of this chapter). Seal parcels by means of wax, gummed paper tape, nails, screws, sewing, wire or metal bands, or other adequate means which will permit ready detection of loss of contents or damage.

§ 112.2 *Dimensions*—(a) *General dimensions.* Greatest length, 3½ feet; greatest length and girth combined, 6 feet. See § 25.3 of this chapter for illustration of method of measuring parcels.

(b) *Dimensions of special articles.* The usual method of measuring parcels, as described in § 25.3 of this chapter, is not adaptable in the case of tires of all kinds, coils of rope, hose, wire, etc., forming a parcel circular in shape. To determine whether a tire or other object circular in shape (regardless of whether there is an open space in the center) can be accommodated inside the mail sacks used for parcel post to overseas foreign countries, the object as prepared for mailing, shall be measured around its entire girth, in the direction of the diameter, as shown in the illustration. This measurement must not exceed 64 inches in order for the tire or other parcel circular in shape to be acceptable for mailing to overseas foreign countries. Measurement shall be taken as shown in the following illustration:

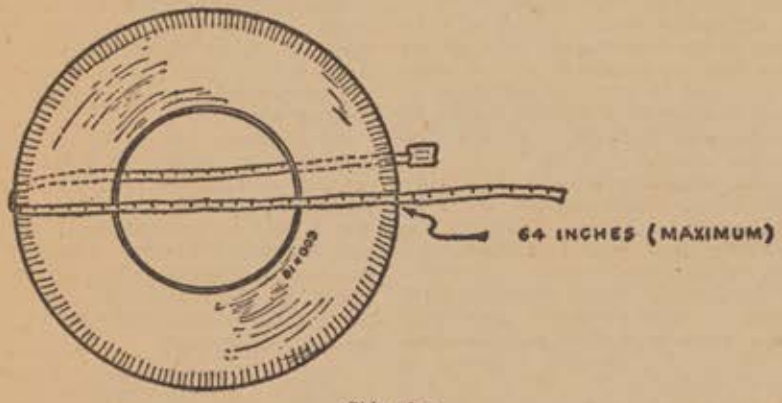
(c) *Exceptions.* To some countries, dimensions other than the general dimensions indicated are applicable. A parcel must not exceed the maximum dimensions allowed to the country to which it is addressed. See § 110.1 of this chapter for individual country limits.

§ 112.3 *Weight limits.* For weight limits applicable to each country of destination, see § 110.1 of this chapter.

§ 112.4 *Permissible enclosures*—(a) *In general.* A communication of the nature of personal correspondence must not be enclosed in or written on any parcel. However, a parcel may contain an open invoice, confined to the particulars which constitute an invoice, and a simple copy of the address of the parcel, with mention of the address of the sender. If a written communication in the nature of personal correspondence is found in the parcel, it will be placed in the mails if separable. If unseparably attached the entire parcel must be rejected.

(b) *Exceptions.* In the case of parcel post packages for Canada, however, a letter, and for Switzerland a letter or card, fully prepaid and bearing the same address as that of the parcel, may be tied or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom or its interference with the address of the parcel. Stamps to cover postage on the parcel must be fixed to the wrapper of the parcel; stamps to pay postage on the letter must be fixed to the envelope thereof. Parcels to which such letters are attached are treated as parcel post.

§ 112.5 *Addressing and mailing*—(a) *Addressing.* The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label gummed thereto, and must also be written on a separate slip, enclosed in the parcel. Parcels will not be accepted when addressed to a "care" in one country and the addressee (or person for whom intended) in another country or when addressed to or sent by initials, unless the initials are the adopted trade name of the senders or addressees. Addresses in ordinary pencil are not allowed, but copying ink or indelible pencil on a surface previously dampened may be used. Sufficient space must be left for the addition of necessary service notations and for stamps or labels.



Side view

(b) *Mailing.* Parcels may not be mailed in letter boxes. Present them at parcel-post windows of post offices, where the necessary postal forms (see Part 114 of this chapter) will be furnished without charge.

(c) *Postage rates.* For postage rates to the various countries of destination, see § 110.1 of this chapter.

PART 113—PROHIBITIONS AND RESTRICTIONS

Sec.
113.1 General list of prohibited articles.
113.2 Combustible liquids.
113.3 Specific foreign country prohibitions and restrictions.

AUTHORITY: §§ 113.1 to 113.3 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 113.1 *General list of prohibited articles.* (a) Articles which are excluded from the domestic parcel post mails of the United States (see Parts 14 and 25 of this chapter). Although safety matches are admitted in the domestic mails, they are prohibited transmission in the international mails.

(b) Enclosures which bear an address different from that appearing on the parcel itself.

(c) Explosives and inflammable articles and articles which, in any way, may damage or destroy the mails or injure the persons handling them. This includes inflammable liquids having a flash point by the Tagliabue open tester of 80° F. or lower; inflammable solids which are likely, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes; oxidizing materials such as chlorates, permanganates, peroxides or nitrates, which yield oxygen readily to stimulate the combustion of organic matter; and poisonous articles or substances.

§ 113.2 *Combustible liquids.* Combustible liquids having a flash point of 150° F. or lower but above 80° F. (Tag. open tester) may be sent to foreign countries generally in quantities not exceeding one quart in any one parcel, except that paints, varnishes, turpentine and similar substances may be sent in quantities of less than one gallon in any one parcel. Each parcel containing a combustible liquid must be marked by the sender to indicate that the flash point is above 80° F.

§ 113.3 *Specific foreign country prohibitions and restrictions.* Most countries prohibit or restrict the admission of specific articles. Patrons should inform themselves of the various individual country prohibitions and restrictions. As other countries advise of prohibited items they are published in the FEDERAL REGISTER. You may also inquire at any Post Office.

PART 114—DOCUMENTATION

Sec.
114.1 Customs declaration, Form 2966.
114.2 Dispatch note, Form 2972.
114.3 Parcel post sticker, Form 2922.
114.4 Shipper's export declaration.

AUTHORITY: §§ 114.1 to 114.4 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 114.1 *Customs declaration, form 2966*—(a) *Preparation.* Customs declarations must be completed in ink or on the typewriter and affixed to parcel post packages for all foreign destinations.

(b) *Required number.* The number of customs declarations which must be fixed to parcel post packages for foreign destinations is shown in § 110.1 of this chapter.

(c) *Information to be furnished by the sender*—(1) *Customs declaration.* You must complete the customs declaration to show your name and address and that of the addressee, description of contents (see § 114.1 (c) (3)), the alternative disposition instructions, description of the parcel, and the net weight of the contents, if the latter is known.

(2) *Alternative disposition.* You must give instructions at time of mailing that the parcel, if undeliverable as originally addressed, is to be either (i) tendered for delivery to a second addressee in the country of destination, (ii) treated as abandoned, or (iii) returned to the sender. You do this by obliterating those of the printed alternative dispositions which are not to be used. Parcels which do not specify alternative disposition will be sent to destination, and if not delivered will be returned to you at your expense.

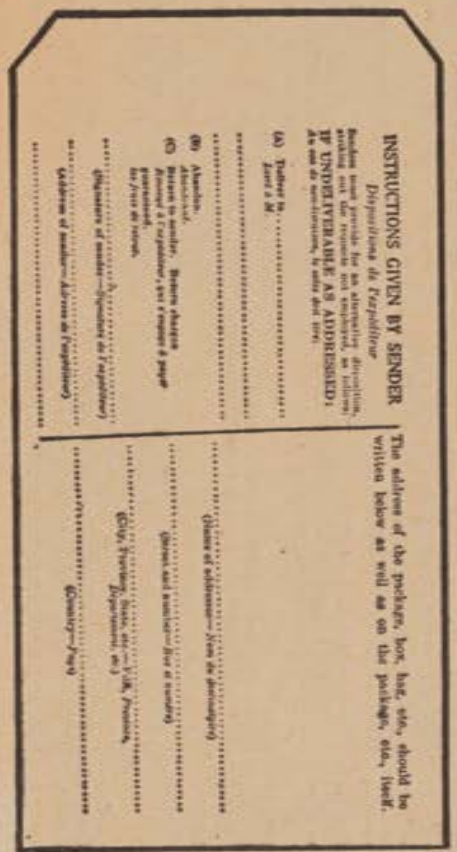
(3) *Descriptions of contents.* The contents of parcels must be completely and accurately described in the English language, although an interlineation in another language is permitted if desired, and in some cases is required. In the case of parcels containing more than one article, or articles of different kinds, the exact quantity and value of each kind of article must be stated. It is not sufficient that customs declarations bear simply the words "coat", or "stockings", but the materials of which the articles are composed must be shown, as "fur coat", "silk stockings." Also, for instance, in the case of dried fruits the particular kinds, such as "figs," "raisins," "currants," etc. must be shown. General terms such as "worn clothing," "groceries," "presents," "merchandise," "samples," and the like, will not suffice. In case the customs declaration does not furnish enough space on which to give a complete list of the contents, there will be no objection to such list being placed on the wrapper of the parcel when reference to that fact is made on the declaration itself or an additional customs declaration may be used for the purpose.

(d) *Accepting clerk to complete.* The accepting clerk will complete the declaration to show the gross weight of the

parcel, the insurance number and amount of insurance, where applicable, and will postmark the form.

(e) *Manner of affixing.* In addition to being tied by means of a cord passed through the eyelets, the tag must be bound to the parcel so that it lies flat thereon and cannot be used as a handle to lift the parcel while in transit. It is not sufficient that the tags be tied to the parcel and allowed to hang loose.

(f) *Facsimile of Form 2966.*


INSTRUCTIONS GIVEN BY SENDER

Dispositions de l'expéditeur

Senders must provide for an alternative disposition, striking out the requests not employed, as follows:

IF UNDELIVERABLE AS ADDRESSED:

(A) Deliver to ..... Livrer à M. .....

(B) Abandon. Abandonné.

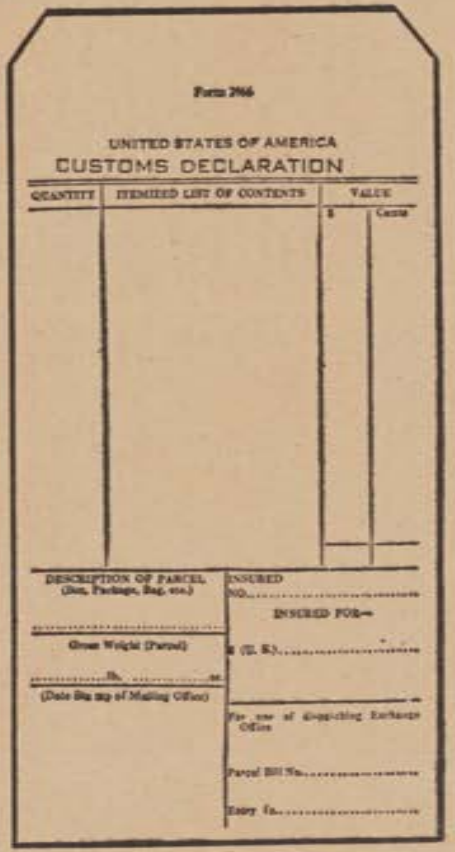
(C) Return to sender. Retour chargé ..... Renvoyé à l'expéditeur, qui s'engage à payer les frais de retour.

(Signature of sender—Signature de l'expéditeur)

(Address of sender—Adresse de l'expéditeur)

The address of the package, box, bag, etc., should be written below as well as on the package, etc., itself.

(Country—Pays)


Form 2966

UNITED STATES OF AMERICA

CUSTOMS DECLARATION

QUANTITY	ITEMIZED LIST OF CONTENTS	VALUE $	VALUE Cents

DESCRIPTION OF PARCEL (Box, Package, Bag, etc.)

Gross Weight (Parcel)

lb. ..... oz.

(Date Stamp of Mailing Office)

INSURED NO.

INSURED FOR—

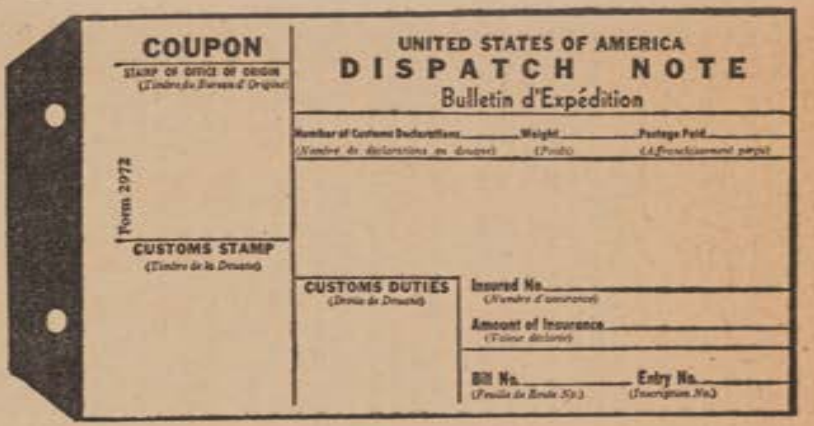
$ (U. S.)

For use of dispatching Exchange Office

Parcel Bill No.

Entry No.

(d) *Facsimile of Form 2972.*


COUPON

STAMP OF OFFICE OF ORIGIN (Timbre du Bureau d'Origine)

Form 2972

CUSTOMS STAMP (Timbre de la Douane)

UNITED STATES OF AMERICA

DISPATCH NOTE

Bulletin d'Expédition

Number of Customs Declarations ..... Weight ..... Postage Paid .....

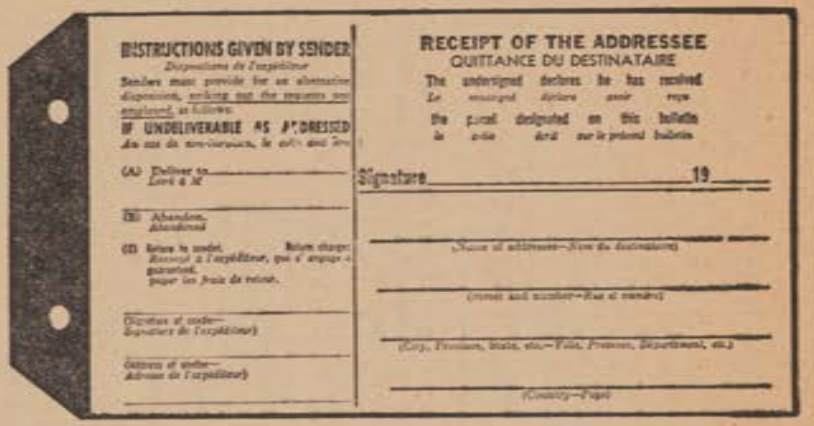
(Nombre de déclarations en douane) (Poids) (Affranchissement payé)

CUSTOMS DUTIES (Droits de Douane)

Insured No. (Numéro d'assurance)

Amount of Insurance (Valeur déclarée)

Bill No. (Feuille de Route No.) Entry No. (Inscription No.)


INSTRUCTIONS GIVEN BY SENDER

Dispositions de l'expéditeur

Senders must provide for an alternative disposition, striking out the requests not employed, as follows:

IF UNDELIVERABLE AS ADDRESSED

Au cas de non-livraison, le colis sera livré

(A) Deliver to ..... Livrer à M. .....

(B) Abandon. Abandonné

(C) Return to sender. Retour chargé ..... Renvoyé à l'expéditeur, qui s'engage à garantir le paiement des frais de retour.

(Signature of sender—Signature de l'expéditeur)

(Address of sender—Adresse de l'expéditeur)

RECEIPT OF THE ADDRESSEE

QUITTANCE DU DESTINATAIRE

The undersigned declares he has received the parcel designated on this bulletin

Le soussigné déclare avoir reçu le colis désigné sur le présent bulletin

Signature ..... 19 .....

(Name of addressee—Nom du destinataire)

(Street and number—Rue et numéro)

(City, Province, State, etc.—Ville, Province, Département, etc.)

(Country—Pays)

§ 114.2 *Dispatch note, Form 2972*—(a) *Preparation and affixing.* For certain countries a dispatch note, Form 2972, must be completed in ink or on the typewriter, and fixed to each parcel post package, except in the case of group shipment (see § 111.3 of this chapter), when one copy of Form 2972 is sufficient for a group.

(b) *Information to be furnished by the sender.* You must complete the dispatch note to show your name and address, and that of the addressee, as well as the alternative disposition instructions. (See § 114.1 (c) (2).)

(c) *Accepting clerk to complete.* The accepting clerk will complete the dispatch note to show the weight of the parcel, amount of postage paid, the number of customs declarations accompanying the parcel, the insurance number and amount of insurance where applicable and will postmark the form.

§ 114.3 *Parcel post sticker, Form 2922*—(a) *When required.* The yellow "International Parcel Post" sticker Form 2922, must be affixed by the sender to each parcel post package, whether the parcel is forwarded under the "group shipment" arrangement with other parcels or as a single shipment. The sender must complete the "Instructions Given by Sender" section of the form (see § 114.1 (c) (2)), and sign the form by handwriting or otherwise. Form 2922 should not be affixed to parcels addressed for delivery in the United States possessions.

(b) *Accepting clerk to complete.* The accepting clerk will complete the column at the right hand side of the sticker by filling in both the postage and the weight, and for identification purposes will initial the sticker in the space provided. The rate of postage charged on the parcel, which is to be indicated in the space marked "postage," does not include registry, insurance, or special-handling fees.

(c) *Manner of affixing.* Form 2922 should be attached to the wrapper of the parcel, but if the shape or size of the parcel makes it impracticable to fix it to the wrapper thereof, the sticker may be fixed to a tag which shall in turn be securely attached to the parcel.

(d) *Facsimile of Form 2922.*



INTERNATIONAL PARCEL POST
Colis Postal Internationaux
INSTRUCTIONS GIVEN BY SENDER
Dispositions de l'Expéditeur

If undeliverable as addressed:
Au cas de non-livraison:
(a) Deliver to. (*Le colis doit être livré à*):

(b) Abandon. (*Abandon du colis*).
(c) Return to sender. Return charges guaranteed.
Le colis doit être renvoyé à l'expéditeur; qui s'engage à payer les frais de retour.

(Sender's signature—*Signature de l'expéditeur*)

(To be filled out by accepting clerk)
Weight
lbs.
oz.
Postage
$
Clerk's Initials
Form 2922

§ 114.4 *Shipper's export declaration*—(a) *When required.* Business concerns sending merchandise valued at $25 and over to other business concerns—

(1) From continental United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States to any foreign country and to the Canal Zone;

(2) From continental United States to its noncontiguous Territories or possessions[1] except Alaska and Hawaii;

(3) From Puerto Rico or the Virgin Islands of the United States to continental United States

must fill out a Shipper's Export Declaration on Department of Commerce Form 7525–V. The Shipper's Export Declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license from the Bureau of Foreign Commerce, regardless of value or whether the sender or addressee is a business concern. (See § 115.1 of this chapter.) The declaration need not be furnished for catalogs, instruction books (except technical data), and other advertising matter, or for magazines, newspapers, and periodicals, which are not regarded as merchandise.

(b) *Preparation.* Only a single copy of the shippers' export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to one addressee. Export declarations need not be notarized.

(c) *Information to be furnished.* The following are the only items on the Shippers' Export Declaration (Commerce Form 7525–V) which are required to be filled in by the sender of a postal shipment:

(1) *Item 2.* Name of post office where shipment is being mailed. (Insert in space on the form reading "From ------ (U. S. port of export).")

(2) *Item 3.* Name and address of sender (exporter or forwarding agent). If the shipment is being mailed by a forwarding agent, the name and address of the exporter, his principal, must also be shown.

[1] Alaska, Puerto Rico, Virgin Islands of the United States, Hawaii, Guam, Samoa, Canton and Enderbury Islands, Johnston, Midway, Palmyra, and Wake Islands.

(3) *Item 5.* Name and address of addressee (ultimate consignee and intermediate consignee, if any).

(4) *Item 8.* Country of final destination.

(5) *Item 10.* Number of packages being mailed; description of merchandise and export license number and expiration date, or general license symbol.

(6) *Item 13.* Schedule B, commodity number.

(7) *Item 14.* Net quantity of merchandise, in Schedule B units.

(8) *Item 15.* Value of merchandise.

The description of contents and units of quantity must be in the detail required by Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States. You may obtain copies of Schedule B for a nominal charge from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce field offices located in the principal cities of the United States. General descriptions, such as dry goods, groceries, millinery, etc., are not sufficient. Quantities and values must be given in whole numbers only, omitting fractions of less than one-half and counting one-half and over as a whole.

(d) *How obtained.* If you are an occasional shipper, you may obtain Form 7525–V free of charge at local post office. Regular exporters may obtain copies of the Shippers' Export Declaration from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce field offices at a cost of 50 cents per block of 100. They may be privately printed, provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement.

PART 115—EXPORT LICENSES AND CERTIFICATES

Sec.
115.1 Commerce Department licenses.
115.2 State Department licenses (firearms).
115.3 Gold shipments.
115.4 Special commodities.

AUTHORITY: §§ 115.1 to 115.4 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 115.1 *Commerce Department licenses*—(a) *When required.* Exportations of certain commodities to certain destinations require export licenses issued by the Bureau of Foreign Commerce of the Department of Commerce. In certain instances general licenses have been authorized; in others, individual validated licenses are required. Postmasters or other postal employees will not undertake to advise prospective mailers of articles and materials requiring an individual export license. Senders desiring information export control requirements (including both general and individual licenses) are advised to communicate with any of the Department of Commerce field offices or directly with Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

CROSS REFERENCE: For regulations of the Bureau of Foreign Commerce, Department of Commerce, with respect to export licenses, see 15 CFR, Chapter III, Subchapter B.

(b) *Packages to be endorsed.* Exporters of merchandise requiring validated export licenses must place the number of the license on the wrapper of each parcel or package.

(c) *Entire and partial shipments.* If the entire amount authorized by a validated license is mailed at one time, you must surrender the license at the post office at the time of mailing. If only a part of the licensed shipment is to be mailed, you must deposit the validated license with a collector of customs and surrender at the post office in lieu thereof an extra copy of the shipper's export declaration (Commerce Form 7525–V) bearing the number of the license and an authorization dated and signed by the Collector of Customs or his representative for the shipment of the goods listed on the declaration.

§ 115.2 *State Department licenses (firearms)*—(a) *When required.* Exportations of certain arms, ammunition, or implements of war require licenses issued by the Department of State. Smooth-bore firearms such as shotguns, and firearms of less than 22 caliber, are exempt from this licensing requirement.

(b) *Entire and partial shipments.* If the entire amount authorized by a validated license is mailed at one time, you must surrender the license at the post office at the time of mailing. If the quantity of articles being mailed represents only a portion of the total amount authorized to be exported you must enter on the back of the license the amount being shipped. The license will then be postmarked and handed back to you.

§ 115.3 *Gold shipments*—(a) *License requirements.* A license is necessary to mail gold in any form or gold certificates from the continental United States to any destination outside its continental limits or from any U. S. post office outside the continental limits to another country, except as provided in paragraphs (b) and (c), of this section. In addition, the postmaster at the office of mailing must receive instructions, before mailing, from the Post Office Department.

(b) *Gold held by nonresidents.* Gold in any other form than coin is mailable without a license and specific instruc-

tion, if it is not held or owned by a person who is a resident of or domiciled in the continental United States. In such a case the mailer must place on the wrapper of the package and on the shipper's export declaration when required (see § 114.4 (a) of this chapter) a statement that the gold contained therein is held or owned by a person who is not a resident of, or who is not domiciled in, the continental United States.

(c) *Fabricated gold*—(1) *Definition.* Fabricated gold is defined by the Treasury Department as processed or manufactured gold in any form (other than gold coin or scrap gold) which has a gold content the value of which does not exceed 90 percent of the total domestic value of the processed or manufactured gold and which has in good faith and not for the purpose of evading or enabling others to evade the provisions of the Gold Reserve Act of 1934, the act of October 6, 1917, as amended, or the regulations of the Treasury Department, been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses. Fabricated gold is to be distinguished from semiprocessed gold, which may be exported only pursuant to Treasury License, and which is defined to include gold articles of which more than 90 percent of the total domestic value is attributable to the gold content thereof.

(2) *Mailing restricted.* Fabricated gold is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper is required to endorse the wrapper of the package with the Bureau of Census Schedule B statistical classification number of each specific commodity contained therein. The shipper's export declaration, when required (see § 114.4 of this chapter) shall contain, in addition to a specific description of the contents of the package, the following notation: "Fabricated gold as defined by section 54.4 of the Gold Regulations,[1] being exported pursuant to the authorization contained in section 54.25 (b) (2) of such regulations".

(3) *How to determine.* To determine whether an article is semi-processed of fabricated gold, the value of the gold content is computed at $35 per fine troy ounce of gold and the total domestic value is determined on the basis of the cost of the article to the owner and not the selling price. In the case of a manufacturer or processor, the allowable elements of such value are the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article. In the case of a dealer or other person who holds or disposes of gold without further processing, total domestic value includes only the net purchase price paid by such person and any transportation costs incurred in obtaining delivery of such article to his usual place of business.

(4) *Gold coin made prior to April 5, 1933.* Gold coin made prior to April 5, 1933, is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper's export declaration, when required (see § 114.4 (a)) shall contain, in addition to a specific description of the package, the following notation, "Rare gold coin as defined by section 54.20 of the Gold Regulations,[1] being exported pursuant to the authorization contained in section 54.25 (b) (3) of such regulations."

(d) *Gold coin, bullion, or gold dust.* The acceptance in the Postal Union mails or parcel post for any country of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $100 is prohibited, even though a license has been granted to export such gold coin, gold bullion, or gold dust.

(e) *Where to obtain licenses.* You may obtain the forms on which to apply for licenses to export gold from the Bureau of the Mint, Treasury Department, Washington 25, D. C.

§ 115.4 *Special commodities* — (a) *Diamonds.* Loose diamonds in any form (except cut gem diamonds, i. e., diamonds cut to be set in jewelry) shall not be accepted for mailing to any country unless they have been inspected by the U. S. Appraiser of Merchandise at New York, N. Y., and the unbroken seal of that official appears on each package or parcel. This requirement is not applicable to diamonds forming a part of industrial tools.

(b) *Dried whole eggs*—(1) *Endorsements.* When dried whole eggs purchased under a program of the Commodity Credit Corporation, Department of Agriculture, are offered for export by mail, an endorsement must be written or stamped on each package by the sender waiving any right to withdraw it from the mails or have it returned. The endorsement must be properly completed and signed by the exporter or his authorized representative over his title. The parcel post forms accompanying such parcels should be completed by the senders to indicate that the parcels are to be abandoned in case of nondelivery.

(2) *Certificates.* A certificate in the following form, prepared and completed by the sender, must be presented with the shipment:

CERTIFICATE OF MAILING DRIED WHOLE EGGS

I hereby certify that there has (have) been posted at this post office today by ---------, ---------- parcels containing a total of ------ pounds of dried whole eggs on which the sender has waived the right to withdraw same from the mails or have same returned.

Parcels addressed to:

(Names and addresses of addressees)

(Office stamp)

(Date)

(Postmaster)

By ---

(3) *Execution of certificate.* A single certificate may cover any number of parcels mailed by the same sender even though addressed to different countries. A charge of 3 cents will be made for each certificate of mailing issued to the sender, or for each parcel when a single certificate covers more than one parcel. Postage stamps to cover the charge for the certificate of mailing shall be fixed to the certificate and canceled by the postmark of the office of mailing. After postmarking, the certificate will be signed by the postmaster or his authorized representative and returned to the sender.

(c) *Tobacco seed and plants*—(1) *Permit required.* It is unlawful to export any tobacco seed and/or live tobacco plants except in pursuance of a written permit granted by the Secretary of Agriculture.

(2) *Endorsement of package.* The package or parcel must be marked "Tobacco seed and plant export permit No. -------."

(3) *Surrender of permit.* The permit is to be presented at the time of mailing and postmarked and signed by the accepting employee. It will be retained by the post office and forwarded to the Tobacco Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(4) *Charges.* A charge of 3 cents will be made for each permit presented by the sender and for each package or parcel when a single permit covers more than one parcel. Postage stamps to cover the charge shall be affixed to the permit and canceled by the postmark of the office of mailing.

PART 116—CONSULAR AND COMMERCIAL INVOICES

§ 116.1 *Consular and commercial invoices.* Many countries require special documents to be prepared by the sender and either presented by the addressee or enclosed within the package. In some cases, certification by a recognized Chamber of Commerce in the United States, or legalization by a Consulate of the country of destination, or both, are required. Some countries also require that the addressee obtain an import license. In some instances the import license must be legalized by a Consulate of the country of destination in the United States. In some cases the import license number must appear on the customs declaration, Form 2966. Patrons should inform themselves of the various requirements before mailing parcel post packages to such countries.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

Subchapter M—Special Services

PART 121—INTERNATIONAL REGISTERED MAIL

Sec.

121.1 Service objective.
121.2 Preparation for mailing.
121.3 Registry fees.
121.4 Registry receipt.
121.5 Registry return receipts.
121.6 Restricted delivery by senders.

AUTHORITY: §§ 121.1 to 121.6 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 121.1 *Service objective*—(a) *Purpose of registration.* As in the case of domestic registered mail, the international registry service affords greater protection against loss.

[1] 31 CFR, Part 54.

(b) *Mailable matter.* (1) Postal Union articles of all classifications may be registered unless a specific exception is stated under the country item in Part 101 of this chapter.

(2) Parcel post packages may be accepted for registration to those countries indicated in Part 110 of this chapter.

§ 121.2 *Preparation for mailing*—(a) *Means of addressing.* Mail which bears an address written in pencil or consisting of initials will not be accepted for registration. The address of mail other than that sent in transparent panel ("window") envelopes may be written in indelible pencil.

(b) *Sealing.* Letters presented for registration must be securely sealed, and any bearing evidence of opening and resealing, tape, paper strips or seals, wax seals, extra mucilage, etc., will not be accepted.

(c) *Letter packages.* Letter packages presented for registration must be prepared in accordance with the requirements for domestic registered mail.

(d) *Other sealing requirements.* (1) Articles presented for registration, under the classifications of "commercial papers," "printed matter," "samples of merchandise" and "small packets," or as "8-ounce merchandise packages" (except as otherwise provided), must not be sealed.

(2) Parcel post packages presented for registration to countries permitting registration of parcel post must be sealed.

(e) *Declaration of value.* You must declare the full value of mail offered for registration to other countries at the time of mailing in accordance with the requirements for domestic registered mail.

(f) *Marking of valuable registered mail.* When valuable registered mail is presented on firm mailing sheets, you must indicate the values opposite the respective entries.

§ 121.3 *Registry fees.*

(a) *Postal Union mail.* See § 110.1 of this chapter.

(b) *Parcel Post.*

Country	Registry fee	Indemnity payable
Azores	$0.55	$25.00.
Azores	.65	$50.00 (maximum).
Belgian Congo	.40	No provision.
Bermuda	.40	No provision.
Bolivia	.55	See 262.2.
Brazil	.55	See 262.2.
British Honduras	.40	No provision.
Cape Verde Islands	.55	$16.33 (maximum).
Chile	.55	See 262.2.
Costa Rica	.55	See 262.2.
Cuba	.55	$10.00 (maximum).
Dominican Republic	.55	See 262.2.
Ecuador	.55	$25.00.
Ecuador	.65	$50.00 (maximum).
Haiti	.55	See 262.2.
Republic of Honduras	.55	See 262.2.
Jamaica	.40	No provision.
Liberia	.40	No provision.
Madeira Islands	.55	$25.00.
Madeira Islands	.65	$50.00 (maximum).
Mexico	.55	See 262.2.
Morocco (Spanish Zone)	.55	See 262.2.
Nicaragua	.55	See 262.2.
Panama	.55	See 262.2.
Paraguay	.55	See 262.2.
Peru	.55	See 262.2.
Portugal	.55	$25.00.
Portugal	.65	$50.00 (maximum).
Portuguese West Africa	.55	$16.33 (maximum).
El Salvador	.55	See 262.2.
Spain (including Balearic Islands, Canary Islands, and Spanish Offices in Northern Africa)	$0.55	See 262.2.
Spanish Guinea	.55	See 262.2.
Trinidad and Tobago	.40	No provision.
Turks Island	.40	No provision.
Uruguay	.55	See 262.2.
Venezuela	.55	See 262.2.

§ 121.4 *Registry receipt.* The usual (domestic) registry receipt will be issued for mail matter accepted for registration to other countries.

§ 121.5 *Registry return receipts*—(a) *Requested at time of mailing.* (1) Fee: 10 cents.

(2) If you desire that your return receipt be sent back to you by air mail you must pay for this return, in addition to the return receipt fee, the air mail postage applicable to a single post card to the country of destination.

(b) *Requested after mailing.* (1) Fee: 13 cents.

(2) Requests for return receipts made after mailing are accepted only within the period of one year from the day following that of mailing of the article or parcel.

(c) *Completion.* Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not furnished in many countries, or may be furnished only under specified conditions, as the case may be.

§ 121.6 *Restricted delivery by senders.* (a) Senders in this country may restrict the delivery of registered Postal Union articles addressed to the following countries on condition that the articles are accompanied with a return receipt and are endorsed by the sender in the manner indicated:

Country	*Endorsement required*
Afghanistan	"A remettre en main propre."
Albania	"A remettre en main propre" or "Per t'u dorezuar ne doren e vet."
Austria	"A remettre en main propre" or "Zu eigenen Handen."
Belgium	"A remettre on main propre" or the equivalent in the Flemish language.
Bulgaria	"Lično."
China (Taiwan only)	"A remettre en main propre" or the equivalent in a language known at the place of destination.
Czechoslovakia	"A remettre en main propre."
Denmark	"Personlig."
Dominica (Windward Islands)	"To be delivered to the addressee in person."
Falkland Islands	"To be delivered to the addressee in person."
Finland	"A remettre en main propre."
French Somaliland	"A remettre en main propre."
Germany	"A remettre en main propre" or "Eigenhändig."
Greece	"A remettre en main propre" or "ΙΔΙΑΣΧΕΡΣΙΝ."
Hungary	"A remettre en main propre."
Iceland	"A remettre en main propre" or "Afhendist vidtakanda sjálfum."
Italy	"A remettre en main propre."
Lebanon	"A remettre en main propre."
Luxembourg	"A remettre en main propre."
Montserrat (Leeward Islands)	"To be delivered to the addressee in person."
Philippines (Republic of the)	"To be delivered to addressee only."
Portugal	"A remettre en main propre."
Rumania	"A remettre en main propre."
Saudi Arabia	"A remettre personnellement."
Spain	"A remettre en main propre" or "A entregar en propia mano."
Sweden	"A remettre en main propre" or "Får utlämnas endast till adressaten personligen."
Switzerland	"A remettre en main propre."
Turkey	"Alicinin kendine verilecek."
Union of Soviet Socialist Republics	"A remettre en main propre."
Uruguay	"A remettre en main propre."

(b) The endorsements shown in the second column will be placed above and near the address and must be underlined in red. The country of destination will make two attempts to effect delivery and if unsuccessful the article will be returned as undeliverable.

(c) Restricted delivery is not available for international registered parcel post.

(d) Only the usual registry fee plus the registry return receipt fee is chargeable in connection with registered Postal Union articles of which the delivery has been restricted in accordance with the foregoing provisions.

Part 122—International Insured Mail

Sec.

122.1 Availability of service.
122.2 Preparation for mailing.
122.3 Fees and limit of insurance.
122.4 Special endorsements.
122.5 Insurance receipts.
122.6 Forwarding or return to another country.
122.8 Return receipts.

Authority: §§ 122.1 to 122.8 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 122.1 *Availability of service.* The international insurance service is limited to the countries listed in Part 110 of this

chapter. Except in the case of Canada, this service is limited to parcel post. For Canada, in addition to parcel post, Postal Union printed matter (see Part 104 of this chapter) and eight-ounce merchandise packages (see Part 107 of this chapter) may be insured.

§ 122.2 *Preparation for mailing.* The general provisions for the preparation of ordinary parcels to other countries apply also to insured parcels.

§ 122.3 *Fees and limit of insurance.* (a) *Scales of fees.*

All Countries Except Canada

Indemnity	*Fee*
$0.01 to $10	$0.20
$10.01 to $25	.25
$25.01 to $50	.35
$50.01 to $100	.55
$100.01 to $200	.60
$200.01 to $300	.65
$300.01 to $400	.70
$400.01 to $500	.75
$500.01 to $600	.80
$600.01 to $700	.85
$700.01 to $800	.90
$800.01 to $900	.95
$900.01 to $1,000	1.00

Canada Only

$0.01 to $5	$0.05
$5.01 to $10	.10
$10.01 to $25	.15
$25.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.35

(b) *Limits of insurance.* (1) The maximum amounts for which parcels may be insured varies according to agreements made with the particular countries, and are as follows:

Country	*Limit of Insurance*
Argentina	$165.00
Australia	165.00
Austria	330.00
Azores	50.00
Bahamas	165.00
Barbados	100.00
Belgium	165.00
British Guiana	165.00
Canada	200.00
Cape Verde Islands	50.00
Colombia	165.00
Corsica	330.00
Czechoslovakia	200.00
Denmark	330.00
Ecuador	50.00
Faroe Islands	330.00
Finland	330.00
France	330.00
Germany	330.00
Gibraltar	50.00
Gold Coast Colony	80.00
Great Britain and Northern Ireland [1]	1,000.00
Greenland	330.00
Guatemala	100.00
Hungary	100.00
Iceland	330.00
Ireland	100.00
Italy	100.00
Japan	165.00
Leeward Islands	100.00
Luxembourg	165.00
Madeira Islands	50.00
Morocco, Tangier (International Zone)	100.00
Netherlands	165.00
Netherlands West Indies	165.00
New Zealand	165.00
Norway	$330.00
Persian Gulf Ports	100.00
Portugal	50.00
Portuguese East Africa (Mozambique)	100.00
Portuguese West Africa	16.33
Ryukyu Islands	165.00
Surinam	100.00
Sweden	330.00
Switzerland	330.00
Western Samoa (British)	165.00
Windward Islands	100.00
Yugoslavia	165.00

[1] Parcels for Great Britain and Northern Ireland may be insured for an amount not exceeding $100 only when mailed in continental United States (not including Alaska).

(2) Parcels may not be insured for more than the declared value of the contents or for more than the maximum amount of indemnity payable in connection with insured parcels for the country concerned. However, if desired parcels may be insured for a portion of the value of the contents, in which case only the fee covering the amount of insurance desired will be charged.

§ 122.4 *Special endorsements.* Parcels containing fragile or perishable articles must be so marked, i. e., "Fragile," "Perishable" "Glass," or "Eggs," as appropriate.

§ 122.5 *Insurance receipts.* The usual (domestic) insurance receipts are generally used for international insured mail.

§ 122.6 *Forwarding or return to another country.* At the request of the sender or addressee, insured parcels addressed to other countries may be reforwarded or returned to another country, provided they can be reforwarded or returned as insured. Senders may endorse parcels "Do not forward to a third country" to prevent forwarding to another country.

§ 122.7 *Return receipts.* Return receipts for insured parcels are furnished under the same conditions as apply to registry return receipts (see § 121.6 of this chapter). No return receipts are furnished for insured parcels to Canada.

PART 123—INTERNATIONAL C. O. D. MAIL

§ 123.1 *International c. o. d. mail.* There is at the present time no international c. o. d. service.

PART 124—SPECIAL DELIVERY (Exprès)

Sec.
124.1 Countries.
124.2 Classes of mail.
124.3 Marking.
124.4 Payment for special delivery.
124.5 Delivery procedures.

AUTHORITY: §§ 124.1 to 124.5 issued under R. S., 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943, 5 U. S. C. 22, 369, 372.

§ 124.1 *Countries.* For countries with which special delivery (exprès) service is in force see § 110.1 of this chapter.

§ 124.2 *Classes of mail.* The special-delivery service applies to all Postal Union articles (ordinary and registered—surface and air) addressed for delivery in the countries shown in the preceding list, except that in the case of Canada the special-delivery service applies only to letters or articles prepaid at the letter rate (ordinary and registered), and to India it applies only to unregistered letters, post cards, and printed matter (exclusive of matter for the blind). The special-delivery service does not apply to international parcel post. See Part 125 of this chapter concerning special handling service for parcel post.

§ 124.3 *Marking.* An article intended for special delivery service must have fixed to the cover an "Exprès (special delivery)" label Form 2977, obtainable at the post office, or the cover must be marked boldly in red ink "Exprès" directly below but not on the stamps. Special-delivery stamps may not be used on other than special-delivery articles.

§ 124.4 *Payment for special delivery*—(a) *Fees.*

Weight	Letters and letter packages (cents)	Post cards (cents, each)	Other Postal Union articles (cents)
Up to 2 pounds	20	20	35
Over 2 pounds and up to 10 pounds	35	.....	45
Over 10 pounds	50	.....	60

(b) *Prepayment of fees.* The special-delivery fees may be prepaid by special delivery stamps or ordinary postage stamps. Air mail stamps may be used in the case of articles sent by air. Special-delivery stamps must not be used on other than special-delivery articles. Special delivery fees must be prepaid in addition to the regular postage.

(c) *Insufficient postage.* Insufficiently prepaid articles intended for special delivery which are posted in letter boxes and drops are marked by postmasters "Not in special-delivery mail" and dispatched onward to destination as ordinary mail matter whenever such articles cannot be returned to the sender for the deficiency in fee without seriously delaying the dispatch thereof.

§ 124.5 *Delivery procedures*—(a) *In the United States.* Articles which are marked to indicate they are intended for special delivery will be subject to the same conditions in their delivery as special-delivery articles in the United States domestic service.

(b) *In other countries.* Delivery is made in the various countries according to the special-delivery regulations in force in the country of destination.

PART 125—SPECIAL HANDLING

Sec.
125.1 Availability.
125.2 Fees.
125.3 Marking.
125.4 Forwarding.

AUTHORITY: §§ 125.1 to 125.4 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 125.1 *Availability.* The "special-handling" service for domestic parcel post is available also for parcel post addressed to other countries. The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special-handling service does not apply to Postal Union articles.

§ 125.2 *Fees.*

Weight:	Fee (cents)
Not more than 2 pounds	15
More than 2 pounds but not more than 10 pounds	20
More than 10 pounds	25

Special-handling fees are in addition to the regular parcel post rate to the country concerned, and may be prepaid by special-handling stamps or by ordinary postage stamps.

§ 125.3 *Marking.* A parcel intended for a special-handling service must be marked or stamped "Special Handling" immediately above the name of the addressee.

§ 125.4 *Forwarding.* Special-handling parcels are given priority in distribution and disposal over other parcel post packages from the office of mailing to the point of disposal from the United States. They are dispatched from this country as parcel post by the same vessels carrying letter mails for the countries of address, when practicable. Special-handling parcels do not receive any special treatment in the country of destination.

PART 126—RECALL AND CHANGE OF ADDRESS

Sec.
126.1 Conditions.
126.2 How made.
126.3 Countries not permitting recall or change of address.

AUTHORITY: §§ 126.1 to 126.3 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 126.1 *Conditions.* You may cause any mail article you addressed for delivery in another country to be withdrawn from the Postal Service, or have its address changed. In case it has been dispatched from the United States and not delivered to the addressee:

(a) The legislation of the country of destination of the article must allow such withdrawal or change of address;

(b) The article must not contain prohibited matter; and

(c) The customs examination must not reveal any irregularity.

§ 126.2 *How made*—(a) *If not dispatched from mailing office.* If the article has not yet been dispatched from the mailing post office you must apply to the postmaster.

(b) *If not dispatched from the United States.* If the article has been dispatched from the mailing office, but has not been dispatched from the United States, it may be returned to you if it can be intercepted at the United States exchange post office. To facilitate identification and return you must furnish available particulars, including description of the article, date of mailing, registration number if registered, as well as means of transmission (by surface or air) from mailing office.

(c) *If dispatched from the United States.* If the article has been actually dispatched from the United States, the sender must apply at the post office at which the article was mailed, where he must identify himself, furnish a facsimile of the address of the article, and pay (by postage stamps fixed to his application, and canceled by the postmaster) a fee of 40 cents. If the request is to be sent by air mail or telegraph or cable, the sender must pay, in addition, the air mail rate or telegraph or cable charges. In this case, the application shall be accompanied by sufficient postage to prepay the air mail rate or by a remittance to cover the telegraph or cable charges at the usual rate.

(d) *Single application sufficient.* A single form of application may be used for several articles mailed at the same time, at the same office, by the same sender, and to the same addressee, in which case the sender is required to pay only one fee or one fee plus the airmail or telegraph or cable charge, as the case may be.

§ 126.3 *Countries not permitting recall or change of address.* The legislation of Aden, Australia, Barbados, British Honduras, British Post Offices in Tangier (International Zone of Morocco) and Tetuan (Spanish Zone of Morocco), Brunei, Burma, Canada, Cyprus, Cyrenaica, Gambia, Gibraltar, Gilbert and Ellice Islands, Great Britain and Northern Ireland, India, Ireland, Leeward Islands, Malaya, Nauru Island, New Zealand, Nigeria, Pakistan, Persian Gulf Ports, Rhodesia (Southern), St. Helena, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Somalia, South-West Africa, Trinidad and Tobago, Union of South Africa, and the Windward Islands does not allow senders of Postal Union articles to withdraw them from the mails or to change their address. For countries not permitting recall or change of address of parcel post packages, see § 111.7 of this chapter.

Subchapter N—How to Wrap and Mail

PART 131—PREPARATION, ADDRESSING, AND POSTAGE

Sec.
131.1 Preparation.
131.2 Addressing.
131.3 Postage.

AUTHORITY: §§131.1 to 131.3 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 131.1 *Preparation.* Prepare the articles securely, especially if they are for distant countries. International mail is handled more often and subjected to greater pressure and friction than domestic mail, hence it must be enclosed in strong envelopes or other wrappings. Do not use wax for sealing letters. Letters so sealed often stick to each other and the addresses of some are destroyed by the tearing of the covers in the attempt to separate the articles.

§ 131.2 *Addressing*—(a) *Form of address.* (1) Address mail articles in legible roman letters placed on the right-hand side of the article, lengthwise, in such a way as to leave space for service labels and notations (postmarks, etc.).

(2) Write the name and address of the recipient precisely and completely, with the names of the locality and country of destination in capital letters. Give the house number and street address or box number when sending mail to towns or cities.

(3) On the address of articles sent to general delivery indicate the name of the addressee. The use of initials, figures, simple given names, fictitious names or conventional marks of any kind, occupant, boxholder, etc., is not permitted on any articles.

(4) Addresses in Russian, Greek, Arabic, Hebrew, Japanese, or Chinese characters must bear an interlined translation of the names of the post office, province, and country of destination in English. If the English form of the names is not known, the foreign spellings shall be shown in roman characters, print, or script.

(b) *Return card.* The return card with the complete address of the sender must be shown in the upper left corner of the address side of the mail in such a way as not to affect either the clarity of the address or the application of service labels or notations. Many countries do not return certain ordinary (unregistered) articles if they cannot be delivered as addressed unless they bear the sender's return card.

(c) *Unprepaid mail.* When surface letters are shortpaid or entirely unpaid, postage is collected from the addressees by the country of address at double the amount of the deficiency. For all registered letters and for all other Postal Union articles, postage must be fully prepaid.

§ 131.3 *Postage*—(a) *Method of prepayment.* Postage, registration fees and insurance fees, can be prepaid upon articles (other than the reply half of post cards) by means of United States postage stamps or by meter stamp of a bright red color.

(b) *Prepayment of printed matter.* Prepayment of postage on printed matter may also be indicated by means of permit imprints. Permit imprints must show the amount of postage paid and may be black or any other color. For printed matter mailed to certain countries, at special rates, see § 22.1 (d) of this chapter.

(c) *Articles mailed aboard ships.* Postage on articles mailed on board a ship on the high seas must be prepaid by means of postage stamps of the country under whose flag the ship sails. Such articles are subject to the postage rates and conditions of that country. Postage on articles mailed on board a ship while it is in a port of any country can be prepaid only by means of postage stamps of that country. Such articles are subject to the postage rates and conditions of that country.

(d) *Free-of-postage matter.* Freedom of postage in the international mails is granted to surface Postal Union mail in the following cases: Official penalty mail addressed to countries of the Postal Union of the Americas and Spain, except Argentina, Brazil, and Spain; and diplomatic and consular mail exchanged under the terms of the Convention of the Postal Union of the Americas and Spain.

(e) *Reply coupons.* (1) International Reply Coupons of the Universal Postal Union, printed in blue ink and bearing the caption "Coupon-Réponse Interna-

tional" may be purchased at United States post offices for 13¢ each. Each coupon is exchangeable in any country for a stamp or stamps representing the prepayment of an ordinary single-rate letter originating in that country and addressed to this country. Upon the presentation of a sufficient number of coupons, the stamp or stamps received in exchange may be used to prepay an ordinary letter to this country by air. International Reply Coupons are exchangeable in postage stamps at the rate of 8¢ each, except that Canadian and Mexican international reply coupons are redeemable in postage stamps at the rate of 3¢ each. They must bear the postmark of the selling post office. The period for exchange of reply coupons is unlimited.

(2) Postal Union of the Americas and Spain Reply Coupons, printed in green ink and bearing the caption "Cupón Respuesta Americoespañol", are not sold in this Service, but they are redeemable in postage stamps in the same manner and rate of exchange (8¢ each) as the UPU international reply coupon, except that when more than 10 PUAS coupons are offered by one individual the letters on which the postage is being prepaid must also be presented.

(f) *Air letter sheets (aerogrammes).* For details of air letter sheets (aerogrammes), see § 109.7 of this chapter.

PART 132—PROHIBITED AND RESTRICTED ARTICLES

Sec.
132.1 General list of prohibited articles.
132.2 Restricted articles.

AUTHORITY: §§ 132.1 and 132.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 132.1 *General list of prohibited articles.* The following articles are prohibited transmission in the Postal Union mails to all countries:

(a) Any article without address or incorrectly, insufficiently, or illegibly addressed so that it cannot be sent to its destination;

(b) Any article addressed to go around the world or with the address side wholly or partly divided into several spaces intended for successive addresses;

(c) Poisons, including narcotics (opium, morphine, cocaine, etc.), explosives and inflammable articles, and all other articles excluded from the domestic mails, which either from their nature or packing are likely to soil or damage the mails or are injurious to health, life, or property.

(d) Matches, including safety matches;

(e) Live or dead animals, except: (1) Live bees, leeches and silk worms; (2) dead insects or reptiles when thoroughly dried; and (3) parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies.

(f) Articles which are excluded from the domestic mails of the United States.

(g) Coins, bank notes, paper money or any values payable to bearer; manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry stones, jewelry or other precious articles are prohibited transmission in the Postal Union mails unless sent by registered letter mail. These articles are absolutely prohibited even in registered letter mail to some countries. For articles prohibited from international parcel post, see Part 113 of this chapter.

§ 132.2 *Restricted articles.*—(a) *Gold and gold certificates.* (See § 115.3 of this chapter.)

(b) *Diamonds.* (See § 115.4 (a) of this chapter.)

(c) *Tobacco seed and plants.* (See § 115.4 (c) of this chapter.)

(d) *Window envelopes.* Window envelopes meeting the conditions in § 112.4 of this chapter, with the exception of open-panel envelopes, are acceptable in the international mails.

PART 133—DOCUMENTATION

Sec.
133.1 Customs forms.
133.2 Export declarations.
133.3 Licenses and certificates.
133.4 Parcel post documents.

AUTHORITY: §§ 133.1 to 133.4 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 133.1 *Customs forms.*—(a) *Green (customs) label.* (1) The green (customs) label, Form 2976, must be attached to the address side of each letter or letter package containing dutiable articles (merchandise); to prints which are dutiable in the country to which they are addressed; and to each small packet.

(2) The form is not, under any circumstances, to be employed on parcel post packages.

(3) Facsimiles of the old Form 2976 and the revised form are shown below:

Old Form

CUSTOMS
(Douane)
May Be Officially Opened
(Peut être ouvert d'office)
2976 (C 1) 5—9120

Revised Form

CUSTOMS—DOUANE
May be Officially Opened
(Peut être ouvert d'office)

Detach and discard this portion if a separate declaration (Form 2976-A) or an invoice is enclosed in the package.

Contents in detail
Nature de la marchandise .....

Net weight
Poids net .....
Value
Valeur .....
Form 2976 16—67823-1 GPO

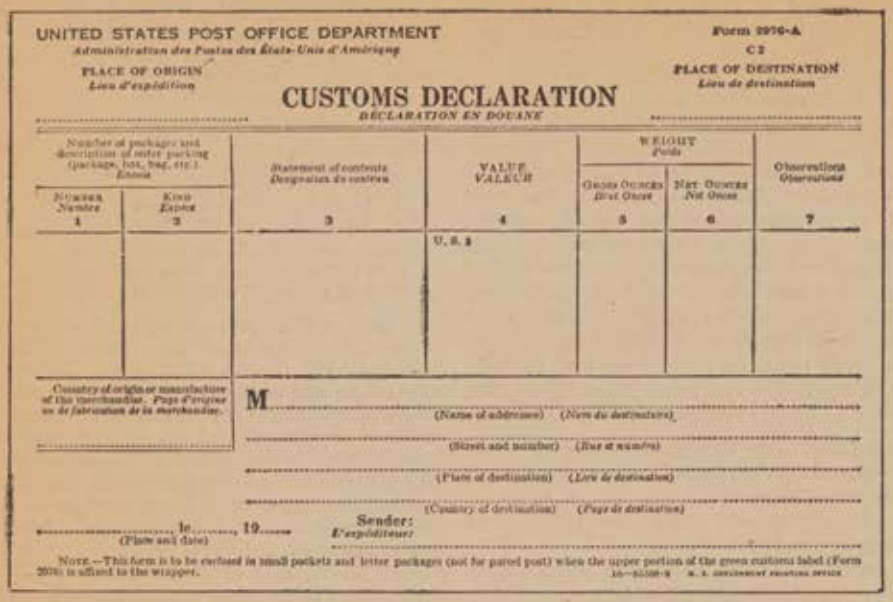
(4) When the revised form is used in its entirety, there is no need to enclose the paper form of customs declaration (see paragraph (b) of this section) in the package. However, if the sender prefers not to show the nature of the contents, etc., on the outside of the article, or if for any reason the use of the revised form in its entirety is not practicable, the upper part of the revised form (detached by cutting along the dotted line) may be affixed to the cover, and customs declaration Form 2976–A enclosed. (See paragraph (b) of this section.) Old Form 2976 may be used for this purpose until the supply is exhausted.

(b) *Paper customs declaration.* (1) The paper form of customs declaration (Form 2976–A) is available for completion and enclosure within the classes of articles mentioned in paragraph (a) of this section when the description of the contents of the article is not shown on Form 2976 or on an invoice enclosed within the article.

(2) The contents of the article must be indicated in detail on the form. Notations of a general character are not allowed.

(3) Form 2976–A is not, under any circumstances, to be used in mailing parcel post packages. Information concerning the card (tag) form of customs declaration (Form 2966) to be used in connection with parcel post packages will be found in Part 114 of this chapter.

(4) Following is a facsimile of Form 2976–A.



UNITED STATES POST OFFICE DEPARTMENT
Administration des Postes des États-Unis d'Amérique

Form 2976-A
C2

PLACE OF ORIGIN
Lieu d'expédition

PLACE OF DESTINATION
Lieu de destination

CUSTOMS DECLARATION
DÉCLARATION EN DOUANE

Number of packages and description of outer packing (package, box, bag, etc.) Nombre et genre de colis extérieur		Statement of contents Désignation du contenu	VALUE VALEUR	WEIGHT Poids		Observations Observations
				Gross Ounces Brut Onces	Net Ounces Net Onces	
Number Numéro 1	Kind Espèce 2	3	4	5	6	7
			U. S. $			

Country of origin of manufacture of the merchandise. Pays d'origine ou de fabrication de la marchandise.

M.....
(Name of addressee) (Nom du destinataire)

(Street and number) (Rue et numéro)

(Place of destination) (Lieu de destination)

(Country of destination) (Pays de destination)

....., le....., 19.....
(Place and date)

Sender:
L'expéditeur

NOTE.—This form is to be enclosed in small packets and letter packages (not for parcel post) when the upper portion of the green customs label (Form 2976) is affixed to the wrapper.

§ 133.2 *Export declarations.* For information concerning postal export declarations which must be prepared on U. S. Department of Commerce Form 7525–V for certain commercial shipments sent in the Postal Union mails or by parcel post by one business concern to another business concern between continental United States, its noncontiguous possessions, and other countries, see § 114.4 of this chapter.

§ 133.3 *Licenses and certificates.* For information concerning licenses and certificates required in certain cases for exports in the Postal Union mails or by parcel post, see Part 115 of this chapter.

§ 133.4 *Parcel post documents.* For specific documentary requirements for parcel post, see Part 114 of this chapter.

Subchapter O—Undelivered Mail

Part 141—Inquiries and Complaints

Sec.
141.1 Inquiries encouraged.
141.2 When made.
141.3 Where made.
141.4 How made.
141.5 Charges.

Authority: §§ 141.1 to 141.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 141.1 *Inquiries encouraged.* Patrons are urged to report any losses or nondelivery or other mistreatment of mail, as these reports may serve to improve the postal service.

§ 141.2 *When made.* Inquiries are accepted within one year, counting from the day following date of mailing.

§ 141.3 *Where made.* Make all inquiries and complaints regarding nondelivery or other mistreatment of international mail to your local postmaster.

§ 141.4 *How made*—(a) *Inquiries regarding nondelivery.* If an article has failed to reach the addressee within a reasonable time, after it should in regular course have been delivered, the post office will, upon request, institute an inquiry with the foreign postal administration. You may make inquiries even though the articles were mailed in another country. If you are unable to submit the registry (mailing) receipt in the case of a registered article, however, you should make complaint at the office of mailing.

(b) *Complaints of noncompletion of return receipts.* Complaints with respect to non-completion of return receipts for registered article (see § 121.6 (c) of this chapter) should be transmitted, together with the relative receipt, to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C.

§ 141.5 *Charges*—(a) *When applicable.* No charge is made for inquiry or complaint concerning the nondelivery of a piece of international mail if the complainant has failed to receive a return receipt for which he paid the required fee; or if the complainant is able to show that loss or other irregularity has occurred apparently through fault of the postal service. Such a showing is satisfied either by exhibiting a letter from the addressee a reasonable time after the article involved would normally have been delivered; or satisfactorily explaining the failure to exhibit such a letter or report. Otherwise, a charge of 13 cents is made.

(b) *When several articles involved.* Only one fee is collected for inquiries or requests for information concerning several articles mailed simultaneously by the same sender addressed to the same addressee.

(c) *Airmail or telegraph inquiry.* If you desire your inquiries to be sent by air mail or telegraph, you must pay, in addition to other fees and charges applicable, the postage for a one-rate air mail letter to the country of destination, or the appropriate telegraph charge. If you also desire a reply to your inquiry to be made by air mail or telegraph, you must pay double the air mail postage, or the telegraph charges both ways.

Part 142—Undeliverable Articles

Sec.
142.1 When returned.
142.2 Charges.

Authority: §§ 142.1 and 142.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943, 5 U. S. C. 22, 369, 372.

§ 142.1 *When returned.* Undeliverable ordinary (unregistered) prints without value are not returned by the country of address unless the sender has requested their return by a notation placed on the article in a language known in the country of destination. Other ordinary articles and all registered articles are always returned. (Undeliverable second-class publications mailed from Canada are given the same treatment as undeliverable domestic matter of the second-class.) For parcel post, see provisions for alternative disposition in § 114.1 (c) (2) of this chapter.

§ 142.2 *Charges.* (a) For any unpaid or short-paid article returned as undeliverable, the sender will be required to pay the sum which would have been collectible from the addressee if the article had been delivered. In addition, when returned through the dead letter office, the sender will be required to pay a fee of 5 cents.

(b) There is no charge for return postage on undeliverable fully prepaid articles in the Postal Union mails, except for "Eight-ounce merchandise packages" (see Part 107 of this chapter). These are subject, on return delivery to the sender, to a postage charge of 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction thereof.

(c) United States publications of the second-class mailed by publishers or registered news agents at the rates prescribed in § 21.1 of this chapter, which are returned from Canada as undeliverable are subject on delivery to the senders to a charge at the rate of 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction thereof.

(d) In the case of parcel post packages, where the sender has given instructions that the parcel be returned to him if undeliverable as addressed, he guarantees that he will pay the return postage.

Subchapter P—Indemnities

Part 151—Substantiation of Claims

Sec.
151.1 Report to accompany claim.
151.2 Proof of value.

Authority: §§ 151.1 to 151.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 151.1 *Report to accompany claim.* The report from the addressee on which the claim is based must accompany the claim.

§ 151.2 *Proof of value.* The burden of satisfactorily establishing the value of the contents at the time of mailing or that the amount claimed, particularly in the case of heirlooms or antiques, is not in excess of the ordinary market value of similar articles rests, in the absence of a complete description of the contents, with the claimant. Sentimental values arising from associations of articles cannot properly be allowed.

PART 152—INDEMNITY LIMITS

Sec.
152.1 Registered postal union articles.
152.2 Registered or ordinary under the parcel post agreement of the Postal Union of the Americas and Spain.
152.3 Other registered parcel post.
152.4 Insured parcel post.
152.5 Principal exceptions.

AUTHORITY: §§ 152.1 to 152.5 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 152.1 *Registered postal union articles*—(a) *Limit under the Postal Convention with Canada.* Total loss based on value not exceeding $25.

(b) *Limit under the Universal Postal Union Convention of Brussels.* Any amount claimed not exceeding $8.17 for total loss (envelope or wrapper, and total contents).

(c) *Limit under the Convention of the Postal Union of the Americas and Spain.* Any amount claimed not exceeding $3.27 in the case of total loss.

(d) *Damage, loss or rifling of contents.* (1) When mailed in the United States and responsibility rests with the Postal Administration of the United States and, if bulk billed, when it is not possible to determine in which country the loss, rifling, or damage occurred, for actual amount thereof in amount claimed, not exceeding $8.17, except that the maximum amount is $3.27 in the case of registered articles to the countries subscribing to the Convention of the Postal Union of the Americas and Spain.

(2) In the event of partial or complete loss or rifling of the contents of registered Postal Union articles for Great Britain and Northern Ireland and Switzerland (regardless of where it occurs), and for the actual amount thereof not exceeding $8.17; for the intrinsic value, but not exceeding $8.17, for damage while in the custody of the postal service to such extent as to destroy entirely the value of an article contained in a registered packet (unless the damage arose from the fault of the sender or from causes beyond control).

(3) Limited indemnity may be specially paid under the conditions set forth in subparagraph (1) of this paragraph for loss, rifling, or damage where money in cash, bank notes or values payable to bearer are prohibited transmission in the mails.

§ 152.2 *Registered or ordinary under the Parcel Post Agreement of the Postal Union of the Americas and Spain.* Actual amount of loss, rifling, or damage, based on value, is paid not exceeding the maximum amount for each weight unit, as follows:

2 pounds	7 pounds	11 pounds	22 pounds	33 pounds	44 pounds
$3.27	$4.90	$8.17	$13.07	$17.97	$22.87

§ 152.3 *Other registered parcel post.* Actual value up to 50 gold francs ($16.33) for the loss, rifling or damage of registered parcel post packages exchanged with Cape Verde Islands and Portuguese West Africa; up to $10 for the total loss of such parcels exchanged with Cuba, and in accordance with the scale of fees and limits of indemnity § 121.3 of this chapter, based on actual value, is paid for the loss, rifling or damage of registered parcel post packages exchanged with Ecuador, and for the total loss of registered parcel post packages exchanged with Portugual (including Madeira and the Azores).

§ 152.4 *Insured parcel post*—(a) *General provisions.* Actual amount of loss, rifling, or damage, based on value at the time and place of mailing, is paid not exceeding the limit for the insurance fee paid.

(b) *Forwarded or returned to third country.* In the case of an insured parcel forwarded or returned to a third country, the rightful claimant shall be entitled to only such indemnity, if any, for any loss, rifling, or damage which occurs after the redispatch of the parcel in the country of original address, as the country in which the loss, rifling, or damage occurred is willing or obligated to pay under any agreement in force between the countries involved.

§ 152.5 *Principal exceptions.* Indemnity will not be paid:

(a) For damage to Postal Union registered articles or partial or complete loss, or rifling of the contents of Postal Union registered articles, except as stated in § 152.1 (d) (2).

(b) As a rule, in case of parcels reported by other countries as having been delivered without external trace of rifling or damage and accepted without reservation as to the condition of the contents.

(c) When it is established that delivery was made under the conditions prescribed by the domestic regulations of the country of destination for mail of the same kind, or, upon presentation of a regular Postal identity card.

(d) In case of loss or damage through "force majeure" (causes beyond control), as defined by the legal decision or rulings of the country in whose service the loss or damage occurs, except in case of insured mail to Canada.

(e) When loss, rifling, or damage has been caused by the fault or negligence of the sender or the addressee or the representative of either.

(f) When an article or parcel cannot be accounted for in consequence of the destruction of service records through "force majeure."

(g) When the contents are prohibited, except as stated in § 152.1 (d) (3).

(h) When the claimant, with intent to defraud, shall declare the contents of a parcel to be above their real value.

(i) For an article or parcel seized by the customs.

(j) In the case of parcels which contain matter of no intrinsic value or matter which did not conform to the stipulations of the conventions applicable, or which were not posted in the manner prescribed. However, in the event of loss, rifling, or damage in this country of mail matter erroneously accepted for insurance, etc., to other countries, or, on which postage was erroneously collected at other than parcel post rates, but otherwise properly accepted for mailing, limited indemnity may specially be paid, under the conditions stated in §§ 152.1, 152.2, and 152.3.

(k) For indirect loss or loss of profit in the case of parcels.

(l) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the article or parcel. In the case of insured mail with Canada, however, the time limit may be waived when it is satisfactorily established that the delay was unavoidable and not the fault of the claimant.

(m) For damage which proceeds from the inherent vice or quality of the contents, that is, its inability, due to its nature, to withstand the ordinary incidents of the contemplated carriage.

(n) In case of claim for damage, unless the parcel was adequately packed for the length of the journey and for the protection of the contents; also, unless the parcel was conspicuously endorsed to show the nature of the contents, such as "Fragile", "Glass", "Eggs", or "Perishable" as may be appropriate. Except in the case of Canada no indemnity is payable under any conditions in respect of parcels which contain perishable matter.

(o) In cases in which full compensation or reimbursement has otherwise been made by the Post Office Department or by any outside firm or corporation whatsoever except on a pro-rata basis as co-insurer.

(p) For the rifling or damage of registered or insured parcels exchanged with Portugal (including Madeira and the Azores), and of registered parcels exchanged with Cuba.

Subchapter Q—Importations

PART 161—CUSTOMS TREATMENT

Sec.
161.1 Joint regulations of Treasury and Post Office Departments.
161.2 Delivery and collection of duty.
161.3 Payment of duty protested.
161.4 Refund of customs duty.
161.5 Rates of duties.
161.6 Prepayment of duty.

AUTHORITY: §§ 161.1 to 161.6 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 498, 46 Stat. 728, 59 Stat. 669; 19 U. S. C. 1498, 5 U. S. C. 22, 369, 22 U. S. C. 288–288f.

§ 161.1 *Joint regulations of treasury and post office departments.* All mail matter received from abroad, known or believed to contain dutiable articles, must be submitted to the Customs Service as required by the Joint Regulations adopted by the Secretary of the Treasury and the Postmaster General.

§ 161.2 *Delivery and collection of duty*—(a) *Payment of duty required.* Articles which have been examined by the United States Customs authorities and found to be subject to duty will be delivered to the addressee only upon payment of the amount of duty assessed.

(b) *No examination before payment of duty.* Addressees are not permitted to examine the contents of dutiable articles until the duty is paid.

(c) *No duty refund in certain cases.* When an addressee requests delivery of parcel post packages to be made at his residence or place of business after the customs duty thereon has been paid at

the post office, attention is called to the circumstances that the Treasury Department has declined to refund the duty in such cases when the goods become lost between the post office and the addressee's residence or place of business, and that if there should be any loss there is no appropriation available from which the Post Office Department could make reimbursement for the amount of duty paid.

§ 161.3 *Payment of duty protested*—(a) *Refusal and protest.* When an addressee refuses to accept a dutiable package and protests against the payment of duty assessed, he shall state his objection in writing to the postmaster and shall submit any available information or evidence substantiating his claim. If an addressee simply refuses a parcel and makes no protest concerning the duty assessed the parcel shall be treated as undeliverable.

(b) *Claim for duty refund.* An addressee, who is dissatisfied with the amount of duty assessed, may pay the charges, take delivery of the package and later file claim for a refund with the collector involved.

(c) *Unaccompanied articles.* Returning residents of the United States frequently mail to themselves or arrange for mailing of personal effects and/or merchandise acquired abroad. These articles are entered on the customs baggage declaration as "unaccompanied articles." If it is expected that the declared items will be contained in one shipment, the customs regulations provide that the declaration shall be prepared in duplicate, the copy being retained by the declarant for clearance purposes. When the payment of duty is protested under the above conditions, the duplicate baggage declaration in the patron's possession shall be surrendered to the postmaster for transmission, together with the other information referred to in the preceding paragraph, to the collector who issued the mail entry. Should the addressee be unable to produce the duplicate baggage declaration, his statement as to the date and the port through which he reentered the country, together with any possible information regarding the name of the ship or the number of the aircraft, and the number borne by the declaration filed at the time of such arrival will be furnished the collector in lieu thereof. The collector who issued the mail entry will communicate with the customs authorities at the port of entry relative to the matter of whether or not the package is entitled to free entry.

(d) *Storage charges.* A parcel post package held at a post office pending the decision of the customs authorities is subject to storage charges of 5 cents per day if it is not removed from the post office within 10 days after the decision is rendered by the customs authorities.

§ 161.4 *Refund of customs duty*—(a) *Duty not refundable by postmasters.* Amounts collected on customs mail entry forms are not refundable by postmasters. An addressee who requests a refund of duty shall make application therefor to the collector of customs at the port of entry within 30 days from the date of entry. It is suggested, if refund is claimed on account of damage, that the article be forwarded to the collector with the application. If the addressee wishes to abandon the article to the Government, he should include a statement to that effect in his application. In case the addressee also intends to file a claim for indemnity with the Post Office Department, he shall, before taking the above action, present the contents, container and complete wrapping to the postmaster for the inspection prescribed by the international indemnity application Form 2855.

(b) *Refund by customs service.* Refund of duties paid will be made by the Customs Service if merchandise covered by a mail entry representing 5 percent or more of the total value of all of the merchandise of the same class or kind entered in the invoice in which the item appears is abandoned and delivered within 30 days after the date of entry to the collector of customs where the entry was made.

(c) *Refund of duty on returned merchandise.* Refund of duties paid less 1 per centum will also be made by the Customs Service if merchandise covered by a mail entry and found not to conform to sample or specification or shipped without the consent of the consignee is, within 90 days from the date of delivery, returned to customs custody for exportation, unless the Secretary of the Treasury authorizes in writing a longer time. The postal charges incident to returning the merchandise to the sender must be paid by the addressee.

§ 161.5 *Rates of duties.* Patrons desiring information concerning rates of duty on articles imported into the United States, or other customs procedure, should communicate with the appropriate customs officer, located at various points throughout the country, or with the Commissioner of Customs, Treasury Department, Washington 25, D. C. The publication United States Import Duties (1952) on sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. (price, $3.25), may be of interest to persons who import merchandise.

§ 161.6 *Prepayment of duty.* No provision is made for the prepayment abroad of customs duty on mail shipments addressed for delivery in the United States.

PART 162—PLANTS AND PLANT PRODUCTS

Sec.
162.1 Plants admitted without restriction.
162.2 Plants admitted under restrictions.
162.3 Prohibited plants and plant products.

AUTHORITY: §§ 162.1 to 162.3 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 162.1 *Plants admitted without restriction.* Plants and plant products ordered by, intended for, and addressed to the Plant Quarantine Branch, or the Horticultural Crops Research Branch, Department of Agriculture, Washington 25, D. C.

§ 162.2 *Plants admitted under restrictions.* Except for those listed in § 162.3 as prohibited, and some which are importable by private individuals, most plants and plant products are admitted under various restrictions. For information, patrons should address inquiries to Department of Agriculture, Plant Quarantine Branch, Washington 25, D. C.

§ 162.3 *Prohibited plants and plant products*—(a) *Cuttings, buds, cions, etc.* Subject to some exceptions, importation by mail is prohibited from all countries and localities, of all plants, including cuttings, buds, cions, bulb roots, tubers, seeds, etc.; fruits and vegetables in the raw or unprocessed state; and other plant products.

(b) *Plants and plant products as packing materials.* Except in special cases where preparation, processing, or manufacturing are judged by an inspector of the United States Department of Agriculture to eliminate a risk of carrying injurious insects and diseases, the importation as packing material is prohibited of rice straw, hulls and chaff; cotton and cotton products; sugarcane, including bagasse; bamboo leaves and small shoots; leaves of plants; forest litter; soil with an appreciable admixture of vegetable matter not therein provided for by regulation; and all parts of corn and allied plants, except from Mexico and the countries of Central America, the West Indies, and South America.

Subchapter R—International Postal Service: Postage Rates, Service Available, and Instructions for Mailing

PART 172—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NOTE: Part 172 (formerly Part 127) is retained without change in this revision except as noted below. (See 39 CFR 1949 Ed. and Supp., Part 127.)

1. Paragraph (e) of § 172.107 is amended to read as follows:

(e) A parcel post package held at a post office pending the decision of the customs authorities is subject to storage charges as provided in § 172.96, if it has not been removed from the post office within 10 days after the decision is rendered by the customs authorities.

2. Each country item in §§ 172.201 through 172.383, inclusive, is amended by striking out all of subparagraph (1) of paragraph (b) of each section.

Subchapters S–T [Reserved]

Subchapter U—Procedures

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

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201.100 Rule making.

AUTHORITY: §§ 201.1 to 201.100 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369. Additional statutory authority is cited to text in parenthesis following section affected.

§ 201.1 *Scope of §§ 201.1 to 201.27.* The rules of practice in §§ 201.1 to 201.27 shall be applicable in all proceedings before the Post Office Department wherein the adjudication is required by the Administrative Procedure Act (5 U. S. C. 1001 et seq.) to be determined on the record after opportunity for an agency hearing. These revised rules shall not apply to cases instituted under rules of practice in effect prior to the promulgation hereof.

§ 201.2 *Offices, business hours.* The offices of all officials and employees mentioned in §§ 201.1 to 201.27 are located at Twelfth and Pennsylvania Avenue NW., Washington 25, D. C., and are open for the transaction of business each business day, except Saturday, from 8:45 a. m. to 5:15 p. m.

§ 201.3 *Informal dispositions.* The provisions of this subpart hereinafter appearing shall not preclude the informal disposition of any matter within the scope of §§ 201.1 to 201.27, either before or after the filing of a complaint (§ 201.4), where time, the nature of the proceeding, and the public interest permit.

§ 201.4 *Formal proceedings; complaints.* Whenever the Assistant Solicitor, Fraud Division, of the Post Office Department shall have reason to believe that any person or concern is using the mails in any manner requiring administrative action, where the authorized action is required by the Administrative Procedure Act to be taken only after opportunity for agency hearing, he shall prepare and file with the Docket Clerk a complaint which shall name the person or concern involved; state the legal authority and jurisdiction under which the proceeding is initiated; state the facts in a manner sufficient to enable the person or concern named therein to make answer thereto; and recommend the issuance of an appropriate order. The person or concern so named in the complaint shall be known as the respondent.

§ 201.5 *Notice of hearing.* Upon filing the complaint the Chief Hearing Examiner shall issue a notice of hearing. Said notice of hearing shall contain the date and place of hearing, the date upon which answer to the complaint may be filed, the name of the hearing examiner to whom the case has been assigned and a reference to the effect of failure to file answer.

§ 201.6 *Service of complaint and notice of hearing.* (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 any office of address of the respondent or to the Inspector in Charge of any Division in which the respondent is doing business which shall be delivered to the respondent or his agent 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, Division of Hearing Examiners, Room 4413, New Post Office Department Building, Washington 25, D. C., and shall become a part of the record in the case.

(b) In the event that no person can be found upon whom service of the notice of hearing and the complaint can be effected pursuant to paragraph (a) of this section, or in the event of the refusal of the respondent or his agent to execute the receipt provided for by paragraph (a) of this section, the notice of hearing may be delivered in the usual manner with other mail addressed to the respondent, and a statement to that effect showing the time and place of such delivery shall be made and signed by the postal employee who so delivered the notice of hearing, which statement shall be forwarded to the Docket Clerk and shall constitute prima facie evidence of service of the complaint and notice of hearing.

§ 201.7 *Appearances.* (a) A respondent may appear and be heard in person or by attorney. A partnership may appear and be represented by a member thereof or by attorney. A corporation or association may appear by a duly authorized officer or by attorney.

(b) An attorney representing a respondent must file with the Docket Clerk a written authorization from the respondent to represent him in the proceeding, prior to any participation therein.

(c) Where a respondent is represented by a duly authorized attorney the service of all subsequent pleadings, notices and other papers shall be effected by mailing the same to his attorney at the post office address stated in his written authorization.

(d) Prompt notice of change of attorneys must be filed.

§ 201.8 *Admission to practice.* Attorneys appearing in behalf of respondents shall be required, prior to such appearance, to obtain permission to practice before the Post Office Department in accordance with the "Procedure Governing the Admission of Attorneys to Practice before the Post Office Department" (Subpart A of Part 202 of this chapter): *Provided*, That the hearing examiner may waive this requirement when in his discretion the circumstances so warrant. Upon request the Solicitor will furnish an applicant a copy of the rules of admission to practice.

§ 201.9 *Filing documents for the record.* (a) All pleadings, motions, orders and other documents filed for the record shall be delivered to the Docket Clerk who shall cause the same to be recorded and filed, and copies thereof delivered to the assigned hearing examiner and to all parties to the proceeding.

(b) Four copies of all such documents must be submitted, except as otherwise provided in §§ 201.1 to 201.27, or as ordered by the hearing examiner. One copy shall be signed as the original.

(c) Such documents shall be dated and shall state the docket number and title of the proceeding. Any pleading or other document required by order of the assigned hearing examiner, to be submitted or filed by a specified date, shall be delivered to the Docket Clerk on or before such date. The date of filing shall be entered thereon by the Docket Clerk.

§ 201.10 *Answers.* (a) The original and three copies of the respondent's answer shall be filed with the Docket Clerk on or before the date fixed for the filing thereof in the notice of hearing.

(b) The answer shall contain a concise statement admitting, denying or explaining each of the allegations set forth in the complaint.

(c) Any facts alleged in the complaint which are expressly admitted or not denied in the answer may be considered as proved, and no further evidence in respect of such facts need be adduced at the hearing.

(d) The answer shall be signed personally by an individual respondent, or, in the case of a partnership by one of the partners, or, in the case of a corporation or association, by a responsible officer thereof.

(e) The answer shall set forth the respondent's address and the name and address of his attorney, if he is so represented.

(f) The respondent must state in his answer whether he will or will not appear at the hearing either in person or by attorney.

(g) If the respondent fails to deliver his answer to the Docket Clerk within the time specified in the notice of hearing, he shall be deemed to be in default, to have admitted the allegations of the complaint, and to have waived hearing and further procedural steps. The order

recommended in the complaint may thereafter be issued without further notice to the respondent.

§ 201.11 *Compromises.* (a) Where time, the nature of the proceeding, and the public interest permit, respondents may, prior to the time specified for the filing of the answer, make application to the Assistant Solicitor, Fraud Division, for a compromise or settlement of any proceeding instituted under §§ 201.1 to 201.27. The making of such application shall not affect the requirement that the answer be filed within the time specified.

(b) In proceedings wherein the complaint recommends the issuance of an order under sections 255, 259, or 259a of Title 39, U. S. Code, respondents may, pursuant to the provisions of paragraph (a) of this section, make application to the Assistant Solicitor, Fraud Division, specifically for the suspension of further proceedings by the filing of an affidavit providing for the discontinuance and abandonment of the use of the mails in the conduct of the enterprise alleged in the complaint to be unlawful.

§ 201.12 *Amendment of pleadings.* An amendment of a pleading may be offered by any party at any time prior to the close of the hearing. Amendments proposed prior to the hearing should be filed with the Docket Clerk and thereafter with the hearing examiner.

§ 201.13 *Continuances and extensions.* (a) Applications for continuances of the hearing, and for extensions of time to file formal documents which are made prior to the filing of the initial decision, shall be filed with the Docket Clerk who shall transmit the same to the assigned Hearing Examiner. Continuances and extensions will be granted only for substantial cause shown, and then only for a short period.

(b) Applications for extensions of time to file appeal briefs or other documents in support of any appeal from the Hearing Examiner's initial decision shall be delivered to the Docket Clerk who shall request a ruling thereon from the duly authorized Departmental officer and shall promptly notify the applicant of the granting or denial thereof as he shall direct.

§ 201.14 *Hearing examiners.* (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 §§ 201.1 to 201.27 shall be assigned to a hearing examiner by the Chief Hearing Examiner before the notice of hearing is issued.

(b) With respect to any proceeding assigned to him, a hearing examiner shall have the following authority, to:

(1) Administer oaths and affirmations.

(2) Examine witnesses where necessary for clarity of the record.

(3) Rule upon offers of evidence subject to the limitations thereon provided by these rules.

(4) Rule upon offers of proof.

(5) Receive oral and documentary evidence for the record.

(6) Grant or deny applications for the taking of depositions in accordance with these rules.

(7) Regulate the course of the hearing, maintain discipline and decorum and exclude from the hearing any person found to be guilty of contemptuous conduct.

(8) Require the filing of memoranda of law and presentation of oral argument with respect to any question of law upon which an examiner is required to rule during the course of the hearing.

(9) Hold conferences for the settlement or simplification of issues by consent of the parties.

(10) Dispose of procedural requests and similar matters.

(11) Make initial decisions in conformity with the Administrative Procedure Act as hereinafter set forth in §§ 201.1 to 201.27.

(c) All orders issued by the hearing examiners with respect to matters before them shall be filed by them with the Docket Clerk. The Docket Clerk shall cause copies thereof to be served upon the appropriate parties to the proceeding.

§ 201.15 *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.

§ 201.16 *Evidence.* (a) Except as otherwise provided in the rules of practice in §§ 201.1 to 201.27, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern: *Provided, however,* That such rules may be relaxed to such extent as the hearing examiner may deem proper to insure an adequate and fair hearing. Irrelevant, immaterial or repetitious evidence shall be excluded by the hearing examiner.

(b) The testimony of witnesses shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Upon motion duly made at the hearing, official notice or knowledge may be taken of all matters of which judicial notice or knowledge may be taken by the Federal Courts.

(e) Medical or other scientific books or essays will not be admitted in evidence in lieu of oral expert testimony.

(f) Affidavits containing opinions or statements of an affiant will not be received in evidence, except as provided by paragraph (h) of this section.

(g) Testimonials will not be received as evidence of the efficacy or quality or any product or thing sold through the mails.

(h) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues, and provided further that the witness whose statement is offered shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in issue.

(i) Objections to the admission of evidence shall include a brief statement of the grounds thereof. Formal exceptions to the rulings of the hearing examiner are unnecessary.

(j) At any time prior to the filing of his initial decision, the hearing examiner may, for good cause shown, reopen the case for the receptiton of further evidence.

§ 201.17 *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses.

§ 201.18 *Witness Fees.* The Post Office Department is not authorized by law to pay witness fees or expenses to witnesses for a respondent.

§ 201.19 *Depositions.* (a) 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 for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition; the time when, the place where, and the name and address of the witness whose deposition is desired; the subject matter concerning which the witness is expected to testify; the relevancy thereof; and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(c) The testimony of the witness shall be reduced to writing and shall be subscribed by the witness and certified in the usual form by the deposition officer, and shall be filed as directed in the order.

(d) At the hearing the deposition may be offered in evidence by the party at whose instance it was taken and, if not so offered, may be offered in whole or in part by the adverse party. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts

thereof shall be governed by the rules of evidence.

(e) The party on behalf of whom the deposition is taken must pay all fees required to be paid to witnesses and deposition officer, and must provide an original and one copy of the deposition for the official record and must serve one copy upon the opposing party.

§ 201.20 *Transcript.* (a) Hearings shall be stenographically reported by a contract reporter of the Post Office Department under the supervision of the assigned hearing examiner. No oral argument upon any matter shall be included in the transcript unless ordered by the hearing examiner. A transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Post Office Department and the reporter. Copies of parts of the official record other than the transcript may be obtained by the respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Four copies of said motion shall be delivered to the Docket Clerk, who shall cause same to be recorded and filed. Opposing counsel shall notify the hearing examiner in writing of his concurrence or disagreement with the requested corrections. Thereafter, the hearing examiner shall by order specify the corrections to be made in the transcript. The hearing examiner on his own initiative may order corrections to be made in the transcripts with prompt notice to the parties of the proceeding. Any changes ordered by the hearing examiner other than by agreement of the parties shall be subject to objection and exception.

(c) In proceedings in which the respondent, having made answer, fails to appear at and participate in the hearing, the hearing examiner may, in lieu of a verbatim transcript, prepare and certify a summary of the proceedings and the testimony of the witnesses appearing for the Government, identifying therein documentary evidence received.

§ 201.21 *The Record.* The transcript of testimony or summary of proceedings and testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceeding, shall constitute the official record of the proceeding.

§ 201.22 *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 numbered 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.

§ 201.23 *Hearing examiner's decision.* (a) Where the respondent, 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 allegations of the complaint, and shall make and file a decision from which there is no appeal. The order recommended in the complaint may, in such circumstances, be issued without further notice to the respondent.

(b) The hearing examiner may render an oral initial decision at the close of the hearing if the nature of the case and the public interest so warrant. Otherwise, he may render such initial decision at a later date as hereinafter provided.

(c) After the date specified by order of the hearing examiner for the filing of proposed findings of fact, conclusions of law and supporting reasons pursuant to the provisions of § 201.22, the hearing examiner shall make and file with the Docket Clerk an initial decision which shall become the final decision unless an appeal therefrom is perfected in the manner provided in § 201.24.

(d) The initial decision of the hearing examiner shall include findings and conclusions with the reasons therefor upon all the material issues of fact, law or discretion presented on the record, and the appropriate order or denial thereof.

(e) The Docket Clerk shall cause a copy of the hearing examiner's initial decision to be served upon each party who participated in the hearing.

§ 201.24 *Appeal from initial decision.* (a) Any party of record in a proceeding, except those who failed to answer the complaint or having answered fail to appear at the hearing, may file a notice of intention to appeal to the Deputy Postmaster General in cases commenced prior to his order No. 55628, dated May 17, 1954, or to the Solicitor for the Post Office Department in cases commenced after that date, and said appeal shall be made in accordance with this section.

(b) A notice of appeal must be filed by the respondent with the Docket Clerk within ten days from the date of mailing to the respondent of a copy of the initial decision, and by the Assistant Solicitor within ten days from the date a copy of such decision is transmitted to him in the usual way. 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.

(c) A brief on appeal shall contain the following matter in the order indicated below. Matter which is not presented in a brief will not be considered on appeal.

(1) A subject index of the matters presented, with page references; a table of cases (alphabetically arranged); list of statutes and text books cited with page references.

(2) A concise abstract or statement of the case.

(3) Exceptions to specific findings and conclusions of fact (or parts thereof), or conclusions of law or discretion in the initial decision; exceptions to the failure of the initial decision to include other findings or conclusions of fact, law or discretion, and exceptions to any prejudicial error in procedure.

Exceptions may also set forth proposed findings of fact, conclusions of law or discretion, together with a proposed order with a request that they be substituted for and adopted in place of those to which exception is taken, with specific reference to the parts of the record and the legal or other authorities relied upon.

(4) Argument clearly setting forth points of fact and of law relied upon in support of each exception taken, together with specific references to the parts of the record and the legal or other authorities relied upon.

(d) Where proposed findings of fact, conclusions of law and supporting reasons have been submitted to the hearing examiner in the manner provided in § 201.22, appeals shall be based on and limited to matters which have been presented to the hearing examiner therein.

(e) Upon the filing of a notice of appeal the assigned hearing examiner will notify the parties when briefs and replies thereto may be filed. The time to file briefs will be extended only for good cause shown. If the appeal brief is not filed within the time prescribed, the party so defaulting will be deemed to have abandoned the appeal and as to such party the matter will proceed as though notice of appeal had not been filed.

(f) The original and three copies of all briefs shall be filed with the Docket Clerk.

(g) Unless leave be granted, no brief shall exceed 50 printed or 100 typewritten pages.

(h) If and when an appeal is perfected by the filing of required appeal document pursuant to §§ 201.1 to 201.27, the Docket Clerk shall promptly transmit the record of the proceedings to the Deputy Postmaster General in cases commenced prior to the issuance of his order

No. 55826, dated May 17, 1954, and to the Solicitor for the Post Office Department in cases commenced thereafter, as the officer duly authorized to render the Departmental decision for the Postmaster General, who shall make and sign such decision and deliver same to the Docket Clerk.

§ 201.25 *Final orders.* (a) Copies of the final decision and order shall be incorporated in the record of the proceeding. The Docket Clerk shall cause the order to be published in the Postal Bulletin and transmitted to such postmasters and other officers and employees of the postal service as may be required to put the provisions of said order into effect.

(b) Copies of the decision and order shall be promptly served upon each party to the proceeding.

§ 201.26 *Public information.* Copies of all final opinions or orders, except those required for good cause to be held confidential and not cited as precedents, shall be available for public inspection in the Division of Hearing Examiners during regular office hours.

§ 201.27 *Application for modification or revocation of orders.* (a) Any party against whom an order has been issued 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 or any other name 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.

(b) The Assistant Solicitor, Fraud Division, shall make written reply to the application.

(c) A copy of the Assistant Solicitor's reply to such application shall be delivered to the applicant by the Docket Clerk. Thereafter an order granting or denying such application will be issued.

§ 201.40 *Hearing required before suspension or annulment of second-class mail privileges*—(a) *Proceedings governed.* The provisions of this section shall govern all proceedings under section 536, Postal Laws and Regulations, 1940 (39 U. S. C. 232), relating to the suspension, annulment, or revocation of second-class mailing privileges.

(b) *Waiver, etc., of rules.* The Postmaster General or his duly authorized representative may waive strict compliance with this section, and may suspend, revoke, modify, amend or supplement the rules at any time: *Provided,* That the application of this section may be changed in respect of a particular pending or current proceeding only upon appropriate notice to the parties hereto.

(c) *Appearance by other than attorney.* The publisher, and any intervener, if an individual, may appear on his own behalf, if a partnership may appear by a member of the partnership, or if a corporation or association may appear by a bona fide officer of such corporation or association. A department or agency of the Federal Government may be represented by any officer or employee of such department or agency.

(d) *Appearance by attorney.* Any party may be represented in any proceeding by an attorney at law admitted at the time of, or during, such proceeding, to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States, or the United States Court of Appeals for the District of Columbia.

(e) *Authorization to appear.* The hearing officer, prior to or at the opening of any proceeding, may require any individual appearing in a representative capacity as specified in paragraphs (c) and (d) of this section to establish that such individual has been duly authorized to appear and represent the party, and, if the representative is an attorney, to establish that he has fulfilled the requirements of paragraph (d) of this section.

(f) *Limitation of representation.* A party shall not be represented in any proceedings except as stated in paragraphs (c) and (d) of this section.

(g) *Exclusion from proceeding.* The hearing officer may exclude from a hearing or from further participation in any particular proceeding any person who, in the course of such proceeding, has engaged in contemptuous, contumacious or disorderly conduct.

(h) *Institution of action.* All proceedings looking toward the suspension, annulment, or revocation of second-class mailing privileges shall be begun by the issuance, by the Postmaster General or his duly authorized representative, of a show cause order.

(i) *Contents of show cause order.* The show cause order shall state the time and place of hearing, and the statutes and portions of the Postal Laws and Regulations involved. The show cause order shall be supplemented either at the time of its issuance or at a reasonable time thereafter, subject to paragraph (l) of this section by a concise statement of the matters to be considered, including the respects in which the publication appears to have failed to have maintained the qualifications necessary for the continuance of its second-class mailing privileges. Such statement shall describe briefly or identify the matter in the publication which appears to constitute a violation of a statute, rule or regulation where the show cause order is based in whole or in part upon the material appearing in such publication.

(j) *Service of show cause order.* The show cause order shall be sent to the publication involved by registered mail a reasonable time, but not less than five (5) days, in advance of hearing. The show cause order shall be sent to the publication at its last known office of publication.

(k) *Answers.* Any publication served with a show cause order may, before the time designated for hearing, file with the Postmaster General or his duly authorized representative an answer to the show cause order. Such answer, if filed, shall contain a concise statement of the facts and contentions which constitute the ground of defense. If answer is filed, any facts alleged in the show cause order which are expressly admitted or not denied in the answer may be considered as proved and no further evidence in respect of such facts need be adduced by the Post Office Department at the hearing.

(l) *Amendments.* The show cause order may be amended not less than five (5) days, and the answer, if any, may be amended not less than three (3) days, before the hearing. Thereafter, and at any time prior to the close of the hearing, the pleadings may be amended only on leave of the hearing officer or, if none has yet been designated, by the Postmaster General or his duly authorized representative, upon motion of the party seeking amendment. Such motion shall be accompanied by at least three written copies of the amendment. Motions to amend shall be liberally treated, but in any case where the amendment comprises new matter, a reasonable time shall be allowed within which the party affected by the amendment may familiarize himself with such matters before taking testimony in regard thereto. When issues not raised by the pleadings are tried by express or implied consent of the parties, they may be treated in all respects as if they had been raised in the pleadings.

(m) *Hearing officer; designation.* All hearings shall be held before such individual or individuals, herein referred to as hearing officers, as are duly designated by the Postmaster General.

(n) *Hearings before more than one person.* The Postmaster General may designate more than one hearing officer to conduct any proceeding. Where more than one hearing officer is designated, the authority to perform any act vested in a hearing officer under these rules shall be vested in a majority of the officers conducting the hearing, and one of the hearing officers shall be designated by the Postmaster General as the chairman in such proceeding.

(o) *General authority of hearing officer.* The hearing officer is charged with the duty, and vested with the authority, to conduct a fair, impartial, expeditious, orderly and dignified hearing. He shall have authority to grant continuances, to adjourn proceedings, to examine witnesses, to call for further evidence, and to rule upon the admissibility of evidence and other matters arising in the course of the proceeding, but he shall have no power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding, such power being reserved exclusively to the Postmaster General or person duly designated by him to make final disposition of the proceeding.

(p) *Papers to be supplied to the hearing officer.* Prior to the opening of the hearing, the hearing officer shall be furnished with a copy of all pleadings and other formal papers filed in connection with the proceeding.

(q) *Right to hearing.* Before the second-class mailing privileges of any publication are suspended, annulled, or revoked such publication shall be afforded an opportunity for hearing upon the issuance of a show cause order. Such

hearings shall be public unless otherwise ordered by the Postmaster General or his duly authorized representative.

(r) *Intervention.* Any person, partnership, corporation or association not a party to the proceedings but desiring to intervene shall make application in writing not less than three (3) days before the time fixed for hearing. Such application shall state whom the applicant represents, shall set out with particularity the grounds on which the applicant possesses a legitimate and direct interest, shall specify the extent to which the applicant desires to participate, and shall state what proof, if any, the applicant seeks to establish. The Postmaster General, or his duly designated representative, shall grant an application to intervene to such extent and upon such terms as he shall deem just and only if he deems it in the public interest and if the interests of justice shall be served thereby: *Provided, however,* That nothing in this section shall be construed to permit the intervention of an individual solely on the ground that he is a subscriber or contributor to or reader of the publication involved.

(s) *Place of hearing.* All hearings shall be held in the Post Office Department Building, 12th Street and Pennsylvania Avenue, Northwest, Washington, D. C., unless otherwise specified by the Postmaster General, or his duly authorized representative.

(t) *Failure of respondent to appear.* Failure of the publication, called the respondent in this section, upon which a show cause order has been duly served to appear at the time and place fixed for hearing may be deemed to be a waiver of the right to a hearing and as authorizing the Postmaster General forthwith to issue an order suspending, annulling, or revoking the second-class mailing privileges.

(u) *Order of procedure.* The hearing shall be opened with a brief opening statement by the duly authorized representative of the Postmaster General. The respondent may then make a brief opening statement. Such opening statements shall include a summary of the matters sought to be proved and shall be included in the transcript unless the parties agree to the contrary. Thereupon, the duly authorized representative of the Postmaster General shall proceed with the introduction of the evidence to show why the respondent's second-class mailing privileges should be suspended, annulled, or revoked. Thereafter the respondent may introduce evidence, to show why the second-class mailing privileges accorded to the publication should not be suspended, annulled, or revoked. The duly authorized representative of the Postmaster General may then, in the discretion of the hearing officer, introduce evidence in rebuttal.

(v) *Transcript of record.* Hearings shall be reported and a transcript thereof shall be made which shall be a part of the record of the proceeding. Transcripts of hearings will be supplied by the official reporter at the prescribed rates, except that if the hearing is private transcripts shall be supplied only to the parties and such other persons as may be designated by the Postmaster General or his duly authorized representative.

(w) *Witnesses.* All witnesses shall be duly sworn and subject to cross-examination.

(x) *Exhibits and documentary evidence.* An exhibit may be received in evidence subject to objection and rebuttal, after opportunity to examine the exhibit. Insofar as practicable, where relevant and material matter offered in evidence is embraced in a document or exhibit containing other matter not material or relevant or not relied upon by the offering party, such immaterial or irrelevant parts shall be excluded, or shall be segregated by clear marking.

(y) *Objections.* Objections to the admission or exclusion of evidence shall state briefly the grounds or objections relied upon, and the transcript shall not include argument thereon except as ordered by the hearing officer. Rulings by the hearing officer on such objections shall be a part of the transcript. Exceptions need not be noted to any adverse ruling.

(z) *Oral argument.* At the conclusion of the taking of evidence, the parties shall have the right to argue orally before the hearing officer. The duly authorized representative of the Postmaster General shall have the right to open and close. Unless otherwise ordered by the hearing officer, no party shall be entitled to more than an hour for such argument. Such argument should be included in the transcript unless the parties agree to the contrary.

(aa) *Briefs.* At the close of the hearing or within such time as the hearing officer specifies, parties to the proceeding may file a brief which shall be confined to the matters in issue. All statutes and authorities relied upon shall be cited, and where any issue of fact is argued in the brief, specific page references to such portions of the record as may be relevant shall be included.

(bb) *Hearing officer's report.* Upon the basis of the hearing, arguments, and briefs the hearing officer shall promptly prepare a report which shall include his findings, conclusions, and recommendations. Such report shall be signed by the hearing officer or officers; if more than one hearing officer conducted the proceeding, each shall include his own report if he does not agree. The hearing officer's report shall be transmitted forthwith to the Postmaster General, together with the transcript, the briefs and the exhibits. Unless otherwise ordered by the Postmaster General, the report shall not be made public or transmitted to the parties.

(cc) *Decision.* Upon the basis of the transcript, the briefs, the exhibits and the hearing officer's report, the Postmaster General, or his duly designated representative, shall issue an order either suspending, annulling, or revoking the second-class mailing privileges of the publication involved or dismissing the proceeding. He may accompany such order by a statement of reasons or opinion.

§ 201.50 *Rules of practice governing proceedings before the Post Office Department to revoke orders changing the mode of transportation of periodical mail of the second class*—(a) *Proceedings governed.* This section shall govern all proceedings under 39 U. S. C. 576, relating to the revocation of orders of the Post Office Department changing the mode of transportation of periodical mail.

(b) *How instituted.* Whenever the owner of any publication entered as second class matter believes that a Post Office Department order requiring the transportation of his publication by freight constitutes unjust discrimination he may petition the Second Assistant Postmaster General for revocation of said order.

(c) *Contents of petition.* The petition shall state the statute and portions of the Postal Laws and Regulations involved; shall identify the order sought to be revoked; and shall contain a concise statement of the manner in which the said order is alleged to constitute unjust discrimination. All petitions shall be signed by the petitioner or his attorney. If the petitioner is a corporation, association or partnership the petition shall be signed by a bona fide officer thereof or by one or more partners. All petitions shall show the office and post office address of the petitioner. All petitions shall be verified. Petitions may be accompanied by supporting affidavits or other documentary evidence.

(d) *Filing.* The original and two copies of the petition shall be filed with the Second Assistant Postmaster General, Post Office Department, Washington 25, D. C.

(e) *Amendment.* The petition may be amended or supplemented at any time prior to the hearing.

(f) *Designation of Trial Examiners.* All hearings shall be held before one or more trial examiners designated by the Postmaster General to preside at administrative proceedings before the Post Office Department.

(g) *Authority of Trial Examiners; powers.* The Trial Examiners are charged with the duty of conducting a fair, impartial, expeditious and orderly hearing to the end that petitioners shall have a full and fair hearing. Trial Examiners shall have the authority to rule upon offers of proof; to receive oral or documentary evidence; to regulate the course of the hearing and the conduct of participants; to grant continuances after commencement of the hearing; dispose of procedural motions; hold prehearing conferences for the settlement or simplification of the issues by consent of the parties; require oral argument or briefs upon any question at the close of the hearing; and make recommended decisions to the Second Assistant Postmaster General. The Trial Examiners shall have no power to decide any matter which involves a final determination of the merits of the proceeding.

(h) *Place of hearing.* In setting the place for the hearing due regard will be given to the convenience and necessity of all parties.

(i) *Preliminary review of petition.* Upon receipt of the petition the Second Assistant Postmaster General shall, when

time, the nature of the proceeding and public interest permit, examine the same and determine whether the relief requested can be granted upon the basis of the matter submitted.

(j) *Responsive pleadings.* If the petition cannot be granted as provided in paragraph (i) of this Section the Second Assistant Postmaster General shall serve a copy thereof upon the Solicitor of the Post Office Department, the Trial Examiners and any person or concern directly interested in the proceedings. He shall also notify the interested parties that they may intervene, if they see fit, by filing a responsive pleading within the time limit designated. The Solicitor of the Post Office Department shall also be required to file a responsive pleading. Responsive pleadings shall clearly show the controverted issues of fact or law.

(k) *Date and time of hearing.* After the time for filing responsive pleadings has expired the Second Assistant Postmaster General shall set a time and place for the hearing.

(l) *Continuances prior to commencement of hearing.* Continuances of the hearing will be granted only in unusual or extraordinary circumstances. All requests for continuances prior to the commencement of the hearing shall be in writing and directed to the Second Assistant Postmaster General. The request shall contain a concise statement of the basis for the continuance.

(m) *Prehearing conferences.* In any proceeding assigned for hearing the Trial Examiners or either party may request a prehearing conference for the settlement or simplification of the issues by consent of the parties. No transcript of such conference shall be made but the Trial Examiners shall prepare and file for the record a written summary of the action taken at the conference which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference.

(n) *Order of procedure.* The Petitioner shall have the burden of proof and shall have the right to open and close.

(o) *Witnesses.* All witnesses shall be duly sworn and shall be subject to cross-examination.

(p) *Evidence.* Competent, material and relevant oral or documentary evidence may be offered and received. Documentary evidence must be properly identified or authenticated. Three copies of all documentary exhibits must be supplied for the record.

(q) *Objections.* If any party objects to the admission or rejection of any evidence, or to the limitation of the scope of direct or cross-examination, he shall state briefly the grounds for such objection. Exceptions to all adverse rulings are automatic. The objection, grounds and ruling thereon shall become a part of the record. Oral argument thereon shall be omitted from the record.

(r) *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses.

(s) *Oral argument.* At the conclusion of the testimony the parties shall have the right to argue the issues orally before the Trial Examiner, within such limits as to time and subject matter as may be prescribed by him. Oral arguments shall become a part of the record of the case. The petitioner shall have the right to open and close.

(t) *Transcript of proceedings.* The hearing shall be reported and transcribed by the reporting system made available by the Post Office Department. Said transcript together with all preliminary papers filed in the case and exhibits received in evidence and those identified and offered but excluded and which are necessary to complete the record of the proceeding and all briefs, proposed findings of fact and conclusions of law; the Trial Examiner's findings, report and recommended decision, shall be included in the official record of the proceeding and shall become a part of the files of the Post Office Department. A copy thereof shall be loaned to each party for use in preparing briefs and must be returned to the Department with the brief.

(u) *Briefs.* Within such time limit as the Trial Examiner shall specify and prior to any recommended decision each party may file a brief and proposed findings of fact and conclusions of law. If it shall be deemed necessary the Trial Examiner may require the attorney for the Department to brief his side of the case.

(v) *Trial Examiner's report.* Upon the basis of the entire record as hereinabove defined the Trial Examiner shall promptly prepare a report which shall include his recommended decision and his rulings upon each proposed finding of fact and conclusion of law with the reasons or basis for such ruling, and transmit it to the Second Assistant Postmaster General, together with the transcript of proceedings. Such report will be advisory only and not binding upon the Second Assistant Postmaster General.

(w) *Decision.* Upon the basis of the transcript of proceedings, the Second Assistant Postmaster General shall revoke the order in question or deny the petition. No oral argument before the Second Assistant Postmaster General will be allowed.

(x) *Administrative appeals.* Section 576 of Title 39 U. S. Code provides for direct appeal to the United States Court of Appeals for the District of Columbia within twenty days of any final decision adverse to the petitioner. Rehearings or administrative appeals to the Post Office Department are neither allowed nor necessary.

§ 201.60 *Fines and deductions*—(a) *Fines: Notice of irregularity; answer; assessment of fine.* Carriers or contractors, against whom evidence is found or reported of irregularities involving unreasonable or unnecessary delays, loss, or damage to the mails, careless handling, rough switching of mail cars, unsatisfactory condition of postal cars, violation of sections 405 (d) or 901 (a) of the Civil Aeronautics Act of 1938, or other delinquencies, are given notice of the facts briefly in writing by an official representative of the Postal Service. They are given an opportunity to answer the charges or give reason for the irregularity, or to acknowledge the delinquency. If this exchange is conducted in the field service, the facts are briefed and the papers are forwarded to the Bureau of Transportation. The carrier or contractor may be charged directly by the Bureau of Transportation, and replies directly thereto. In either case, the papers are carefully examined in the Bureau of Transportation to determine the responsibility of the carrier or contractor involved. The amount of the fine, if any, is then decided upon and imposed by authority of the Postmaster General.

NOTE: Postal Transportation Service field officials use Forms 5178 and 5179 (for surface carriers) and Form 2744 (for air carriers) on which to make briefs of the facts.

(b) *Deductions: Notice of irregularities; deduction.* Evidence against contractors or carriers of failure to perform service according to contract is forwarded by the field sevice to the Bureau of Transportation except that the general superintendents of the Postal Transportation Service are authorized to pass omissions of service, or make deductions therefor, in payments made to star route contractors. Reports of failure which are referred to the Bureau of Transportation are carefully examined and the amount of the deduction, if any, is decided upon and imposed by authority of the Postmaster General.

NOTE: Postal Transportation Service field officials use Form 5480–A to notify star route contractors of deductions ordered. Form 5481–A is used when the remission of previous deductions is ordered on the basis of a review of the facts.

(c) *Damage or loss of mails; responsibility of carrier.* Damage cases are investigated in the same manner as a fine case. (See paragraph (a) of this section.) Where it is found, after investigation, that the Government has suffered a loss through the payment of indemnity or otherwise as a result of the damage to or loss of mails, such loss is usually taken into consideration when determining the amount of the fine.

(d) *Appeal.* When a fine or deduction is imposed, the carrier involved is mailed an advice on proper forms stating the facts and amount of fine. The carrier may protest the imposition of the fine or deduction, but must file his protest with supporting evidence in the office of the Assistant Postmaster General in charge of Transportation within six months from the date of notice of the fine, except that, in the case of deductions against star route contractors which are imposed by a general superintendent of the Postal Transportation Service, the protest is made to that official who is authorized to remit the deduction if the facts warrant. Those protests involving fines and deductions which are referred to the Department are reviewed by the Assistant Postmaster General in charge of Transportation and his decision is final.

§ 201.65 *Air-letter sheets; permit to manufacture for sale.* Persons or firms proposing to manufacture air-letter sheets for sale shall submit ten samples of the proposed air-letter sheets to the

Assistant Postmaster General, International Postal Service, Washington 25, D. C., and receive the approval of the Assistant Postmaster General before engaging in the production of such sheets for sale.

§ 201.70 *How a bank may become a depository for postal-savings funds.* Funds received at postal-savings depository offices in each city, town, village, or other locality, shall be deposited in solvent banks located therein whether organized under national or State laws, being subject to national or State supervision and examination, willing to receive such deposits under the terms of the Postal Savings Act and the regulations made by authority thereof: *Provided*, That as between two or more banks in the same community, preference shall be given member banks of the Federal Deposit Insurance Corporation. The word "bank" as used in the law includes savings banks and trust companies doing a banking business. Any eligible bank desiring to qualify for deposits of postal-savings funds shall transmit to the Assistant Postmaster General, Bureau of Finance, Division of Postal Savings, Washington 25, D. C., an application on the prescribed form (PS 226) which shall include a report of the bank's paid-in capital and unimpaired surplus exclusive of undivided profits as of the date of application, and such application and report shall be sworn to by the president or cashier and attested as correct by two members of the board of directors. Blank application forms and a copy of the regulations governing the deposit of postal-savings funds in banks and the acceptance of bonds as security therefor (Form PS 2) may be obtained from the Assistant Postmaster General, Bureau of Finance, Division of Postal Savings. A branch bank that has a definite capital and surplus formally set aside from that of the parent bank is deemed to be a local bank within the meaning of the law and is entitled to receive deposits on the basis of the capital and surplus thus separately assigned to it. (Form PS 2, Regulations Governing the Deposit of Postal Savings Funds in Banks and the Acceptance of Bonds as Security Therefor.)

§ 201.75 *Mailing chutes*—(a) *Types of buildings.* Mailing chutes and receiving boxes may be placed, subject to the approval of the postmaster, in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories, and apartment houses of not less than 40 residential apartments. Buildings in which receiving boxes are located shall be open to the general public, without restriction, during the hours prescribed for mail collections, in order to afford access to such receiving boxes. If, due to structural arrangements of a building, it is not practicable to install a mail chute or the owner of a building does not desire to install a mail chute and receiving box, the installation only of a receiving box at the expense of the owner may be approved upon formal application.

(b) *Procedure for approval.* The postmaster has authority to approve the installation of mailing chutes and receiving boxes conforming to these regulations. To him shall be submitted the contract and specifications for any proposed chute and box, which shall provide for a complete installation ready for collection service with a tentative plan of the building showing the contemplated location therein of the whole of such chute and of the box connected therewith. If the postmaster approves such contract and specifications, the location and arrangements proposed, he shall endorse his approval upon such contract and report his action to the Post Office Department. Collection shall not be made from any chute not so approved, and such unapproved chute shall not bear any sign indicating that it is under the protection of the United States Postal Service.

(c) *Construction of chutes.* Every mailing chute shall be made entirely of metal and glass. The metal parts of the chute shall be so formed and of such weight and character as to insure rigidity, safety, and durability. (Panel moldings to be of metal of suitable strength and resilience to insure a constant grip on the glass.) At least three-fourths of the front of the chute in each story shall be of heavy sheet or plate glass not less than three-sixteenths of an inch in thickness. All joints in the chute shall be tight so that mail matter cannot catch or lodge therein. The chute shall be so constructed that it can be easily opened and closed without the use of tools and without injury to structure or finish and so constructed that all portions of its interior may be easily reached. Where panels are not set entirely inside channels, adequate intermediate fastenings controlled by official key must be provided. The chute shall be provided with a suitable locking device and keys thereto so that no one but postal authorities may have access to the chute, the lock to be so constructed that the key cannot be removed until the chute is properly locked. The chute shall be approximately 2 by 8 inches in size and provided with openings on each floor for receipt of mail matter, each opening to be 4¾ by ½ inch wide, with a second inside opening of the same size 2½ inches below the first with serrate edges, or other suitable device designed to prevent clogging, each opening to be provided with a device by means of which it may be conveniently opened and closed by postal authorities but not by other persons. The legend "U. S. Mail" shall be plainly inscribed upon chutes at every mail opening. There shall be attached at each chute mail slot opening a suitable dustproof glazed frame for printed cards 4¾ by 9 inches giving information as to the use of mail chutes, stating that the hours of collection are posted on the receiving box and calling attention to the penalties for tampering with mail equipment.

(d) *Installation of chutes.* Mailing chutes shall extend in a continuously vertical line from the point of beginning to the receiving boxes and be so placed as to be conveniently accessible throughout their entire length. In no case shall mailing chutes be placed behind elevator screens or partitions or run through any part of a building to which the public is denied access, except that they may be placed where the public is denied access when, in the judgment of the Post Office Department, such a location is necessary. Chutes shall be securely mounted on steel angles or other material approved by the Post Office Department, the mounting to be plumb and flush the entire length of the chute. The chute shall be so constructed that floor sections can be easily removed from floor thimbles. Mail chutes installed in pairs shall be so constructed and erected that any part of either chute may be removed, leaving the other for service.

(e) *Construction of receiving boxes.* Receiving boxes shall be constructed of metal of sufficient weight and such character as to insure security and rigidity and be provided with doors opening to the right upon exposed side hinges secured with rivets. The door openings shall be not less than 12 by 20 inches nor more than 18 by 30 inches in size. The floor of the interior of the box, or cushion if one be used, shall be level with the threshold of the door. Boxes shall be provided with cushions, yielding bottoms, or deflecting devices effectively to prevent injury to mail matter descending through the chute. If cushions are used they shall be made of wool felt and covered with asbestos cloth. Boxes shall be provided with mail openings 1¼ inches wide by 11 inches long, protected by inside hood, such openings to be not more than 5 feet 10 inches above the floor level and protected by inside hinge flaps, and legibly inscribed "LETTERS." The bottom of the box shall be provided with suitable means of attaching and holding the carrier's satchel or other receptacle in position. Boxes shall be distinctly marked "U. S. MAIL LETTER BOX", with four screw holes in door to fit letter box arrow locks to be furnished by the postmaster. Boxes shall be provided with suitable and convenient frames for collection schedule cards 3¾ by 5½ inches in size.

(f) *Installation of receiving boxes.* (1) Every receiving box shall be placed as near to a main entrance of the building as may be practicable, provided that in no case shall such receiving box be located more than 100 feet from a main entrance by the shortest line of travel. Where, after careful examination of the tentative building plan, the postmaster finds it impracticable because of structural conditions, to place such receiving box within 50 feet or less of a main entrance, he may approve a location in excess of that distance, provided it is no farther from such main entrance than the center of the ground floor of the building and that it is within the maximum of 100 feet. In no case shall a receiving box be placed on other than the ground floor of a building. The cubic contents of receiving boxes shall be determined by the postmaster. The bottom of the door of the box shall not be less than 30 inches from the floor level of the building. The exterior of the bottom of the box shall not be less than 20 inches from the floor level, and this space shall be entirely open and unobstructed

and so arranged that the mail collector may place a satchel or other receptacle in convenient position under the bottom of the door when making collections.

(2) Incident to the installation of mail chutes and receiving boxes in large office buildings, if the receiving boxes to be attached to the chutes will not be of sufficient size to accommodate the deposits of first-class mail, an auxiliary box or boxes of sufficient capacity should be installed in close proximity to the mail-chute boxes.

(3) The cubic contents of the auxiliary receiving box or boxes shall be determined by the postmaster and their construction shall conform to the general specifications for the receiving boxes except deflecting devices are not required and the mail openings should be of sufficient size to permit the deposit of first-class mail tied in bundles and large-sized envelopes and the inscription on the mail opening or "pull down" shall read: "Letter Mail Tied in Bundles."

(4) If, due to structural conditions, it is not practicable to install auxiliary boxes a metal compartment should be provided. While no specifications are stipulated for the construction of a metal compartment, the compartment should be of sufficient height and length to permit the suspension of the required number of sacks from hooks, the number of mail openings to correspond to the number of sacks, the compartment to be lettered or stenciled "U. S. MAIL" in large letters and on each section or at the mail opening the inscription "Letter Mail Tied in Bundles." The compartment should be constructed so as to permit the convenient hanging and withdrawing of the sacks. The required locks will be furnished by the post office.

(5) In connection with the installation of mail chutes and receiving boxes in large office buildings, if the receiving box to be attached to a chute will not be of sufficient size to accommodate the deposits of first-class mail, and it is not desired to install a separate auxiliary box as outlined in preceding paragraphs, a combination letter and bundle letter box may be attached to the chute in lieu of the regular receiving box.

(6) The combination box shall be at least 60 inches high, 23 inches wide, and 17 inches deep, and shall have a pull-down inlet door with an opening 7 by 11½ inches inscribed "Letters and Letter Mail Tied in Bundles." The bottom edge of the door opening should not be more than 5 feet above the floor level. The mail opening shall be fully protected by inside baffle plates so as to prevent pilfering of mail coming down the chute or from the sack.

(7) At height of 3 feet 4 inches from the bottom of the box there shall be placed two ¾-inch pipe hangers (removable) running from the front or door side to the back of the box equipped with four sliding hooks so that a No. 1 mail sack may be hung thereon. The bottom of the door of the box should be flush or below the level of the bottom of the box and this door should be of such size and so constructed as to permit the convenient hanging and withdrawing of the sacks. There shall be four screw holes in this door to fit the letter box arrow lock to be furnished by the postmaster. Boxes shall be distinctly marked "U. S. MAIL."

(8) The large inlet opening specified for combination boxes may not be placed in standard mail chute boxes which are not arranged to discharge the mail into a sack and nothing in this paragraph modifies the requirements for such standard boxes stated in article 5. The provisions of article 5 as to weight, rigidity, etc., shall apply to combination boxes.

(g) *Maintenance.* Any obstruction in a mailing chute must be at once reported to the postmaster, who shall promptly make an inspection of the chute. If he finds such obstruction to have resulted from misuse or abuse of the chute, he shall notify the proprietor or lessee of the building in which it is located, and may, in his discretion, close the mail openings and discontinue collections until satisfied that proper care will be exercised in its future use and in the use of the receiving box connected therewith. Upon so discontinuing collections the postmaster shall attach to the chute, at the several mail openings, notices of such discontinuance. Should any part of such chute or receiving box be found by the postmaster to be not in conformity with these regulations, or to have become defective, he shall close the mail openings therein and discontinue collections, and shall not resume collections until the mailing chute and receiving box shall have been made fully to meet the requirements of these regulations. All repairs, changes, and alterations to mailing chutes and receiving boxes shall be made by and at the expense of the owner or lessee of the building in which they are situated, under the supervision and subject to the approval of the postmaster.

(h) *Inspection.* Every mailing chute and receiving box shall be inspected by a representative of the postmaster at least once a year; and such cleaning and repairing as shall be directed by the postmaster shall be then done under his supervision, by and at the expense of the proprietor or lessee of the building in which such mailing chute and receiving box are situated.

(i) *For first-class mail only.* Mailing chutes and receiving boxes are intended for the reception or deposit of mail matter of the first class and must not be otherwise so used as to reduce their efficiency for this purpose or to retard the handling of such first-class matter.

(j) *Custody and control.* Mailing chutes and receiving boxes shall be considered the property of the United States whenever and so long as collections of mail matter are made therefrom, and shall be and remain under the exclusive custody and control of the postmaster until such collections are discontinued by his direction.

(k) *Waiver of claims and bonds.* (1) Every mail-chute contract shall contain an explicit waiver by the owner or owners of patents issued and to be issued upon the chute and receiving box, or either of them, covered by such contract, and upon any device or devices connected therewith, of all claims against the United States and its officers and agents on account of the use or employment of such chute and box and such device or devices, and shall also contain a full warranty by the company or person proposing to erect such chute and receiving box against claims on account of infringements of the patents of others. Before commencing collections of mails the postmaster shall assure himself that a blanket bond in such form and with such penalty as shall be prescribed by the Postmaster General has been filed at the Department conditioned that the obligor and his or its sureties shall and will protect and indemnify the United States from any and all such claims, accompanied with a written notice from such person or company that they have no claim of any kind against such mailing chute and receiving box or either of them. This bond shall be in the amount of $10,000, though a larger sum may be required if considered advisable by the Post Office Department.

(2) With every mail-chute contract submitted for approval there shall be furnished evidence that a surety bond in the sum of $3,000 has been given to the purchaser guaranteeing the construction and installation of the mail-chute equipment in accordance with the rules, regulations, and specifications of the Post Office Department, and that any defect arising within 3 years will be remedied by the manufacturer without expense to the purchaser.

(l) *Agreement for removal of chutes.* When mailing chutes and receiving boxes are erected under lease, the postmaster is authorized to sign an agreement, endorsed on the back of the contract, between the proprietor or lessee of the building and the person or company erecting such chutes and boxes, providing that if the lessors of such chutes and boxes shall request the discontinuance of mail collection therefrom and the return of the mailing apparatus to them, the postmaster will, after due notice to such proprietor or lessee, discontinue such collections, remove the lock from the receiving box, and permit the removal of the mailing apparatus by said lessors.

(m) *The regulations in this section to form a part of every contract for chutes.* The regulations in this section shall be printed on the back and become a part of every contract hereafter entered into between manufacturers or owners of mailing chutes and receiving boxes for the erection and use of such chutes and boxes and the proprietor or lessee of the building in which they are located.

§ 201.80 *Disposition of money or other property recovered by Post Office Inspectors.* (a) The Chief Post Office Inspector is authorized by the Postmaster General to determine upon satisfactory evidence the ownership of money or other property lost or stolen from the mails and recovered by Post Office Inspectors, and to dispose of same to the United States Government, or to the public as their interests shall appear, as is hereinafter indicated.

(b) When Post Office Inspectors establish through investigation individual re-

sponsibility for mistreatment of mail matter, collection therefor is given attention by them. Collections by Post Office Inspectors for mistreatment of mail are forwarded by them through their Inspectors in Charge to the Chief Post Office Inspector who reviews the facts and makes disposition of the money.

(c) Identical money and identified articles stolen from the mails, and recovered by Post Office Inspectors, if not needed as evidence, or when no longer needed as such may, unless otherwise directed by the United States Attorney or the court, or the Post Office Department, be restored by inspectors to the owners unless they have received payment of indemnity or other settlement is in order.

(d) Property other than money believed to be the contents of mail but not so identified, recovered by Post Office Inspectors, if not needed as evidence or when no longer needed as such may, unless otherwise directed by the United States Attorney or the court, or the Post Office Department, be forwarded to designated post offices for treatment as dead mail matter.

(e) When the inspector feels that the disposition of money or other property by him is inadvisable on account of insufficiency of identification, conflicting claims, or other reasons, the disposition of the money or other property is determined by the Chief Post Office Inspector.

(f) If money collected by inspectors represents a compromise offer, or if advisable for other reasons, inspectors channel it to the Chief Post Office Inspector for treatment by him.

(g) Subject to the foregoing, inspectors generally disburse direct to those entitled thereto collections made by inspectors if they apply to wrong payment of a postal money order, a postal savings certificate, or a postal note, or to customs duty assessed on mail matter, or to damage by the public to a mail truck or to street letter box equipment.

(h) Moneys lost or stolen from the mails and recovered by Post Office Inspectors and thereafter sent by them to the Chief Post Office Inspector are deposited by him with the Bureau of Finance of the Post Office Department, unless, as in the case of identical money or for other reasons, other action may be in order.

(i) With respect to moneys deposited with the Bureau of Finance, the Chief Post Office Inspector, after determining upon satisfactory evidence the proper disposition thereof, furnishes the Bureau of Finance with instructions for disbursement.

(j) Persons suffering losses of money or other property from the mails should make report thereof and furnish the envelope, wrapper or container, if available, to the postmaster who channels such reports to the proper Post Office Inspector in Charge. When such money or other property is recovered by Post Office Inspectors, it is disposed of as hereinbefore shown. If there is good reason to keep knowledge of the report from the postmaster, the report should be sent to the Postmaster General, Washington 25, D. C.

§ 201.82 *Payment of rewards*—(a) *Services meriting reward.* The Post-Office Department will, on and after May 1, 1953, unless otherwise ordered, pay the following rewards, providing Congress makes available the necessary appropriation:

(1) Not exceeding two thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or on the charge of robbing any such person of any such mail, or money or other property of the United States, if in effecting or attempting to effect such robbery, he shall wound the person having custody of the mail, or money or other property of the United States, or put his life in jeopardy by the use of a dangerous weapon.

(2) Not exceeding one thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or of robbing such person of such mail, or money or other property of the United States, or any part thereof, where the assault does not include the wounding of the person having custody of the mail, or money or other property of the United States, or the putting of his life in jeopardy by the use of a dangerous weapon.

(3) Not exceeding two thousand dollars for the arrest and conviction of any offender on the charge of mailing or causing to be mailed any poison, or any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(4) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, and which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(5) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of breaking into or attempting to break into a post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or part of said building used as a post office, any larceny or other depredation. A post office station will be regarded as coming within the meaning of the term post office, as used in this section.

(6) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States while being conveyed over any post route, or while in the custody of any mail messenger, or being conveyed to or from any railroad depot, or of robbing or stealing from the mail while it remains at any railroad depot awaiting transfer.

(7) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States, from or out of any mail, post office, or station thereof, or from any person properly having custody of any mail, money or property as aforesaid, or of larceny from any letter box, street letter box, or other receptacle established, approved, or designated by the Postmaster General for the receipt of mail on any rural delivery route, star route, or other mail route, or from a box rented in a post office, or from any public receptacle or other authorized depository for mail.

(8) Not exceeding two hundred dollars for the arrest and conviction of any mail carrier on any mail messenger route or star route on the charge of embezzling or stealing mail or any valuable thing contained therein.

(9) For the arrest and conviction of any person as accessory to any of the offenses above mentioned, or for receiving or having unlawful possession of any mail, money or property stolen from a post office or from a station of a post office, or otherwise, as provided in this Notice of Reward, the same reward will be paid as for the arrest and conviction of the principal offender.

(10) When an offender is killed in the act of committing any of the crimes enumerated herein, or in resisting lawful arrest, the same reward may be paid as though he had been tried and convicted.

(11) When a person has been convicted of committing any offense enumerated herein a reward may be paid, even though such person when arrested was charged with committing an offense not so enumerated. When a person has been adjudged a juvenile delinquent because of having committed any offense enumerated herein, the same reward may be paid as though he had been convicted of such offense.

(12) The reward that may be allowed under the offers made in the preceding paragraphs will be determined according to the circumstances surrounding the particular case and on the basis of the services personally rendered by each claimant. In deciding what amount should be paid, the importance and value of the service rendered, the character of the person arrested and convicted, the risks or hazards involved, the time consumed, the expenses incurred and the efforts put forth, will govern. Maximum rewards will be paid only when the services performed were of maximum value.

§ 201.85 *Compromise of obligations.* Any proposition of compromise shall be submitted in writing, and the amount offered in compromise shall be deposited with the Director, Division of Postal Funds, Bureau of Finance, Superintendent, Post Office Department. If the offer

in compromise is rejected the amount deposited will be returned. The amount of a compromise offer must be tendered unconditionally for deposit pending the consideration of acceptance. Checks and drafts cannot be accepted as offers in compromise when they bear endorsements or instructions to the effect that the acceptance of such checks or drafts constitutes settlement in full of the claim, fine, penalty, or liability in connection with which the offer is made, except that such checks or drafts may be accepted when they are accompanied with a written waiver of the endorsements or instructions printed thereon. Offers in compromise should be transmitted or delivered to the bureau of the Department, the Post Office Inspector, or the postmaster from whom demand is received for payment of the amount due.

§ 201.90 *Procedures relative to fair employment practices*—(a) *Regulations applicable.* The regulations and directives duly promulgated by and under the authority of the Fair Employment Board, in accord with the provisions of Executive Order 9980 (3 CFR, 1948 Supp.), together with the provisions of this statement of procedure constitute the basic and controlling regulations to govern fair employment procedures in the Post Office Department.

(b) *Fair employment officer.* The Assistant Postmaster General, Bureau of Personnel, is designated Fair Employment Officer for the administration of the fair employment program.

(c) *Deputy fair employment officer.* The following officials are designated as Deputy Fair Employment Officers for the indicated units:

Unit	*Deputy Fair Employment Officer*
Regional and District Operations Offices	Regional Operations Manager.
Post Offices	Regional Operations Manager (if established, otherwise the Postmaster).
Postal Transportation Service	General Superintendent.
Regional Accounting Office	Regional Controller (if established, otherwise the Director).
Post Office Inspection Service Division	Inspector in Charge.
Mail Equipment Shops, D. C	Superintendent.
Supply Center	Superintendent.
Vehicle Service	Regional Vehicle Manager.
Division, Post Office Department	Director.

(d) *Investigations.* When necessary, investigations required by the Department in cases of alleged discrimination shall be conducted by the Post Office Inspection Service.

(e) *Personnel actions.* All personnel actions taken by appointing officers shall be based solely on merit and fitness without regard to race, color, religion, or national origin.

(f) *Complaints.* A complaint made by an employee or by an applicant failing of appointment must be made not later than 3 months from the date of the personnel action complained of, unless failure to submit the complaint within this time limit was due to unusual circumstances beyond the control of the complainant.

(g) *Written complaints.* Any initial written complaint must be signed by the complainant and include information regarding the specific personnel action complained of, the approximate date thereof, reasons in support of the alleged discrimination, a statement as to when the complainant first learned of the discrimination, and remedies sought.

(h) *Hearings.* Not more than one hearing shall be held on any individual complaint.

(i) *Procedures for handling complaints and appeals made by individuals*—(1) *Applicants.* An applicant failing of appointment who alleges discrimination may file a complaint, which must be in writing, either with the appropriate Deputy Fair Employment Officer or with the Fair Employment Officer, Post Office Department, Washington 25, D. C. In all other respects complaints of applicants will be handled in the same manner as complaints of employees.

(2) *Employees.* An employee may file a complaint with the first-line supervisor, with the Deputy Fair Employment Officer, or with the Fair Employment Officer, Post Office Department, Washington 25, D. C. Complaints initiated with the supervisor may be oral or written. Those initiated with the Deputy Fair Employment Officer or the Fair Employment Officer must be in writing.

(3) *Action by the supervisor.* If a complaint cannot be adjusted satisfactorily and promptly by the first-line supervisor, he should advise the employee to submit the complaint in writing. The supervisor shall submit a written report to the Deputy Fair Employment Officer setting forth the basis for the complaint and the reasons for inability to effect a satisfactory adjustment. The report shall include the written complaint of the employee. The written report of supervisors under the jurisdiction of Postmasters; District Superintendents, Bureau of Transportation; Managers, District Operations Offices, Bureau of Post Office Operations; and Directors, Regional Accounting Offices, shall be submitted directly to these officials who shall, if the complaint cannot be satisfactorily adjusted at that level, make the required report to the Deputy Fair Employment Officer.

(4) *Action by the Deputy Fair Employment Officer.* On receipt of an original complaint or a complaint referred to him by a supervisor, the Deputy Fair Employment Officer should promptly make, or cause to be made, such inquiry as is necessary to ascertain the facts at issue on the complaint. He should endeavor through informal negotiation to effect a satisfactory settlement of the complaint and if necessary take, or cause to be taken, corrective action. The Fair Employment Officer should be advised of the settlement of the complaint and any corrective action which may be taken. In the event the Deputy Fair Employment Officer is not able to effect a satisfactory settlement of the complaint by informal negotiation, he shall forward to the Fair Employment Officer the complete file on the complaint.

(5) *Action by the Fair Employment Officer.* (i) On receipt of an original complaint or a complaint referred to him by a Deputy Fair Employment Officer or by the Fair Employment Board of the Civil Service Commission, the Fair Employment Officer shall make, or cause to be made, such investigation as is necessary to resolve all issues raised by the individual complaint. Simultaneously he shall make, or cause to be made, an appraisal of the personnel actions in the unit in which the complaint originated. If it is not possible to adjust the complaint to the satisfaction of the complainant, the Fair Employment Officer shall advise him of his right to a hearing.

(ii) On request from the complainant, the Fair Employment Officer shall schedule a hearing which shall be held at a place reasonably convenient to the complainant. The complainant must attend the hearing, but he may be assisted by a representative of his own choosing. The hearing shall be conducted by a hearing officer to be designated from the postal service by the Fair Employment Officer. The complainant shall be permitted to present by witnesses or otherwise any facts pertinent to the issues. Where practicable, a transcript of the testimony shall be made. If a verbatim transcript is not practicable, a full summary of the testimony shall be made by the hearing officer. The summary may be agreed to and signed by the complainant and the hearing officer, or if the complainant does not agree with the summary, he may note and sign his exceptions which will become a part of the summary. Any transcript or summary shall be made available by the Fair Employment Officer for inspection by the complainant or his authorized representative.

(iii) On the material facts disclosed by the investigation, by the general appraisal of personnel actions, and by the hearing if held, the Fair Employment Officer shall make findings of fact. From these findings of fact he shall make a decision and advise the interested parties of the decision, furnishing them with a copy of the findings of fact. If the decision is favorable to the complainant, the Fair Employment Officer shall take or cause to be taken appropriate corrective action. If the decision is unfavorable to the complainant, the Fair Employment Officer shall notify the complainant, in writing, of his right to appeal to the Postmaster General.

(6) *Action by the Postmaster General.* In the event that an appeal is taken from the decision of the Fair Employment Officer, a decision will be made by the Postmaster General upon the facts of the case, and the appellant will be notified in writing, in duplicate, of such decision. If the decision is favorable to the appellant, such corrective

action as appears warranted will be taken.

(7) *Appeals to the Fair Employment Board, Civil Service Commission.* If the decision is unfavorable to the appellant, he will be advised in writing, in duplicate, of his right to appeal to the Fair Employment Board of the Civil Service Commission. A copy of the adverse decision must accompany such appeal.

(8) *Election of appeal channel.* In order to prevent duplication of appeals arising out of the same personnel action, any complainant who has the right of appeal to the Civil Service Commission under authority of law and also has a right of appeal under Executive Order 9980 (3 CFR, 1948 Supp.), may elect the channel through which he presents his complaint, but if he elects to appeal directly to the Civil Service Commission, he may not thereafter avail himself of the procedures under Executive Order 9980.

(j) *Procedures for handling complaints filed by groups or organizations.* (1) A group or organization may file a written complaint with the Fair Employment Officer regarding personnel actions which have the effect of discriminating against a group of employees or applicants on account of race, color, religion, or national origin. Such complaint must include full and complete information to support the allegations of discrimination in personnel actions, setting forth dates, names, and identification of individuals involved, incidents, occurrences, and circumstances.

(2) The Fair Employment Officer shall make or cause to be made a full and complete investigation of the allegations of discrimination. The holding of a hearing shall be optional with the Fair Employment Officer. The Fair Employment Officer shall report the results of the investigation, together with his recommendation, to the Postmaster General. The Postmaster General will make a decision on the specific allegations of discrimination, and where necessary, corrective action will be taken. The group or organization making the complaint will be advised of the decision and the facts on which the decision is based. In the event of an adverse decision, the group or organization will be advised of the right of appeal to the Fair Employment Board of the Civil Service Commission within 30 days of the receipt of the decision.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369. E. O. 9980, 13 F. R. 4311, 3 CFR, 1948 Supp., Reorg. Plan No. 3 of 1949, 14 F. R. 5225)

§ 201.100 *Rule making.* (a) There are numerous statutes administered by the Post Office Department which contain specific provisions authorizing or directing the Postmaster General to issue rules and regulations to implement such statutes. Other statutes, by inference, vest the Postmaster General with authority to issue such rules and regulations as may be necessary for the proper administration of such statutes. Such rules and regulations have the force and effect of law.

(b) The provisions of the Federal Register Act (49 Stat. 500; 44 U. S. C., ch. 8B), and of the regulations issued thereunder (1 CFR Chapter I) governing the issuance of rules and regulations are observed. Rules and regulations of the Post Office Department are drafted by the Solicitor with the assistance of his staff. (See 39 CFR 1.4 (g), 1946 Supp.) Such rules and regulations are based upon legislation and upon changes suggested by the various officers of the Post Office Department. The rules and regulations are submitted to the Postmaster General, and upon being approved, are filed with the Federal Register Division of The National Archives for publication in the FEDERAL REGISTER. Rules dealing with organization and delegation of authority, substantive rules, and rules of procedure will be separately stated pursuant to the requirements of section 3 (a) of the Administrative Procedure Act (5 U. S. C. 1002).

(c) There is no requirement in the laws administered by the Post Office Department for the giving of notice of, or for the hearing on, proposed rules or regulations. The provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) will be complied with in the promulgation of substantive rules which do not come within the exceptions set forth in the said section.

(d) Petitions by interested persons for the issuance, amendment, or repeal of a rule or regulation of the Post Office Department may be submitted to the Solicitor, Post Office Department, Washington 25, D. C. Such petitions will be considered by the Solicitor and by the officers of the Post Office Department. The petitioner will be notified of any denial of such petition, and, where considered appropriate, of any other action taken in connection therewith.

PART 202—PROCEDURE BEFORE THE SOLICITOR

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AUTHORITY: §§ 202.1 to 202.57 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

SUBPART A—PROCEDURE GOVERNING THE ADMISSION OF ATTORNEYS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

§ 202.1 *Roster of attorneys.* A list of all persons entitled to practice as attorneys before the Post Office Department will be kept in the office of the Solicitor.

§ 202.2 *Requisites to admission.* It shall be requisite to the admission of attorneys to practice before this Department that they shall be members of the bar of the court of appellate jurisdiction of the State, Territory, or District of Columbia to which they respectively belong.

§ 202.3 *Oath required.* They shall respectively take and subscribe to the oath or affirmation set forth on the form provided by the Solicitor.

§ 202.4 *Application for admission.* An applicant for admission to practice must address a letter to the Solicitor, Post Office Department, Washington 25, D. C., giving his full name and post office address, and enclosing a certificate of the court of appellate jurisdiction of the State, Territory, or District of Columbia, duly authenticated under the seal of the court, that he is an attorney in good standing. He must also submit the oath above required and state whether he has ever been suspended or disbarred from practice; whether he holds any office of trust or profit under the Government of the United States; and, if he does not at the time hold such office, but ever did, the time of his relinquishment of said office must be given.

§ 202.5 *Ruling upon application.* Upon receipt of the proper application the Solicitor shall admit or refuse to admit the applicant to practice. The Solicitor may demand additional proof of the applicant's qualifications. The grounds for refusal of admission to practice shall be the same as in suspension or disbarment proceedings. (See § 202.9.)

§ 202.6 *Persons ineligible for admission to practice.* (a) No attorney disbarred from practice in this Department or any other Executive Department will be placed upon said list until said order of disbarment shall have been revoked.

(b) Any attorney who, subsequently to being placed on said list, is disbarred by any other Executive Department, shall

be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(c) No person who has been an attorney, officer, clerk, or employee in this Department will be recognized as counsel or attorney for prosecuting any case or matter before this Department or any office thereof, with which he was in anywise connected while he was such attorney, officer, clerk or employee.

(d) No person coming within the prohibition of 5 U. S. C. 99, 18 U. S. C. 281, or 18 U. S. C. 283, will be recognized as attorney before this Department or any office thereof.

§ 202.7 *Authorization of appearance required.* The head of any bureau or office may require an attorney to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 202.8 *Complaint of misconduct.* If the head of any bureau or office of the Department have reason to believe, or if complaint be made to him, that any attorney is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the Solicitor, who shall proceed in accordance with the rules issued by him, which are set forth in §§ 202.20 to 202.41.

§ 202.9 *Suspension and disbarment from practice; grounds.* Any attorney or representative who is guilty of conduct falling in one or more of the following categories may be suspended or disbarred:

(a) Who charges or receives, either directly or indirectly, in cases before the Post Office Department arising under the Federal Tort Claims Act (62 Stat. 869, 28 U. S. C. 2678), any fee or compensation in excess of that provided for by section 2678 of said act, or in cases before the Department not arising under said act, any fee or compensation deemed to be grossly excessive in relation to the services performed.

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Post Office Department or postal service, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Post Office Department or postal service concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice by means of runners or other unethical methods;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other Governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension, or disbarment being known to him;

(j) Who wilfully made false statements in his application for admission to practice or in his participation in any case.

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(n) Who no longer possesses the qualifications required for admission to practice.

§ 202.10 *Notice of disbarment; exclusion from practice.* Upon the disbarment of an attorney, notice thereof will be given to the heads of the offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be recognized as attorneys before the Post Office Department or any office thereof.

SUBPART B—PROCEDURE IN CASES RELATING TO DISBARMENT OF ATTORNEYS

§ 202.20 *Institution of proceedings.* (a) Whenever any person submits to the Solicitor a complaint against any attorney practicing before the Department, he may refer such complaint to the Chief Inspector for a complete investigation and report.

(b) Upon the receipt of the report of the Chief Inspector, the Solicitor will assign the matter to the Attorney in Charge of Admissions and Disbarment cases.

(c) Whenever the Attorney in Charge of Admissions and Disbarments shall have before him evidence on the basis of which he has reasonable grounds to believe that any attorney or representative against whom a complaint has been made as aforesaid, has violated the conditions of his admission to practice, and if it shall appear that a proceeding before the Solicitor is required to determine whether or not such attorney should be disbarred from practice before the Department, he shall prepare and submit to the Solicitor a specification of charges naming the attorney accused of improper practices or lack of proper qualifications, and stating the charges against him in such manner as to enable such attorney to answer them.

(d) If upon the presentation of such specification of charges to the Solicitor he determines that in the public interest a hearing is necessary to ascertain whether or not the accused attorney has been guilty of improper practices or is deficient in qualifications as alleged in the specification of charges against him, the Solicitor will issue a notice to the accused attorney to show cause on a specified day why an order of disbarment or suspension, as the case may be, should not be issued against him pursuant to the provisions of the regulations governing such cases.

§ 202.21 *Service of complaint.* (a) Service of the complaint consisting of the notice to show cause and the specification of charges accompanied with copies of the "Procedure in Cases Relating to Disbarment of Attorneys" shall be effected by the transmission of same to the postmaster at the office of address of the accused attorney and shall be delivered to said attorney by said postmaster or an employee of the post office under his direction; and a receipt shall be secured from the accused attorney acknowledging delivery of said complaint, which receipt shall be forwarded to the Solicitor of the Post Office Department and shall be incorporated in the record of the case.

(b) In the event that no person can be found upon whom service of the complaint can be effected pursuant to the above rule, the complaint may be delivered with other mail addressed to the accused attorney and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the complaint shall constitute evidence of service of the notice showing the time and place of the hearing, and of the specification of charges.

§ 202.22 *Answers.* (a) In case of desire to contest the proceeding, the respondent in any such case shall file with the Solicitor of the Post Office Department an answer to the complaint. Three copies of the answer shall be supplied. The answer shall contain a concise statement on behalf of the respondent admitting, denying or explaining each of the charges alleged in the complaint. All answers shall be signed by the respondent or by his attorney at law.

(b) The answer may be submitted by mail or presented by the respondent or his representative not later than the commencement of the hearing.

(c) The hearing will be held at the time and place stated in the notice regardless of whether the respondent files an answer or makes an appearance during the proceedings.

(d) If the respondent desires to waive a hearing on the allegations of fact set forth in the complaint, and does not desire to contest the allegations of fact, the answer shall consist of a statement that the respondent admits as true all the material allegations of fact charged. Contemporaneously with the filing of

such answer the respondent shall state in writing whether he desires to appear and be heard on the question as to whether the admitted facts constitute the violation alleged in the complaint. Respondent may also file a brief in support of his contention.

§ 202.23 *Appearances.* Any respondent attorney who has been served with a complaint and notice to show cause as set forth above may appear and be heard in person or by an attorney who must have been duly qualified and admitted to practice before the Post Office Department prior to the entrance of his appearance in behalf of the respondent and the hearing upon the complaint in issue.

§ 202.24 *Appearance blanks.* Each attorney representing respondents shall enter his appearance in duplicate on the form to be prescribed for that purpose by the Solicitor and furnished to such attorney, prior to participating in a hearing, and said appearances shall be made a part of the record.

§ 202.25 *Failure to answer or appear.* If the respondent fails to appear or to be represented at the hearing, he shall be deemed to have waived the right to be heard in the proceeding and an order pro-confesso may be entered against him.

§ 202.26 *Amendments of pleadings.* Amendments to pleadings may be offered by any party during the course of a hearing and may be accepted by the Solicitor and incorporated into the record unless it shall be shown that the rights of the respondent will be unfairly prejudiced thereby.

§ 202.27 *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses and cannot furnish or pay witness fees or transportation expenses.

§ 202.28 *Continuances.* A short continuance may be granted to a respondent in any case where application is made therefor in writing not later than ten days before the date set forth for the hearing, which application shall contain a statement of the reasons upon which such request for a continuance is based; but such reasons must be substantial and relate to the defense of the charges.

§ 202.29 *Hearing officers.* Whenever it is impracticable for the Solicitor to preside at any proceeding under this subpart, or if for any other reason he deems it desirable to do so, he shall designate a member of the legal staff of the Post Office Department as a special hearing officer in the case. The Solicitor or any hearing officer acting in his behalf will rule upon all offers of proof; receive oral or documentary evidence; regulate the course of the hearing and the conduct of the parties; dispose of procedural motions; requests for adjournment and similar matters; require oral argument upon questions raised in the course of the hearing or at the close thereof, and limit such argument as to time and subject matter. Hearings will be conducted in such a way as to afford respondent persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

§ 202.30 *Evidence.* Except as otherwise provided herein, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal proceedings before the Solicitor: *Provided, however,* That such rules may be relaxed in any case where the ends of justice may be better served by so doing.

§ 202.31 *Testimony under oath.* The testimony of witnesses at a hearing shall be upon oath or affirmation and witnesses shall be subject to cross-examination. Any witness may, in the discretion of the Solicitor or Hearing Officer be examined separately and apart from other witnesses except those who may be parties to the proceeding.

§ 202.32 *Exclusion of irrelevant matter.* Insofar as practicable the Solicitor or Hearing Officer shall exclude evidence which is immaterial, irrelevant or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

§ 202.33 *Statements of facts.* Agreed statements of facts signed by all parties to any hearing may be received in evidence.

§ 202.34 *Official notice.* Official notice may be taken of all matters of generally recognized or scientific fact of an established character.

§ 202.35 *Documentary evidence.* Relevant and material documents must be propertly identified or authenticated.

§ 202.36 *Objections.* If any party objects to the admission or rejection of any evidence or to the limitation of the scope of cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Solicitor or by the Hearing Officer. The transcript shall not include argument or debate upon objections except as ordered by the Solicitor or Hearing Officer. The ruling on any objection shall be a part of the transcript.

§ 202.37 *Depositions.* No provision has been made by the Post Office Department for the taking of depositions and no money has been appropriated by Congress for that purpose.

§ 202.38 *Transcript.* (a) The transcript of the proceedings before the Solicitor or Hearing Officer shall be made in every case by the reporting system of the Office of the Solicitor. Said transcript, together with all documents and pleadings filed in the case, shall constitute the official record thereof. If answer to the charges is made, a copy of the transcript shall be loaned to the respondent after the conclusion of the hearing for use in preparing any written brief or argument which the respondent desires to have considered when the case is taken up for disposition. The Solicitor or Hearing Officer will apprise each respondent present at a hearing of such fact and shall state the length of time to be allowed respondent for the preparation of the brief after he has been furnished the transcript.

(b) The transcript shall be returned with the respondent's brief.

§ 202.39 *Oral argument.* If oral argument before the Solicitor or Hearing Officer is desired he should be notified before the close of the hearing in order that he may arrange to hear the argument at the close of the testimony, within such limits of time as may be agreeable to the parties and as he may determine to be adequate. Such argument shall be transcribed and bound with the transcript of testimony.

§ 202.40 *Petitions for further hearing.* (a) An application for further hearing in a proceeding before final submission, or for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition stating specifically the grounds relied upon.

(b) A petition for further hearing or for reopening a proceeding to take further evidence must (1) state briefly the nature and purpose of the evidence to be adduced; (2) show that such evidence would not be merely cumulative, and that the failure previously to present such evidence is not due to lack of reasonable diligence, and (3) show cause why the petition should be granted. A petition for rehearing, reargument, or reconsideration must specify the matters claimed to have been decided erroneously and must briefly state the alleged errors. A petitioner praying that an order be vacated or modified by reason of matters which have arisen since the hearing, must briefly set forth all the matters relied upon by the petitioner.

(c) No petition filed under this Rule shall automatically stay the effect of, terminate or modify any order theretofore entered, whether or not such order is one which the petitioner prays to be reconsidered.

(d) A petition for rehearing, reargument, reconsideration, or modification of a final order must be filed within ten (10) days after the date of service of such order.

§ 202.41 *Findings of fact and conclusion.* Upon the basis of the complete record the Solicitor will make a finding of the facts on the issues involved and conclusions as to the action to be taken and furnish a copy thereof to the respondent.

SUBPART C—PROCEDURE TO ADJUDICATE CLAIMS FOR PERSONAL INJURY OR PROPERTY DAMAGE ARISING OUT OF THE OPERATION OF THE POSTAL SERVICE

§ 202.50 *Character and limit of claims.* (a) Proceedings to adjudicate claims for personal injury or property damage arising out of the operation of the postal service, under the provisions of the Federal Tort Claims Act (28 U. S. C. 2672 et seq.) and the Deficiency Appropriation Act of June 16, 1921, as amended (31 U. S. C. 224c):

(b) Claims for damage to or loss of property or on account of personal injury or death caused by the negligent or

wrongful act or omission of an employee of the Department acting within the scope of his employment under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. The authority of the Department to award compensation under this act is limited to claims not exceeding $1,000. Where loss or damage occurs without negligence on the part of the Government employee involved, the maximum compensation which the Department may pay is $500.

§ 202.51 *Time limit for filing.* The statutory period of limitation during which claim must be filed under 31 U. S. C. 224c is one year. The statutory period of limitation under 28 U. S. C. 2672, et seq., is two years. The maximum amount for which claim may be filed under 31 U. S. C. 224c is $500. The maximum amount for which an administrative claim may be filed under 28 U. S. C. 2672, et seq., is $1,000.

§ 202.52 *Place of filing.* Written claim is usually filed with the postmaster of the office within the delivery limits of which the accident happened, but may be filed with any officer of the Department or sent directly to the Solicitor.

§ 202.53 *By whom claims may be filed.* A claim may be filed by the person or firm sustaining injuries or damage in his/its own right. An attorney may assist the claimant but may not sign the claim for such claimant. The provisions of 28 U. S. C. 2678 should be consulted in fixing the amount of attorneys' fees.

§ 202.54 *Manner of filing claims.* Claim must be filed on Standard Form 95 which may be obtained from local postmasters or other local postal establishments.

§ 202.55 *Evidence required to support claim.* Each claim filed must be supported as follows: (a) In cases of property damage, by an itemized, receipted bill or bills covering the repairs to the private property or the replacement of property destroyed, and limited to such items of repair or replacement as were necessitated by reason of the damage incurred in the specific accident giving rise to the claim or, if repairs have not yet been made, at least two itemized, signed statements or estimates by reliable disinterested concerns; or where property is not economically reparable, or is lost or destroyed, statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident, which statements should be by disinterested, competent persons, preferably reputable dealers or officers familiar with the type of property damaged, or by two or more competitive bidders, whose bids should be certified as just and correct; the testimony of any available witnesses which the claimant desires considered in the adjudication of such claim; and in cases where the property is covered by insurance—e. g., collision insurance on a car—the claimant must state what insurance is carried, the name and location of the company, whether he has filed claim with that company, and what action the insurance company has taken or will take with respect to such claim. Claims from insurance companies as subrogees must be executed by their proper claims officers and must be supported with subrogation receipts evidencing the payments made to their assured; (b) in cases of personal injury, by doctors' bills, hospital bills, nursing bills, bills covering dental or optical services, a sworn statement from the claimant's employer establishing the amount of time and the compensation lost by reason of the accident, a statement from the attending physician showing the nature and extent of the injuries and the treatment thereof, the degree of permanent or partial disability, if any, the prognosis, and the period of hospitalization or incapacitation; also the sworn statements of any available witnesses. The evidence specifically described in this section may be supplemented by any other documentary evidence which would be helpful to the Department in adjudicating claims. Claimants shall be required to submit to physical examinations by competent doctors employed or retained by the Government whenever they are requested to do so.

§ 202.56 *Adjudication and settlement of claims.* In any case where the Solicitor, upon consideration of all the evidence submitted, finds that compensation is due a claimant under either of these acts, payment will be made by the Post Office Department and in due course a settlement warrant will be forwarded to the claimant. Where an attorney has assisted in the prosecution of his claim, the attorney's name will be included in the award.

§ 202.57 *Review of adjudications.* The approval and acceptance of adjudication of any claim made by the Solicitor constitutes final action in a case so far as the Department is concerned, and there is no way by which review thereof in the Department may be obtained. If a claim filed under the Federal Tort Claims Act is disallowed, or if the claimant is unwilling to accept the amount awarded, or if the claimant wishes to withdraw the claim from consideration by the Department before final disposition, resort may be had to the United States Courts for relief. Conditions under which relief may be sought in the courts will be found in 28 U. S. C. 2675 and other pertinent sections of the Code referred to therein. Where such suit is brought, the pertinent provisions of Title 28, United States Code, should be examined by the claimant in order that its specific conditions may properly be complied with.

[F. R. Doc. 54-9515; Filed, Nov. 30, 1954; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 882—DISCHARGE OR RELEASE FROM ACTIVE DUTY

EVIDENCE REQUIRED; DELEGATION OF AUTHORITY; DISCHARGE CERTIFICATE

1. Paragraphs (c) and (d) of § 882.4 are changed as follows:

§ 882.4 *Evidence required.* • • •

(c) *Altered birth certificates.* Birth certificates will be scrutinized carefully for alterations other than those made officially.

(d) *When parental custody is involved.* If the parents are divorced, the application for discharge must be accompanied by a copy of the court order or other evidence showing that the parent submitting application has custody or control of the enlisted person. If either parent has lost custody or control of the enlisted person by judgment of a court, appointment of a guardian, desertion of family, waiver, or other established legal procedure, such parent does not have a right to apply for discharge of the enlisted person.

• • • • •

2. Section 882.5 is changed to read as follows:

§ 882.5 *Delegation of authority.* Authority to order discharge under the provisions of §§ 882.1 to 882.10 is delegated to commanders of all units commanded by or the normal command of general officers, commanders of air divisions, commanders of wings, commanders of personnel processing groups at ports of embarkation, and commanders of ports of aerial embarkation. Any doubtful case will be forwarded to the Director of Military Personnel, Headquarters USAF, Washington 25, D. C., for decision.

3. Section 882.10 is changed to read as follows:

§ 882.10 *Form of discharge certificate to be given.* DD Form 256AF, "Honorable Discharge," or DD Form 257AF, "General Discharge" will be given notwithstanding the fact that the enlistment may have been obtained by misrepresentation concerning age or consent of parents or guardians.

[AFR 39-12] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 1, 61 Stat. 191, sec. 307, 62 Stat. 373; sec. 6, 62 Stat. 609; 10 U. S. C. 628, 50 U. S. C. App. 456, 5 U. S. C. 627f)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-9489; Filed, Nov. 30, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

APPORTIONMENT OF STATE ACREAGE ALLOTMENT FOR 1955 CROP OF EXTRA LONG STAPLE COTTON AMONG COUNTIES

Basis and purpose. The purpose of this amendment is to establish the county acreage allotments for the 1955 crop of extra long staple cotton pursuant to sections 344 (e) and 347 (c) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was given on September 18, 1954 (19 F. R. 6043), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

Farmers engaged in the production of extra long staple cotton in 1954 will determine in a referendum to be held on December 14, 1954, whether marketing quotas will be in effect on the 1955 crop of extra long staple cotton. In order that county acreage allotments may be apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1216 (e) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1955 Crop of Extra Long Staple Cotton to States, Counties, and Farms (19 F. R. 7253) is amended to read as follows:

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section and (2) the acreage, if any, allocated to the county by the State committee from the State acreage reserve as adjustments for trends in acreages and for abnormal conditions adversely affecting plantings, pursuant to subparagraphs (1) and (2) of paragraph (c) of this section. The county acreage allotment for each county is set out below. The amount of the acreage reserved by each county committee pursuant to § 722.1217 (b) is available for inspection by any interested person at the office of the county committee. Also available for inspection at the office of the county committee are the data pertaining to the establishment of administrative areas, if any, in accordance with paragraph (f) of this section.

ARIZONA

County:	Allotment
Cochise	72
Graham [1]	4,826
Maricopa	7,678
Pima	1,365
Pinal	4,373
Santa Cruz	15
Yuma	144
a. State total	18,472
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	0
c. State allotment	18,472

CALIFORNIA

County:	Allotment
Imperial	52
Riverside	214
a. State total	266
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	30
c. State allotment	296

FLORIDA

County:	Allotment
Alachua	50
Columbia	26
Hamilton	4
Jefferson	1
Lake	120
Madison	33
Marion	149
Orange	22
Putnam	11
Seminole	74
Sumter	28
Suwannee	4
Union	31
Volusia	10
a. State total	563
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	49
c. State allotment	612

GEORGIA

County:	Allotment
Atkinson	1
Berrien	113
Cook	23
Lanier	4
a. State total	141
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	16
c. State allotment	157

NEW MEXICO

County:	Allotment
Dona Ana [1]	8,191
Eddy [1]	88
Luna	18
Otero	11
Sierra [1]	67
a. State total	8,375
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	154
c. State allotment	8,529

[1] Indicates that the county acreage allotment will be apportioned among farms on the cropland basis in accordance with § 722.1217 (c). For all other counties listed in this paragraph, the Deputy Administrator has approved the recommendation of the county committee that the county acreage allotment be apportioned among farms on the historical basis in accordance with § 722.1217 (d). This paragraph may be amended at a later date to show changes in the method to be used by county committees in apportioning the county acreage allotment to farms.

TEXAS

County:	Allotment
Brewster	32
Culberson	158
El Paso [1]	10,274
Hudspeth	1,352
Loving	8
Pecos	223
Presidio	56
Reeves	3,200
Ward	342
a. State total	15,645
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	319
c. State allotment	15,964

PUERTO RICO [2]

Area:	Allotment
North	1,593
South	319
a. Total, Puerto Rico	1,912
b. Acreage reserve for small farms, for new farms, for inequities, and for hardship cases	212
c. Total allotment	2,124

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies Secs. 344, 347, 362, 52 Stat. 57, 59, 62, as amended; 7 U. S. C. 1344, 1347, 1362)

Issued at Washington, D. C., this 26th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9485; Filed, Nov. 26, 1954; 2:30 p. m.]

[Amdt. 1]

PART 722—COTTON

APPORTIONMENT OF STATE ACREAGE ALLOTMENT FOR 1955 CROP OF UPLAND COTTON AMONG COUNTIES

Basis and purpose. The purpose of this amendment is to establish the county acreage allotments for the 1955 crop of upland cotton pursuant to section 344 (e) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was given on September 11, 1954 (19 F. R. 5915), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

Farmers engaged in the production of upland cotton in 1954 will determine in a referendum to be held on December 14, 1954, whether marketing quotas will be in effect on the 1955 crop of upland cotton. In order that county acreage allotments may be apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable

[2] The cotton producing areas located in the northern part of Puerto Rico are considered as a county and the cotton producing areas in the southern part of Puerto Rico are considered as a county.

and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.616 (e) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1955 Crop of Upland Cotton to States, Counties, and Farms (19 F. R. 7213) is amended to read as follows:

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section and (2) the acreages, if any, allocated to the county by the State committee from the State acreage reserve as adjustments for trends in acreage, for abnormal conditions adversely affecting plantings, pursuant to subparagraphs (1) and (2) of paragraph (c) of this section. The county acreage allotment for each county is set out below. The amount of the acreage reserved by each county committee pursuant to § 722.617 (b) is available for inspection by any interested person at the office of the county committee. Also available for inspection at the office of the county committee are the data pertaining to the establishment of administrative areas in accordance with paragraph (f) of this section.

ALABAMA

County:	*Allotment*
Autauga	9,511
Baldwin	2,087
Barbour	12,688
Bibb	3,863
Blount	17,763
Bullock	9,120
Butler	8,697
Calhoun	6,489
Chambers	10,254
Cherokee	22,499
Chilton	8,691
Choctaw	5,447
Clarke	4,406
Clay	3,873
Cleburne	3,064
Coffee	17,747
Colbert	23,219
Conecuh	10,847
Coosa	1,601
Covington	15,292
Crenshaw	10,780
Cullman	34,603
Dale	6,954
Dallas	26,803
DeKalb	32,421
Elmore	15,670
Escambia	9,609
Etowah	11,462
Fayette	8,660
Franklin	14,131
Geneva	19,337
Greene	13,237
Hale	15,505
Henry	13,806
Houston	24,260
Jackson [1]	25,124
Jefferson	3,118
Lamar	11,666
Lauderdale	29,046
Lawrence	40,590
Lee	9,496
Limestone	52,579
Lowndes	11,059
Macon	17,012
Madison [1]	61,641
Marengo	16,630
Marion	13,743
Marshall	31,735
Mobile	2,782
Monroe	17,496
Montgomery	11,039
Morgan	30,141
Perry	10,889
Pickens	15,481
Pike	16,447
Randolph	9,978
Russell	10,374
St. Clair	5,394
Shelby	5,950
Sumter	14,018
Talladega	13,199
Tallapoosa	7,207
Tuscaloosa	16,319
Walker	6,269
Washington	1,824
Wilcox	11,748
Winston	7,234
a. State total	991,624
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	110,180
c. State allotment	1,101,804

[1] Indicates that the county acreage allotment will be apportioned among farms on the cropland basis in accordance with § 722.617 (c). For all other counties listed in this paragraph, the Deputy Administrator has approved the recommendation of the county committee that the county acreage allotment be apportioned among farms on the historical basis in accordance with § 722.617 (d). This paragraph may be amended at a later date to show changes in the method to be used by county committees in apportioning the county acreage allotment to farms.

ARIZONA

County:	*Allotment*
Cochise	12,481
Gila [1]	4
Graham [1]	10,484
Greenlee	1,722
Maricoya	200
Mohave [1]	200
Pima	21,503
Pinal	138,120
Santa Cruz	1,896
Yavapai [1]	11
Yuma	26,090
a. State total	333,933
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	0
c. State allotment	333,933

ARKANSAS

County:	*Allotment*
Arkansas	10,108
Ashley	26,490
Baxter	122
Benton	1
Boone	44
Bradley	6,302
Calhoun	4,470
Chicot	30,906
Clark	5,295
Clay	40,223
Cleburne [1]	3,919
Cleveland	5,204
Columbia	14,691
Conway	7,921
Craighead	86,685
Crawford	485
Crittenden [1]	100,685
Cross	38,562
Dallas	2,622
Desha	44,296
Drew	14,120
Faulkner	14,899
Franklin	589
Fulton [1]	1,155
Garland	36
Grant	1,173
Greene	38,483
Hempstead	12,094
Hot Spring	913
Howard	3,214
Independence	7,072
Izard	2,793
Jackson	44,879
Jefferson	68,963
Johnson	984
Lafayette	15,478
Lawrence	21,125
Lee	62,121
Lincoln	34,806
Little River	6,170
Logan	1,899
Lonoke	52,769
Marion	82
Miller [1]	12,754
Mississippi [1]	188,618
Monroe	41,611
Montgomery	140
Nevada	5,914
Newton	56
Ouachita	3,049
Perry	1,310
Phillips	85,510
Pike	576
Poinsett	88,626
Polk	98
Pope	3,537
Prairie	10,416
Pulaski	18,379
Randolph	10,144
St. Francis	67,591
Saline	160
Scott	303
Searcy	254
Sebastian	484
Sevier	896
Sharp [1]	3,233
Stone	237
Union	3,212
Van Buren	1,684
White	24,221
Woodruff	38,197
Yell	7,161
a. State total	1,453,219
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	76,485
c. State total	1,529,704

CALIFORNIA

County:	*Allotment*
Butte [1]	3
Fresno	195,242
Glenn [1]	7
Imperial	47,559
Kern	181,586
Kings	95,823
Los Angeles	218
Madera	47,037
Merced	28,971
Riverside	19,795
San Benito	204
San Bernardino	683
San Diego	317
San Joaquin [1]	3
San Luis Obispo	52
Stanislaus	118
Tehama	71
Tulare	149,308
Yuba [1]	9
a. State total	767,006
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	11,680
c. State allotment	778,686

FLORIDA

County:	*Allotment*
Alachua	132
Baker	3
Bay	59
Calhoun	664
Clay	3
Columbia	223
Dixie	4
Duval	2

FLORIDA—Continued

County:	Allotment
Escambia	1,445
Gadsden	242
Gilchrist	2
Hamilton	1,152
Hillsborough	1
Holmes	4,914
Jackson	7,496
Jefferson	1,545
Lafayette	212
Leon	1,145
Levy	8
Liberty	12
Madison	2,884
Nassau	3
Okaloosa	1,599
Orange	8
Santa Rosa	5,852
Suwannee	594
Taylor	23
Union	10
Walton	2,255
Washington	889
a. State total	33,381
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	2,902
c. State allotment	36,283

GEORGIA

County:	Allotment
Appling	4,381
Atkinson	822
Bacon	2,220
Baker	2,981
Baldwin	2,694
Banks	3,590
Barrow	6,378
Bartow	17,380
Ben Hill	4,827
Berrien	2,990
Bibb	1,180
Bleckley	6,874
Brantley	39
Brooks	8,393
Bryan	205
Bulloch	14,530
Burke	35,648
Butts	4,775
Calhoun	5,067
Camden	3
Candler	6,535
Carroll	11,480
Catoosa	1,519
Charlton	9
Chatham	40
Chattahoochee	142
Chattooga	5,234
Cherokee	1,289
Clarke	2,120
Clay	3,237
Clayton	1,383
Clinch	113
Cobb	1,832
Coffee	6,647
Colquitt	19,618
Columbia	2,189
Cook	3,515
Coweta	7,956
Crawford	1,845
Crisp	9,104
Dade	430
Dawson	202
Decatur	3,627
De Kalb	705
Dodge	13,212
Dooly	18,413
Dougherty	1,863
Douglas	1,424
Early	12,922
Echols	40
Effingham	1,468
Elbert	8,988
Emanuel	16,627
Evans	2,559
Fayette	5,227
Floyd	8,682

GEORGIA—Continued

County:	Allotment
Forsyth	2,826
Franklin	8,153
Fulton	2,835
Gilmer	18
Glascock	5,041
Gordon	10,920
Grady	3,136
Greene	3,491
Gwinnett [1]	5,713
Habersham	505
Hall	2,830
Hancock	9,200
Haralson	3,223
Harris	1,862
Hart	12,072
Heard	3,255
Henry	11,907
Houston	5,394
Irwin	9,164
Jackson	10,391
Jasper [1]	4,637
Jeff Davis	2,077
Jefferson	19,760
Jenkins	11,769
Johnson	15,745
Jones	586
Lamar	2,687
Lanier	524
Laurens	29,116
Lee	3,228
Liberty	112
Lincoln	2,707
Long	474
Lowndes	2,975
Lumpkin	94
McDuffie	6,705
McIntosh	4
Macon	11,951
Madison	10,473
Marion	3,771
Meriwether	12,360
Miller	5,314
Mitchell	11,499
Monroe	1,742
Montgomery	3,977
Morgan	14,602
Murray	4,201
Muscogee	202
Newton	7,956
Oconee	8,156
Oglethorpe [1]	7,954
Paulding	3,698
Peach	2,258
Pickens	805
Pierce	2,069
Pike	6,493
Polk	6,979
Pulaski	8,602
Putnam	1,938
Quitman	1,453
Randolph	5,496
Richmond	2,590
Rockdale	3,603
Schley	3,957
Screven	16,820
Seminole	4,402
Spalding	2,792
Stephens	1,044
Stewart	2,835
Sumter	10,232
Talbot	1,432
Taliaferro	1,987
Tattnall	5,020
Taylor	6,998
Telfair	4,506
Terrell	11,493
Thomas	5,244
Tift	6,270
Toombs	7,643
Treutlen	3,523
Troup	2,125
Turner	7,322
Twiggs	3,459
Upson	1,406
Walker	3,302
Walton	19,633

See footnote on p. 7864.

GEORGIA—Continued

County:	Allotment
Ware	670
Warren	11,459
Washington	17,183
Wayne	2,447
Webster	1,561
Wheeler	3,324
White	598
Whitfield	2,521
Wilcox	10,906
Wilkes	4,843
Wilkinson	2,730
Worth	17,336
a. State total	881,584
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	69,234
c. State allotment	950,818

ILLINOIS

County:	Allotment
Alexander	1,512
Jefferson	2
Johnson [1]	8
Pulaski	1,229
a. State total	2,751
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	305
c. State allotment	3,056

KANSAS

County:	Allotment
Cowley	2
Montgomery	29
a. State total	31
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	4
c. State allotment	35

KENTUCKY

County:	Allotment
Ballard	10
Calloway	144
Carlisle	69
Fulton	6,332
Graves	146
Hickman	984
McCracken	4
Marshall	48
a. State total	7,737
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	637
c. State allotment	8,374

LOUISIANA

Parish:	Allotment
Acadia	13,239
Allen	847
Ascension	616
Assumption	41
Avoyelles	26,219
Beauregard	381
Bienville	7,332
Bossier	21,537
Caddo: [1]	
Administrative Area I	5,629
Administrative Area II	32,326
Calcasieu	261
Caldwell	7,499
Cameron	452
Catahoula	12,641
Claiborne	12,192
Concordia	9,916
DeSoto	11,737
East Baton Rouge	866
East Carroll	25,704
East Feliciana	4,032
Evangeline	17,781
Franklin	59,338
Grant	4,002

LOUISIANA—Continued

County:	Allotment
Iberia	2,042
Iberville	693
Jackson	1,368
Jefferson	1
Jefferson Davis	645
Lafayette	16,270
Lafourche	220
LaSalle	404
Lincoln	5,414
Livingston	380
Madison	19,412
Morehouse	31,651
Natchitoches	27,052
Orleans	5
Ouachita	14,850
Plaquemines [1]	1
Pointe Coupee	11,214
Rapides	17,898
Red River	13,222
Richland	50,545
Sabine	2,796
St. Bernard [1]	1
St. Charles	7
St. Helena	2,232
St. James	18
St. John the Baptist	14
St. Landry	37,855
St. Martin	9,203
St. Mary [1]	3
St. Tammany	340
Tangipahoa	1,427
Tensas	20,693
Union	7,006
Vermilion	6,200
Vernon	1,219
Washington	5,968
Webster	8,099
West Baton Rouge	1,275
West Carroll [1]	27,367
West Feliciana	2,823
Winn	1,259
a. State total	623,680
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	24,762
c. State allotment	643,442

MISSISSIPPI

County:	Allotment
Adams	3,077
Alcorn	15,518
Amite	10,336
Attala	14,566
Benton	12,575
Bolivar [1]	129,838
Calhoun	18,000
Carroll	16,849
Chickasaw	15,337
Choctaw	4,207
Claiborne	5,436
Clarke	5,094
Clay	8,604
Coahoma [1]	96,495
Copiah	9,322
Covington	10,635
De Soto: [3]	
Administrative Area I	25,717
Administrative Area II	9,794
Forrest	1,267
Franklin	1,954
George	1,151
Greene	1,119
Grenada	12,817
Hancock	38
Harrison	14
Hinds	29,962
Holmes: [1]	
Administrative Area I	16,891
Administrative Area II	20,071
Humphreys [1]	51,267
Issaquena	10,914
Itawamba	12,405
Jackson	64
Jasper	8,032
Jefferson	5,861
Jefferson Davis	17,207
Jones	8,976
Kemper	11,930
Lafayette	19,063
Lamar	3,948
Lauderdale	6,724
Lawrence	8,820
Leake	18,889
Lee	30,390
Leflore [1]	78,150
Lincoln	6,363
Lowndes	17,763
Madison	36,094
Marion	11,315
Marshall	37,413
Monroe	32,360
Montgomery	8,851
Neshoba	16,846
Newton	10,014
Noxubee	17,819
Oktibbeha	4,929
Panola	42,854
Pearl River	329
Perry	1,965
Pike	6,601
Pontotoc	21,892
Prentiss	19,137
Quitman [1]	64,841
Rankin	10,521
Scott	12,154
Sharkey [1]	29,386
Simpson	14,285
Smith	11,390
Stone	156
Sunflower [1]	130,851
Tallahatchie: [1]	
Administrative Area I	5,051
Administrative Area II	58,156
Tate	25,642
Tippah	18,168
Tishomingo	10,475
Tunica [1]	51,179
Union	19,823
Walthall	14,449
Warren	6,860
Washington [1]	90,264
Wayne	6,996
Webster	9,074
Wilkinson	4,854
Winston	14,176
Yalobusha	12,610
Yazoo	45,622
a. State total	1,748,852
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	2,000
c. State allotment	1,750,852

MISSOURI

County:	Allotment
Bollinger	80
Butler	17,067
Cape Girardeau	120
Carter	21
Dunklin	83,421
Howell	37
Jefferson	1
Mississippi	28,609
New Madrid [1]	95,371
Oregon	97
Ozark	41
Pemiscot [1]	100,894
Ripley	2,435
Scott	16,382
Stoddard	39,269
Vernon	1
a. State total	383,846
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	15,781
c. State allotment	399,627

NEVADA

County:	Allotment
Clark [1]	25
Nye	2,299
a. State total	2,324
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	0
c. State allotment	2,324

NEW MEXICO

County:	Allotment
Bernalillo	1
Chaves [1]	32,299
Curry	1,220
De Baca	342
Dona Ana [1]	40,841
Eddy [1]	28,016
Grant	67
Guadalupe	8
Harding [1]	6
Hidalgo [1]	5,719
Lea	25,828
Luna	12,707
Otero	1,387
Quay	2,695
Roosevelt	16,567
Sierra [1]	2,279
Socorro [1]	1,535
Valencia	30
a. State total	171,447
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	10,747
c. State allotment	182,194

NORTH CAROLINA

County:	Allotment
Alamance	94
Alexander	1,002
Anson	15,904
Beaufort	1,536
Bertie	7,013
Bladen	4,558
Brunswick	399
Burke	168
Cabarrus	5,510
Caldwell	53
Camden	445
Carteret	65
Caswell [1]	1
Catawba	3,842
Chatham	794
Chowan	2,589
Cleveland	37,091
Columbus	3,154
Craven	526
Cumberland	15,208
Currituck	455
Davidson	1,211
Davie	2,465
Duplin	4,161
Durham	152
Edgecombe	13,270
Forsyth	187
Franklin	10,849
Gaston	4,182
Gates	2,446
Granville	395
Greene	4,608
Guilford	102
Halifax	24,098
Harnett	16,438
Hartford	4,956
Hoke	16,984
Hyde	408
Iredell	11,217
Johnston	22,886
Jones	430
Lee	1,391
Lenoir	2,445
Lincoln	9,054
McDowell [1]	1
Martin	2,963
Meeklenburg	8,986
Montgomery	2,159
Moore	2,398

See footnote on p. 7864.

NORTH CAROLINA—Continued

County:	Allotment
Nash	14,666
New Hanover	26
Northampton	21,761
Onslow	483
Orange	124
Pamlico	339
Pasquotank	355
Pender	461
Perquimans	1,494
Person	2
Pitt	8,585
Polk	1,657
Randolph	91
Richmond	7,901
Robeson	50,378
Rockingham	1
Rowan	7,503
Rutherford	10,064
Sampson	26,847
Scotland	21,694
Stanly	2,680
Tyrrell	314
Union	18,353
Vance	3,390
Wake	6,511
Warren	8,308
Washington	736
Wayne	12,734
Wilkes	103
Wilson	9,870
Yadkin	61
a. State total	508,741
b. State acreage reserve for small farms for new farms, for inequities and for hardship cases	6,973
c. State allotment	515,714

OKLAHOMA

County:	Allotment
Adair	48
Alfalfa	88
Atoka	1,928
Beaver	73
Beckham	64,881
Blaine	13,357
Bryan	18,038
Caddo	50,970
Canadian	14,453
Carter	1,506
Cherokee	133
Choctaw	4,409
Cleveland	1,836
Coal	3,689
Comanche	14,519
Cotton	19,757
Craig	91
Creek	3,653
Custer	25,873
Delaware [1]	2
Dewey	8,298
Ellis	604
Garfield	101
Garvin	5,625
Grady	18,299
Grant	17
Greer	42,614
Harmon	51,028
Harper	24
Haskell	3,586
Hughes	5,277
Jackson	60,240
Jefferson	19,465
Johnston	3,133
Kay	365
Kingfisher	1,716
Kiowa	57,545
Latimer	430
Le Flore [1]	3,216
Lincoln	1,693
Logan	3,435
Love	8,982
McClain	9,264
McCurtain	7,654
McIntosh	13,068
Major	2,351

See footnote on p. 7864.

OKLAHOMA—Continued

County:	Allotment
Marshall	4,621
Mayes	922
Murray	487
Muskogee	20,601
Noble	1,348
Nowata	931
Okfuskee	7,631
Oklahoma	531
Okmulgee	12,101
Osage	4,383
Pawnee	4,287
Payne	3,148
Pittsburg	6,672
Pontotoc	1,289
Pottawatomie [1]	954
Pushmataha	509
Roger Mills	21,874
Rogers	1,007
Seminole	1,511
Sequoyah [1]	1,184
Stephens	6,292
Texas [1]	23
Tillman	74,760
Tulsa	2,393
Wagoner	10,329
Washington	57
Washita	79,589
Woodward	510
a. State total	837,278
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	35,254
c. State allotment	872,532

SOUTH CAROLINA

County:	Allotment
Abbeville	8,265
Aiken	21,069
Allendale	9,957
Anderson	28,120
Bamberg	12,654
Barnwell	15,317
Beaufort	915
Berkeley	8,645
Calhoun	15,384
Charleston	1,159
Cherokee	13,281
Chester	10,564
Chesterfield	32,154
Clarendon	33,148
Colleton	8,954
Darlington	30,853
Dillon	21,852
Dorchester	9,212
Edgefield	9,687
Fairfield	5,157
Florence	31,285
Georgetown	2,553
Greenville	15,266
Greenwood	4,575
Hampton	8,106
Horry	8,839
Jasper	2,455
Kershaw	19,838
Lancaster	8,523
Laurens	17,802
Lee	34,799
Lexington	11,104
McCormick	3,939
Marion	11,496
Marlboro	39,834
Newberry	8,264
Oconee	8,028
Orangeburg	56,889
Pickens	6,558
Richland	6,728
Saluda	8,175
Spartanburg	23,769
Sumter	39,298
Union	6,154
Williamsburg	32,083
York	16,455
a. State total	729,292
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	44,653
c. State allotment	773,945

TENNESSEE

County:	Allotment
Bedford	1,409
Benton	2,537
Bradley	1,334
Cannon	28
Carroll	18,306
Chester	10,909
Coffee	1,437
Crockett	31,210
Davidson	14
Decatur	3,791
De Kalb	38
Dyer	32,241
Fayette	43,176
Franklin	5,448
Gibson	42,384
Giles	8,798
Grundy	152
Hamilton	756
Hardeman	21,280
Hardin	9,083
Heywood	42,181
Henderson	17,317
Henry	4,709
Hickman	27
Humphreys	12
Knox	8
Lake	21,250
Lauderdale	34,854
Lawrence	19,572
Lewis	348
Lincoln	12,618
Loudon	5
McMinn	911
McNairy	19,068
Madison	32,167
Marion	395
Marshall	374
Maury	181
Meigs	662
Monroe	326
Montgomery	1
Moore	80
Obion	9,517
Perry	186
Polk	1,050
Rhea	21
Roane	3
Robertson	1
Rutherford	4,435
Sequatchie [1]	1
Shelby	44,278
Stewart	1
Tipton	45,604
Van Buren	32
Warren	520
Wayne	2,921
Weakley	9,193
White	69
Williamson	117
Wilson	78
a. State total	559,424
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	34,444
c. State allotment	593,868

TEXAS

County:	Allotment
Anderson	10,782
Andrews	3,852
Angelina	3,202
Aransas	1,162
Archer	2,044
Armstrong	1,601
Atascosa	9,760
Austin	18,093
Bailey [1]	102,986
Bastrop	11,884
Baylor	18,246
Bee	13,033
Bell	71,381
Bexar	4,054
Blanco	111
Borden	19,722
Bosque	11,287
Bowie [1]	10,868
Brazoria	11,673
Brazos	19,765
Brewster	203

TEXAS—Continued

County:	Allotment
Briscoe	26,000
Brooks	3,594
Brown	8,189
Burleson	27,626
Burnet	5,347
Caldwell	21,382
Calhoun	18,685
Callahan	7,953
Cameron	169,928
Camp [1]	2,448
Carson	280
Cass	9,442
Castro	49,636
Chambers	86
Cherokee	11,105
Childress	57,908
Clay	10,897
Cochran [1]	80,579
Coke	6,832
Coleman	33,455
Collin [1]	82,481
Collingsworth	69,088
Colorado	9,360
Comal	242
Comanche	8,759
Concho	28,719
Cooke	7,123
Coryell	19,029
Cottle [1]	59,867
Crockett	24
Crosby [1]	124,319
Culberson	3,913
Dallam	29
Dallas	36,810
Dawson [1]	219,725
Deaf Smith	9,277
Delta	37,980
Denton	21,003
DeWitt	16,828
Dickens [1]	57,503
Dimmit	1,549
Donley [1]	30,564
Duval	14,704
Eastland	4,553
Ector	205
Edwards	1
Ellis [1]	139,539
El Paso [1]	24,784
Erath	9,013
Falls	80,452
Fannin	69,264
Fayette	27,091
Fisher	87,973
Floyd [1]	94,108
Foard	13,007
Fort Bend	61,271
Franklin [1]	4,056
Freestone	19,724
Firo	4,092
Gaines	78,183
Galveston	45
Garza [1]	44,917
Gillespie	1,273
Glasscock [1]	10,502
Goliad	4,456
Gonzales	14,783
Gray	3,408
Grayson	35,191
Gregg	1,407
Grimes	15,423
Guadalupe	19,895
Hale [1]	160,356
Hall [1]	102,524
Hamilton	9,248
Hansford	283
Hardeman	35,177
Hardin	60
Harris	4,536
Harrison	12,277
Haskell [1]	129,905
Hays	8,018
Hemphill	1,508
Henderson	8,532
Hidalgo [1]	192,781
Hill	122,534
Hockley [1]	201,969

TEXAS—Continued

County:	Allotment
Hood	3,221
Hopkins	28,014
Houston	25,146
Howard [1]	81,414
Hudspeth	17,346
Hunt [1]	94,597
Irion [1]	736
Jack	2,051
Jackson	18,674
Jasper	406
Jeff Davis	426
Jefferson	55
Jim Hogg [1]	1,801
Jim Wells	23,390
Johnson	37,152
Jones	115,745
Karnes	32,979
Kaufman [1]	60,566
Kendall	49
Kenedy	5
Kent [1]	21,620
Kerr	122
Kimble [1]	106
King [1]	10,123
Kinney	445
Kleberg	8,716
Knox [1]	62,418
Lamar	60,961
Lamb [1]	204,203
Lampasas	2,098
LaSalle	2,952
Lavaca	32,552
Lee	8,694
Leon	11,548
Liberty	3,093
Limestone [1]	72,469
Live Oak	17,997
Llano	380
Loving	353
Lubbock [1]	242,614
Lynn [1]	200,355
McCulloch	18,007
McLennan	87,866
McMullen	1,334
Madison	6,570
Marion	1,915
Martin [1]	98,052
Mason	1,661
Matagorda	18,376
Maverick	7,094
Medina	1,208
Menard	690
Midland	29,137
Milam [1]	52,596
Mills	2,653
Mitchell [1]	73,140
Montague	3,800
Montgomery	1,164
Moore	284
Morris	2,112
Motley [1]	36,705
Nacogdoches	5,998
Navarro [1]	112,182
Newton	432
Nolan	46,229
Nueces	100,178
Ochiltree	174
Oldham [1]	15
Orange	1
Palo Pinto	3,238
Panola	8,152
Parker	3,529
Parmer	39,016
Pecos	16,043
Polk	4,923
Potter	92
Presidio	2,774
Rains	8,458
Randall	733
Reagan	922
Real	1
Red River	29,830
Reeves	49,359
Refugio [1]	12,835
Roberts	84
Robertson	27,007
Rockwall [1]	20,872
Runnels [1]	90,554
Rusk	12,899

TEXAS—Continued

County:	Allotment
Sabine	2,432
San Augustine	6,509
San Jacinto	3,904
San Patricio	83,077
San Saba	7,391
Schleicher [1]	9,341
Scurry	72,611
Shackelford	3,787
Shelby	8,494
Smith	8,494
Somervell	1,441
Starr [1]	28,792
Stephens	1,219
Sterling	375
Stonewall	27,350
Sutton	13
Swisher	47,298
Tarrant	10,113
Taylor	35,033
Terrell [1]	18
Terry [1]	152,577
Throckmorton	11,854
Titus [1]	3,416
Tom Green	59,024
Travis [1]	38,128
Trinity	4,276
Tyler	398
Upshur	3,196
Uvalde	959
Val Verde	131
Van Zandt [1]	22,602
Victoria	25,121
Walker	6,215
Waller	4,890
Ward	8,152
Washington	21,828
Webb	1,862
Wharton	74,969
Wheeler	29,653
Wichita	5,904
Wilbarger	52,258
Willacy [1]	100,002
Williamson	112,262
Wilson	5,549
Wise	1,955
Wood	3,776
Yoakum [1]	33,760
Young	12,036
Zapata [1]	2,377
Zavala	7,471
a. State total	7,327,306
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	285,473
c. State allotment	7,612,779

VIRGINIA

County:	Allotment
Accomack	9
Brunswick	2,211
Caroline	5
Charlotte	10
Chesterfield	4
Cumberland	5
Dinwiddie	237
Franklin	17
Greensville	4,280
Halifax	1
Isle of Wight	303
Lunenburg	236
Mecklenburg	1,983
Nansemond	1,750
Norfolk	41
Nottoway [1]	1
Prince Edward	5
Prince George	66
Princess Anne	9
Southampton	4,747
Surry	14
Sussex	1,680
a. State total	17,614
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	624
c. State allotment	18,238

See footnote on p. 7864.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 344, 362, 52 Stat. 57, 62, as amended; 7 U. S. C. 1344, 1362)

Issued at Washington, D. C., this 26th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9486; Filed, Nov. 26, 1954; 2:30 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-170-A8]

PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than December 1, 1954. Any delay beyond December 1, 1954, in the effective date of this order amending the order, as amended, will tend to disrupt the orderly marketing of milk for the South Bend-La Porte, Indiana, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective December 1, 1954 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

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

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

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

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1954), were engaged in the production of milk for sale in the said marketing area.

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

1. In § 967.51 delete paragraph (a) and substitute the following:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: August, September, October, November and December, $1.30; January and February, $1.10; all others $0.90: *Provided*, That such Class I price shall be increased or decreased respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents due to the supply-demand ratio.

2. In § 967.51 delete paragraph (b) and substitute the following:

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: August, September, October, November and December, $13.75; all others, $12.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

3. In § 967.52 delete paragraphs (b) and (c), and insert a new paragraph (b) as follows:

(b) The price of skim milk in Class II milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to § 967.50 (a), and divide the remainder by 0.965.

4. Delete § 967.80 (c) and substitute therefor the following:

(c) On or before the 4th day after the end of such delivery period each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on or before the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section:

When the uniform price or base price for the preceding delivery period is—	*The amount of the partial payment shall be—*
Under $1.00	$0.00
$1.00 to $1.99	1.00
$2.00 to $2.99	2.00
$3.00 to $3.99	3.00
$4.00 to $4.99	4.00
$5.00 to $5.99	5.00
$6.00 to $6.99	6.00
$7.00 and over	7.00

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

Issued at Washington, D. C., this 29th day of November 1954 to be effective on and after the 1st day of December 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9530; Filed, Nov. 30, 1954; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 41]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 6843, 7178, 7478), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraphs (2), (3), (7), (15), (17), (19), (27), and (39), of paragraph (a), relating to California, are deleted.

2. Subparagraphs (1), (4), (9), (10), (18), (22), (23), (24), (25), (28), (30), (35), (38), (40), and (41), of paragraph (a), relating to California, are amended to read:

(1) NE. ¼ Sec. 1, T. 3 S., R. 2 W., MDBM; Sec. 22, T. 5 S., R. 1 W., MDBM; SE. ¼ Sec. 35, T. 2 S., R. 2 E., MDBM; that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53° W. 17.95 chains, thence N. 69° 4′ E. 6.67 chains, thence N. to County Road, thence SE. 100 feet along SW. line of County Road, thense S. to point of beginning, consisting of 32.98 acres within lots 8–15; NE. ¼ Sec. 25, T. 3 S., R. 3 W., MDBM; E. ½ Sec. 13, T. 3 S., R. 3 W., MDBM; and NE. ¼ Sec. 20, T. 3 S., R. 2 E., MDBM, in Alameda County.

* * * * *

(4) SE. ¼ Sec. 33, T. 2 N., R. 3 E., MDBM; NE. ¼ of N. ½ Sec. 22, T. 1 N., R. 3 E., MDBM; and NW. ¼ Sec. 27 and SW. ¼ Sec. 27, T. 2 N., R. 1 E., MDBM, in Contra Costa County.

* * * * *

(9) Sec. 24, T. 4 S., R. 3 E., HUBM; and Sec. 30, T. 8 N., R. 1 E., HUBM, in Humboldt County.

(10) Tract 47, Sec. 24, T. 16 S., R. 12 E., SBBM; Tract 35, Sec. 27, T. 15 S., R. 15 E., SBBM; and Tract 135, Sec. 7, T. 15 S., R. 14 E., and Sec. 12, T. 15 S., R. 13 E., SBBM, in Imperial County.

* * * * *

(18) Sec. 13, T. 4 N., R. 4 W., MDBM, in Napa County.

* * * * *

(22) Sec. 27, T. 4 S., R. 4 W., SBBM; SE. ¼ Sec. 31, T. 5 S., R. 2 W., SBBM; Secs. 3 and 10, T. 7 S., R. 23 E., SBBM; Parcels 94 and 95, Prado Basin, T. 3 S., R. 7 W., SBBM; and W. ½ Sec. 22, T. 4 S., R. 4 W., SBBM, in Riverside County.

(23) S. ½ of NW. ¼ Sec. 33, T. 9 N., R. 7 E., MDBM, in Sacramento County.

(24) SE. ¼ of SW. ¼ Sec. 32, T. 1 N., R. 5 W., SBBM; Sec. 36, T. 1 S., R. 5 W., SBBM; Sec. 17, T. 6 N., R. 3 W., SBBM; N. ½ Sec. 2, T. 9 N., R. 2 W., SBBM; E. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; Lots 1, 3, 4, 5, and 6, Sec. 25, T. 11 N., R. 21 E., SBBM; and W. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM, in San Bernardino County.

(25) NW. ¼ Sec. 36, T. 18 S., R. 2 W., SBBM; Lots 2, 3, and 4, Sec. 12, T. 12 S., R. 3 W., SBBM; NW. ¼ Sec. 33, T. 11 S., R. 4 W., SBBM; W. ½ of NW. ¼ of NW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; NW. ¼ of SW. ¼ of SE. ¼ Sec. 24, T. 16 S., R. 1 W., SBBM; W. ½ of SW. ¼ Sec. 21, T. 10 S., R. 3 W., SBBM; Sec. 30, T. 16 S., R. 1 E., SBBM; NE. ¼ Sec. 28, T. 15 S., R. 1 E., SBBM; and Lots 82–89, inclusive, Sec. 24, T. 18 S., R. 2 W., SBBM, in San Diego County.

* * * * *

(28) SW. ¼ Sec. 7, T. 3 S., R. 5 W., MDBM; SW. ¼ Sec. 12, T. 3 S., R. 6 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 N., MDBM; S. ½ of SW. ¼ Sec. 36, T. 5 S., R. 4 W., MDBM; SW. ¼ Sec. 20, T. 4 S., R. 6 W., MDBM; NE. ¼ Sec. 26, T. 3 S., R. 6 W., MDBM; and NW. ¼ Sec. 18, T. 3 S., R. 5 W., MDBM, in San Mateo County.

(30) NE. ¼ Sec. 14, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; that part of the NE. ¼ Sec. 9, T. 6 S., R. 2 W., lying west of Steirlin Road, east of Bayshore Highway, south of San Francisco Bay, and north of Charleston Avenue; NE. ¼ Sec. 30, T. 8 S., R. 1 E., MDBM; NW. ¼ Sec. 15, T. 6 S., R. 2 W., MDBM; SE. ¼ of T. 5 S., R. 1 W., MDBM; NE. ¼ Sec. 15, T. 6 S., R. 1 W., MDBM; and NE. ¼ Sec. 34, T. 7 S., R. 1 E., MDBM, in Santa Clara County.

* * * * *

(35) That part of Secs. 16 and 21, T. 8 N., R. 8 W., MDBM, lying south of Faught Creek and west of Faught Road; that part of Rancho Aqua Calente Grant lying south and east of Arnold Drive, west of State Highway No. 12, and north of Madrone Road; that part of Rancho Petaluma Grant lying south and east of State Highway No. 37, west of Maffei Lane, and north of Wayne Road; and that part of Rancho Los Guilicos Grant lying south of State Highway No. 12, east of Kearn Road, and north and west of Sonoma Creek, in Sonoma County.

* * * * *

(38) SW. ¼ Sec. 2 and SW. ¼ Sec. 11, T. 18 S., R. 26 E., MDBM; NW. ¼ Sec. 15, T. 20 S., R. 24 E., MDBM; NW. ¼ Sec. 36, T. 17 S., R. 26 E., MDBM; and SE. ¼ Sec. 11, T. 21 S., R. 29 E., MDBM, in Tulare County.

* * * * *

(40) Sec. 16, T. 2 N., R. 22 W., MDBM; NE. ¼ Sec. 16, NW. ¼ Sec. 15, and SE. ¼ Sec. 9, T. 1 S., R. 20 W., MDBM; and Sec. 22, T. 1 N., R. 20 W., MDBM, in Ventura County.

(41) SE. ¼ of NW. ¼ Sec. 30, T. 10 N., R. 2 E., MDBM, in Yolo County.

3. Subparagraphs (1) and (2), of paragraph (d), relating to New Jersey, are amended to read:

(1) Bergen, Camden, Hunterdon, Monmouth, and Union Counties.

(2) All of Middlesex County except that part of the City of New Brunswick lying east of U. S. Route No. 130, south of State Route No. 18, west of U. S. Route No. 1, and north of the North Brunswick Township line, and except that part of North Brunswick Township lying south the New Brunswick City line, northeast of the Raritan River Railroad, and northwest of U. S. Route No. 1.

4. A new subparagraph (10), as added to paragraph (d), relating to Ocean County, in New Jersey, to read:

(10) All of Ocean County except that part of Lakewood Township lying north of Cedar Bridge Avenue, south and east of Cotterals Branch, and west of Harriman Street extending to Cedar Bridge Avenue.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the following areas in California within the areas quarantined because of vesicular exanthema:

Sec. 30, T. 8 N., R. 1 E., HUBM, in Humboldt County, Lots 82–89, inclusive, Sec. 24, T. 18 S., R. 2 W., SBBM, in San Diego County; and that part of Rancho Los Guilicos Grant lying south of State Highway No. 12, east of Kearn Road, and north and west of Sonoma Creek, in Sonoma County, in California.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended, will apply to such areas.

The amendment also excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 26th day of November 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-9497; Filed, Nov. 30, 1954; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 4]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

RULES, POLICIES, AND INTERPRETATIONS

The following new CAA rules, policies, and interpretations relative to Aircraft Dispatcher Certificates are hereby adopted. These rules, policies, and interpretations specify the forms prescribed by the Administrator for application for written examination and certificate; identification cards which are acceptable to the Administrator, the form of, and manner of applying for identification cards; and lists the six sections of the practical examination.

Proposed rules were published on November 11, 1953, in 18 F. R. 7365, and on August 20, 1954, in 19 F. R. 5322. Interested persons were afforded an opportunity to submit written views, data, or argument. Consideration has been given to all relevant data presented.

1. Section 27.10–1 is adopted to read:

§ 27.10–1 *Application (CAA rules which apply to § 27.10).* Application for the written examination shall be made on the combination application and score sheet Form ACA–933. Application for the certificate shall be made on Form ACA–374. The applicant for an aircraft dispatcher certificate shall complete items 1 through 16, inclusive. Incorrectly executed applications shall be returned for amendment.

2. Sections 27.23–1 through 27.23–5 are adopted to read:

§ 27.23–1 *Airman identification card (CAA rules which apply to § 27.23).* An Airman Identification Card, Form ACA–2135, is issued by the Administrator and may be used to meet the requirements of § 27.23.

§ 27.23–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 27.23).* Identification cards which are acceptable in lieu of Form ACA–2135 to meet the requirements of § 27.23 are as follows:

(a) Aircrewman Identification Card, Form ACA–2116.1 issued by CAA.

(b) Crew Member Certificate, Form ACA–2116.1, issued by CAA. This certificate is a current revision of the Aircrewman Identification Card.

(c) Current identification cards issued to members on active duty or on reserve status by:

(1) U. S. Army;
(2) U. S. Navy;
(3) U. S. Air Force;
(4) U. S. Marine Corps;
(5) U. S. Coast Guard;
(6) U. S. Merchant Marine;
(7) National Guard;
(8) Civil Air Patrol.

§ 27.23–3 *Application (CAA rules which apply to § 27.23).* An applicant for an airman identification card shall comply with the following procedure:

(a) *Application.* The applicant shall apply in person to an Aviation Safety Agent, or an Aviation Safety District Office.

(b) *Form.* Application for Airman Identification Card, Form ACA–2134, shall be completed in single copy, typed or printed in ink, and contain precise information on each item.

(c) *Proof of identity.* The applicant shall furnish proof of his identity. The agent may exercise his discretion in the method by which he identifies the applicant. Identification of the applicant may be established by one or more of the following means:

(1) Airman Identification Card, Form ACA–935, issued by the CAA to the applicant during World War II.

(2) The agent's knowledge of the applicant's identity.

(3) The applicant's identification by a person known to the agent.

(4) Combination of identification cards and licenses held by the applicant.

(5) Comparison of the applicant's signature with that on other cards and licenses held by him.

(d) *Proof of place and date of birth.* The following documentary evidence is satisfactory evidence of place and date of birth:

(1) Airman Identification Card, Form ACA–935, issued by CAA during World War II. (If he held this card and lost it, he may write to CAA, Airman Records Branch, Washington 25, D. C., and obtain confirmation that it was issued to him and the information it contained.)

(2) Birth certificate. (When the applicant's birth certificate does not contain the exact name now used by him, he shall explain the difference on the application form.)

(3) Baptismal record, if it contains the full name and place and date of birth.

(4) Naturalization papers, if place and date of birth are shown.

(5) Passport, expired or current.

(6) Aircrewman Identification Card, or Crew Member Certificate, Form ACA–2116.1.

(7) Statement from any State or Federal Government agency which has the applicant's birth certification on file.

(8) Statement from any military, State, municipal, local, or Federal Government agency which has established, by investigation or otherwise, the applicant's place and date of birth.

Applicants who cannot furnish any of the documents listed in subparagraphs (1) through (8) of this paragraph may present affidavits from attending physician, either parent, brother, sister, relative, or acquaintances who have personal knowledge of the applicant's place and date of birth.

Military identification cards, service records, discharge papers, drivers' licenses, and the like are not acceptable documentary evidence of place and date of birth.

(e) *Evidence of citizenship.* The following documentary evidence is satisfactory evidence of citizenship:

(1) Any document listed in paragraph (d) of this section if citizenship is claimed in the country of birth.

(2) Naturalization papers.

(3) Currently valid passport.

(4) Statement from an appropriate official of a foreign government that the applicant is a citizen of that country.

(5) Civil Aeronautics Board waiver of citizenship requirements for the issuance of an airman certificate to stateless or other persons.

(6) Certified statements from persons, courts, or agencies in authority on cases of derivative citizenship, incompleted naturalization, or other complex citizenship status. Such statements must contain information on the current status of the applicant's citizenship.

(f) *Photographs.* The applicant shall furnish two photographs which are:

(1) Taken from the same negative.

(2) One inch square, full face, head only.

(3) Taken within the past 12 months, and

(4) Readily recognizable as photographs of applicant.

(g) *Fingerprints.* The applicant shall be fingerprinted only by an Aviation Safety Agent or other CAA employee authorized by the agent.

(h) *Reissuance of lost card.* An applicant who has lost his Airman Identification Card, Form ACA–2135, may obtain another by making application exactly as required for his original card, or by:

(1) Writing to the CAA Airman Records Branch, W–253, Washington 25, D. C., and explaining the circumstances of the loss, and requesting a letter verifying that such card had been issued, and

(2) Presenting the letter and two photographs, as required for original issuance, to an Aviation Safety Agent who will issue a duplicate card.

§ 27.23–4 *Scheduled air carrier airmen (CAA interpretations which apply to § 27.23).* An airman certificated under this part is not required to hold an identification card when he is exercising the privileges of his certificate in operations conducted by a scheduled air carrier. This includes any operation in which the airman is carrying out his duties as an employee of a scheduled air carrier.

§ 27.23–5 *Other airman certificate (CAA interpretations which apply to § 27.23).* An identification card which meets the requirements of § 27.23 for pilots will also meet the identification card requirements for any other airman certificate which he may hold.

3. Section 27.30–1 is adopted to read:

§ 27.30–1 *General; examinations (CAA policies which apply to § 27.30).* (a) No mandatory order of examinations will be required. However, it is desirable that the written portion be admin-

istered only when it has been determined that the applicant is fully qualified in accordance with the applicable Civil Air Regulations. If the practical examination is administered before the written and the applicant is successful, the agent will issue Form ACA–578, Evidence of Aeronautical Knowledge.

(b) The practical examination for an aircraft dispatcher certificate is of approximately 4 hours' duration, and is divided into six sections of equal value, as follows:

(1) Applied meteorology.
(2) Morse code signals.
(3) Airman's Guide and Flight Information Manual.
(4) Company's operations manual, operating certificate, and operations specifications.
(5) Practical dispatching problems.
(6) Check sheet of duties.

(c) The applicant will provide the agent or examiner with two copies of an acceptable operations manual. Since the examination is based on a specific airplane and a specific route chosen by the applicant, no problem should be encountered as to the acceptability of the manuals. The company's operations manual is the primary tool with which an operating aircraft dispatcher performs his assigned duties. For this reason, it is necessary in the examination that each applicant be conversant with content and use. It is impossible because of the volumes of changing information to require memorization of content. Instead, it is believed that safety may further be served by establishing a habit of referring to the manual where doubt exists as to the proper rule or procedure. The applicant should be allowed to refresh his memory by referring to the manual during the examination. His familiarity with the manual, the Airman's Guide and Flight Information Manual should be apparent from the demonstration of their use.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 426. Interpret or apply secs. 601, 602, 608, 52 Stat. 1007, 1008, 1011, as amended; 49 U .S. C. 551, 552, 558)

This supplement shall become effective December 15, 1954.

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

[F. R. Doc. 54–9438; Filed, Nov. 30, 1954; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 7]

PART 406—CERTIFICATION PROCEDURES

MEDICAL CERTIFICATION OF MILITARY PERSONNEL

Section 406.12a is amended to revise the procedures for the issuance of a CAA Class II medical certificate, Form ACA–1004, to qualified military personnel. These procedures which will expedite the issuance of such certificates have been agreed upon by the Civil Aeronautics Administration and the military services concerned, and therefore are adopted to become effective without delay.

Section 406.12a is amended to read:

§ 406.12a *Medical certification of military personnel.* A rated pilot on active duty and on flying status in the Armed Forces, or other military personnel on active duty and performing military air traffic control duties, may be issued a CAA Class II medical certificate for an appropriate airman certificate in accordance with the procedures outlined herein, on the basis of a physical examination performed by a military flight surgeon or aviation medical examiner. The report of medical examination on Standard Form 88 will be forwarded by the examiner to a designated aviation staff medical officer of his respective service for review and evaluation. If the prescribed medical standards are met, the reviewing officer will endorse the report and prepare and issue to the qualified applicant a CAA Medical Certificate, Form ACA–1004. The endorsed report of medical examination and the carbon copy of the medical certificate issued will be submitted through appropriate channels to the Chief, Medical Division, Civil Aeronautics Administration, Washington 25, D. C., for file.

(Sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interpret or apply sec. 602, 52 Stat. 1008, 49 U. S. C. 552)

This amendment shall become effective December 1, 1954.

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

[F. R. Doc. 54–9512; Filed, Nov. 30, 1954; 8:53 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R–140; Order No. 176]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

AMENDING CERTAIN SCHEDULES OF THE ANNUAL REPORT FORM FOR ELECTRIC UTILITIES AND LICENSEES, FPC FORM NO. 1

In the matter of amendment of Part 141 of the Federal Power Commission's general rules and regulations prescribing the form of the Annual Report, FPC Form No. 1, Required of Electric Utilities and Licensees (Classes A and B); Docket No. R–140.

The Commission has under consideration in this proceeding the amendment of § 141.1 of Part 141 of its general rules and regulations (18 CFR Part 141) by revising eight schedules of the Annual Report, FPC Form No. 1, required of Class A and B electric utilities and licensees.

The proposed amendments, developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, are designed to simplify and clarify certain previously prescribed schedules of FPC Form No. 1.

The Commission finds:

(1) The proposed amendments represent matters of practice and procedure which do not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Federal Power Act.

(3) Good cause exists that these amendments become effective as hereinafter ordered.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, and particularly sections 3 (13), 4 (a) through (c), 301 (a), 304 (a), 309 and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U. S. C. 796 (13), 797 (a) through (c), 825 (a), 825c (a), 825 (h), 825 (j), orders:

(A) Section 141.1 entitled "Annual Report, Form No. 1, electric utilities and licensees (Classes A and B)" of Part 141 of the Commission's general rules and regulations (18 CFR Part 141) is hereby amended in the following respects:

(1) In the schedule entitled "Clearing Accounts (Account 143)," page 34:

Amend Instruction 2 to read: "2. For each clearing account state the general basis of distribution."

Delete columns (c) and (d), "Debits During Year," and "Credits During Year."

(2) In the schedule entitled "Sales of Electricity by Communities," pages 70–71:

Amend Instruction 1 to read as follows: "1. Report below the information called for concerning sales of electricity by the respondent in each community (incorporated or unincorporated) of 10,000 population or more, or each community of smaller size as may be required by a state regulatory commission concerned."

Amend Instruction 4 to read as follows: "4. Provide a subheading for sales in each state, also a total for each state of sales not required by this schedule to be reported for each community."

(3) In the schedule entitled "Generating Station Statistics," page 92:

Strike lines 25 and 26, Water (steam plants only), and Water for Power (hydroelectric plants only).

Amend line 27 to read, "Supplies and expenses, including water."

Following line 38, add item, "Average cost of fuel per unit, as delivered f. o. b. plant."

Amend line 40 to read, "Average cost of fuel consumed per million B. t. u."

Amend line 41 to read, "Average cost of fuel consumed per kwh net generation."

Revise line numbers appropriately for above changes.

(4) In the schedule entitled "Transmission Line Statistics," pages 102–103, amend Instruction 3 to read as follows:

3. Grouping of plant costs and expenses of transmission lines for accounting purposes is permitted by the Federal Power Commission in accordance with an order adopted March 9, 1937 modifying General Instruction 12, Records for Each Plant, of the Uniform System of Accounts, as follows: That until further notice public utilities and licensees may, for the purpose of complying with General Instruction 12 of the Uniform System of Accounts, group as a single plant, within

the purview of said General Instruction 12, transmission lines of the same voltage and same general type of construction, and operated under similar conditions. Accordingly, the plant cost and expense data, columns (j), (k), and (l), and (m), (n), (o), and (p), may be grouped as provided in the Commission's order; however, the data may be reported for individual lines if so required by a state commission. The information called for by columns (a) to (i), inclusive, should be reported, however, for each transmission line with brackets or other means to show the transmission lines included within groups for accounting purposes.

(5) In the schedule entitled "Substations," page 105, change "300 kva and under" to "1,000 kva and under" in Instruction 3.

(6) In the schedule entitled "Overhead Distribution Systems," page 106, amend Instruction 2 to read as follows:

2. Urban distribution systems should be reported separately for each large metropolitan area and each community of 10,000 population or more (not part of a major metropolitan area required to be reported as such), or each community of smaller size as may be required by a state regulatory commission concerned. Urban systems serving communities of smaller size may be grouped by operating divisions.

(7) In the schedule entitled "Conduit, Underground Cable and Submarine Cable," page 107, in Instruction 2, change "2,500 population or more" to "10,000 population or more" in line 4 of Instruction 2.

(8) In the schedule entitled "Street Lighting and Signal Systems," page 110, amend Instruction 2 to read as follows:

2. Show separately the street lighting and signal systems for each community of 10,000 population or more or for each community of smaller size as may be required by a state regulatory commission concerned. Group as "other" the systems for all other communities served.

Delete columns (d) and (e), the number and kind of lamp posts and brackets.

(B) This order, and the amendments to the Annual Report FPC Form No. 1 herein prescribed, shall become effective December 31, 1954, for the filing of annual reports on FPC Form No. 1 by Class A and B electric utilities and licensees for the year 1954 and thereafter until further order of the Commission.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h)

Adopted: November 17, 1954.

Issued: November 24, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9470; Filed, Nov. 30, 1954; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

PART 189—LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

PAYMENT OF RENTALS AND ROYALTIES

The regulations in this part are amended as follows:

§ 189.14 *Payment of rentals and royalties.* (a) Except as provided in paragraphs (b), (d) and (f) of this section, all rents, royalties and other payments due under leases which have been or may be approved in accordance with this part shall be paid by check or bank draft to the order of the Treasurer of the United States and transmitted through the supervisor to the Superintendent for deposit to the credit of the various lessors. When lessees and purchasers are instructed, in writing, by the Superintendent, which instructions shall be complete as to lessors for each lease, separate remittances for each payment due each lessor shall be made to the Superintendent. Any payments under this paragraph, covering lands or interests therein from which supervision by the Secretary of the Interior has been relinquished may continue to be made in the manner provided by this paragraph until ten days after notice of such relinquishment of supervision has been mailed to the lessee.

(b) The Superintendent may, in his discretion, whenever it appears to be in the best interest of any lessor, authorize and direct the lessee to pay directly to the lessor, the legal guardian of any lessor under guardianship, or to the parent of any minor, the rents, royalties and other payments due under leases which have been or may be approved in accordance with the regulations in this part. Any such authority for direct payment shall be in writing, addressed to the owner or owners of the lease, and shall expressly provide for its revocation or modification at any time, in writing, by the Superintendent, and shall either name a bank to receive deposit of such payments, or shall give the mailing address of each lessor. Written authorization for direct payment and written revocations or modifications thereof shall become a part of the lease and shall be distributed as in the case of original leases. All such revocations or modifications shall have a 5-day grace period after date of receipt. Rents, royalties, and other payments paid in accordance therewith shall constitute full compliance with the requirements of the lease pertaining to such payments.

(c) Rents and royalties paid pursuant to paragraphs (a) and (b) of this section on producing leases shall be supported by statements acceptable to the Secretary or his duly authorized representative, to be transmitted to the Supervisor, in duplicate, covering each lease, identified by contract number and lease number. Such statements shall show the specific items of rents or royalties for which remittances are made, shall identify each remittance by the remittance number, date, amount, and name of each payee, shall show the total amount of royalties or rental paid, and shall be supported by a copy of the purchaser's settlement or pipeline statement for each lease under which royalties are paid.

(d) Rents paid on nonproducing leases pursuant to paragraphs (a) and (b) of this section shall be supported by a statement, acceptable to the Superintendent, to be transmitted to the Superintendent covering each lease, identified by contract number and lease number. Each remittance shall be identified by the remittance number, date, amount, name of each payee, and dates of mailing of remittances. Date of mailing, or, if remittance is sent by registered mail, the date of registration receipts covering remittances mailed, shall be considered as date of payment.

(e) In the event of the discovery of minerals in paying quantities all advance payments shall be allowed as credit on stipulated royalties for the year for which the payment is made. No refund will be made under oil, gas, or other mining leases, in the event the royalty on production for any year is not sufficient to equal the advance payment for that year, nor will any part of the moneys so paid be refunded to the lessee because of any subsequent surrender or cancellation of the lease, nor shall the lessee be relieved from the obligations to pay said advance rental annually when it becomes due by reason of any subsequent surrender or cancellation of the lease.

(f) For leases other than oil and gas, all advance rental for the first year shall be paid to the Superintendent at the time of filing the lease, and the amounts so paid shall be and become the property of the lessor if the lease be disapproved because of the lessee's failure to meet the requirements of the law or the regulations in this part, or because of any other fault or defect chargeable to the lessee.

(35 Stat. 783; 25 U. S. C. 396)

CLARENCE A. DAVIS, *Acting Secretary of the Interior.*

NOVEMBER 24, 1954.

[F. R. Doc. 54-9440; Filed, Nov. 30, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 230]

BOTTLING OF TAXPAID SPIRITS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

PART 230—BOTTLING OF TAXPAID SPIRITS

Preamble: 1. These regulations, Part 230, Title 26, of the Code of Federal Regulations, shall, as to facts and circumstances arising on and after January 1, 1955, supersede Regulations 11, 1950 edition (26 CFR (1939) Part 189; (15 F. R. 4581) as amended by Treasury Decisions 5809 (15 F. R. 6856), 5919 (17 F. R. 6639), 6032 (18 F. R. 4401), 6062 (19 F. R. 732), 6075 (19 F. R. 4025), and 6097 (19 F. R. 5577).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

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AUTHORITY: §§ 230.1 to 230.362 issued under 68A Stat. 681, 917; 26 U. S. C. 5555, 7805. Other statutory provisions interpreted or applied are cited in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 230.1 *Bottling of taxpaid spirits.* This part, "Bottling of Taxpaid Spirits", contains the procedural and substantive requirements relative to the bottling of taxpaid spirits. The regulations cover the location, construction, equipment, qualifying documents; requirements governing changes in premises and equipment, alternate operations of the taxpaid bottling house as a bottling-in-bond department of an internal revenue bonded warehouse; bottling of spirits under trade names; action by the Assistant Regional Commissioner; operation and supervision of the taxpaid bottling house; the transfer of spirits to the taxpaid bottling house; the mixing together of lots of wines of the same kind and taxable grade; the dumping, bottling, rebottling, relabeling, and restamping of bottled spirits; the removal of spirits from the taxpaid bottling house for exportation and shipment; and records and reports of spirits bottled at a taxpaid bottling house.

§ 230.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, reports, returns and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 230.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 230.6 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner of Internal Revenue.

§ 230.7 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division", shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 230.8 *District Director.* "District Director" shall mean the District Director of Internal Revenue of the collection district in which the taxpaid bottling house is located.

§ 230.9 *Distilled spirits.* "Distilled spirits" shall mean all the substances produced by the distillation of fermented grain, molasses, or other materials, commonly known as spirits, whisky, rum, gin, brandy, alcohol, vodka, etc.

§ 230.10 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 230.11 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 230.12 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, associations, partnerships, and corporations.

§ 230.13 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 230.14 *Person.* "Person" shall include an individual, a trust, estate, partnership, association, company or corporation.

§ 230.15 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 230.16 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 per cent of ethyl alcohol by volume.

§ 230.17 *Proof spirits.* "Proof spirits" shall mean that alcoholic liquor which contains 50 percent of ethyl alcohol by volume at 60 degrees Fahrenheit and which has a specific gravity of 0.93418 in air at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity. (68A Stat. 597; 26 U. S. C. 5002)

§ 230.18 *Proprietor.* "Proprietor" shall mean the operator of a taxpaid bottling house, except where otherwise indicated.

§ 230.19 *Rectified spirits.* "Rectified spirits" shall mean all the products of rectification.

§ 230.20 *Red strip stamps.* "Red strip stamps" shall mean the stamps prescribed under authority of section 5008 (b), I. R. C.

§ 230.21 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 230.22 *Spirits.* "Spirits" shall mean distilled spirits, wines, cordials, liqueurs, etc., except where otherwise indicated.

§ 230.23 *Tank car.* "Tank car" shall mean a railroad tank car and, for the purpose of receiving taxpaid distilled spirits, shall include a tank truck in accordance with the applicable provisions of Parts 182, 220, 221 or 225 of this title.

§ 230.24 *Taxpaid bottling house.* "Taxpaid bottling house" or "bottling house" shall mean a taxpaid bottling house established or operated under this part for the bottling of taxpaid spirits, including wines, cordials, liqueurs, etc.

§ 230.25 *Taxpaid spirits.* "Taxpaid spirits" shall include those alcoholic liquors on which the tax has been determined, as well as those on which the tax has actually been paid.

§ 230.26 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 230.27 *Wines.* "Wines" shall mean all kinds and types of wines produced by the fermentation of fruits, berries, or other suitable agricultural products, and all artificial or imitation wines or compounds sold as wine.

SUBPART C—ESTABLISHMENT

§ 230.35 *Who may establish.* Taxpaid bottling houses may be established for the bottling of taxpaid spirits by the proprietor of a distillery, or an internal revenue bonded warehouse, industrial alchohol plant, or industrial alcohol bonded warehouse, or by an agency of any State or political subdivision thereof.

(27 U. S. C. 206)

§ 230.36 *Number that may be established.* There may be established only one taxpaid bottling house for each distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse, or any combination or group of such establishments operated on the same or contiguous premises by the same proprietor: *Provided,* That where a bottling-in-bond department has been established on the premises of an internal revenue bonded warehouse, such bottling department may be temporarily eliminated from the warehouse premises from time to time in accordance with the provisions of part 225 of this subchapter governing the bottling of distilled spirits in bond, and operated under the regulations in this part in lieu of, or as a part or extension of, a permanent taxpaid bottling house established for such bonded warehouse.

(27 U. S. C. 206)

SUBPART D—LOCATION AND USE

§ 230.40 *Location.* Taxpaid bottling houses hereafter established must be located on premises contiguous to, or near a distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse.

§ 230.41 *Use.* The premises of a taxpaid bottling house shall be used exclusively for the business of bottling taxpaid spirits, including wines, cordials, liqueurs, etc.

SUBPART E—CONSTRUCTION

§ 230.45 *Buildings or rooms.* The taxpaid bottling house must be securely constructed and so equipped as to be suitable for the bottling of spirits. Except as provided in § 230.47, and as to necessary openings for the passage of approved distilled spirits, utility and similar pipe lines, as provided in this part and in Parts 182, 220, 221, 225 and 235 of this subchapter, the room or building must be completely separated from contiguous buildings or rooms by solid, unbroken partitions and floors of substantial construction: *Provided,* That where the taxpaid bottling house is under the same roof or in the same building in which the proprietor of the taxpaid bottling house or his affiliate or subsidiary operates a rectifying plant or wholesale liquor dealer premises, the Assistant Regional Commissioner may in his discretion authorize the taxpaid bottling house to be separated from such premises by partitions of expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh extending from the floor to the ceiling or roof: *And provided further,* That such partitions of expanded metal or woven wire may not be authorized if the taxpaid bottling house operates alternately as a bottling-in-bond department of an internal revenue bonded warehouse. If the taxpaid bottling house is in the same building in which is located an internal revenue bonded warehouse or rectifying plant, the two premises must have no means of interior communication with each other, except by approved pipe lines, and as specifically provided in this part. Where a taxpaid bottling house has heretofore been established under the same roof or in the same building with an internal revenue bonded warehouse or a rectifying plant, with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized. When a bottling-in-bond department is operated temporarily as a taxpaid bottling house, as provided in this part and Part 225 of this subchapter, communication between the bottling house and warehouse within the building may continue.

§ 230.46 *Means of ingress and egress.* The doors must lead into the yard connected with the taxpaid bottling house or a public street: *Provided,* That where a room is used, the door may open into an elevator shaft, or a common passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard. The partitions forming a common passageway shall be substantially constructed of solid materials or expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be permitted therein if they do not afford interior communication with an internal revenue bonded warehouse in the same building. Common passageways must be used exclusively as means of communication.

§ 230.47 *Doors, windows, and other openings.* No door, window, or other opening will be permitted in the walls or floors separating the taxpaid bottling house from another room or building which is not a part of the taxpaid bottling house: *Provided,* That where the proprietor maintains a wholesale liquor dealer premises adjacent or contiguous to the taxpaid bottling house, a communicating door will be permitted.

§ 230.48 *Case storage room.* A room must be provided by the proprietor for the storage of spirits bottled by him, unless all spirits are transferred to contiguous wholesale liquor dealer premises upon completion of bottling. Where a case storage room is provided, it shall be used exclusively for the purpose specified and a sign shall be placed over the entrance door of the room bearing the words "Case Storage Room."

§ 230.49 *Export storage room.* If the proprietor intends to bottle or package distilled spirits or wines for export with benefit of drawback, a separate room for the storage of such products exclusively must be provided and a sign must be placed over the entrance door bearing the words "Export Storage Room." The room must be constructed of substantial solid materials: *Provided,* That the partitions separating such room from other parts of the taxpaid bottling house may be constructed of expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh, extending from the floor to the ceiling or roof. All windows, doors, or other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door, which must be so constructed that it may be securely locked from the outside of the room with a Government seal lock.

(68A Stat. 614; 26 U. S. C. 5062)

§ 230.50 *Office facilities.* The proproprietor shall provide and maintain on the tax-paid bottling house premises suitable office facilities, including desk and file cabinet, for the use of internal revenue officers. There shall also be provided a metal cabinet of adequate strength and size, or a securely constructed room or vault, suitably equipped for locking with a Government seal lock, for use in safeguarding the keys to Government locks, seals or other Government property in the custody of internal revenue officers. Such facilities shall be subject to approval by the Assistant Regional Commissioner.

SUBPART F—SIGN

§ 230.51 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the taxpaid bottling house, or over the front entrance thereto where it can be plainly seen, a sign exhibiting in plain and legible letters not less than three inches in height and of a proper and proportionate width, the name of the proprietor and the words "Taxpaid Bottling House No. ___," using the registry number assigned by the Assistant Regional Commissioner.

SUBPART G—EQUIPMENT

§ 230.55 *Scales.* All scales used for weighing spirits shall be tested from time to time by the proprietor by means of test weights or otherwise to insure their accuracy. The proprietor must provide suitable and accurate scales for weighing spirits dumped from or drawn into packages. The beams or dials of such scales must indicate weight in half-pound graduations.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.56 *Weighing tanks.* Where weighing tanks are used for gauging spirits, such tanks shall be constructed of metal or other suitable material, and shall be stationary. Each weighing tank shall be mounted on accurate scales, and shall have plainly and legibly painted thereon the words "Weighing Tank," followed by its serial number and capacity in gallons. The beams or dials of scales must be graduated to enable readings to be made as follows: To the nearest ½ pound for scales having a capacity not to exceed 2,000 pounds; to the nearest 1 pound for scales having a capacity of over 2,000 pounds, but not exceeding 6,000 pounds; to the nearest 2 pounds for scales having a capacity over 6,000 pounds, but not exceeding 20,000 pounds; to the nearest 5 pounds for scales having a capacity over 20,000 pounds, but not exceeding 50,000 pounds; and to the nearest 10 pounds for scales having a capacity over 50,000 pounds.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.57 *Test weights.* Where weighing tanks or other scales are used for gauging spirits, the proprietor shall provide a set of ten 50-pound cast-iron test weights, which shall be certified by the National Bureau of Standards or State departments of weights and measures as conforming to class "C" requirements of the National Bureau of Standards, and provide a suitable place where the weights may be stored under Government lock. If the proprietor has provided such test weights at another plant operated by him on contiguous or nearby premises, he need not provide a separate set of weights for the taxpaid bottling house. All test weights shall be placed under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use. In case a scale becomes inaccurate for any reason, the storekeeper-gauger will not permit it to be used while it is in such condition.

(68A Stat. 639, 680; 26 U. S. C. 5212, 5552)

§ 230.58 *Storage tanks.* If spirits are received in tank cars or tank trucks or by pipeline, suitable storage tanks must be provided unless the spirits are run directly into bottling tanks as provided in § 230.161. Each storage tank shall be constructed of metal or other suitable material, and shall be mounted on scales or equipped with a suitable device whereby the contents can be accurately determined. There shall be painted on each tank, or on a sign affixed thereto, the words "Storage Tank", or "Wine Storage Tank" if used exclusively for such purpose, followed by its serial number and capacity in gallons. Stopcocks must be provided and so arranged as to control completely the flow of spirits into the tank: *Provided*, That where spirits are received by pipeline from contiguous premises and the pipeline on such contiguous premises is equipped for locking with a Government lock, the inlet valve of the storage tank is not required to be locked: *Provided further*, That storage tanks which are used exclusively for the storage of wine, and which are so marked, need not be secured as provided by this section. A closed manifold system may be installed which will permit the transfer of spirits between storage tanks, and such system need not be equipped for locking with Government locks. A suitable board shall be provided on each storage tank for the attachment of Forms 1440 or 1520, as prescribed in this part.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.59 *Dumping and reducing tanks.* If dumping and reducing tanks are provided, the same shall be equipped with a suitable device whereby the contents can be accurately determined. Each such tank shall have plainly and legibly painted thereon the words "Dumping and Reducing Tank," followed by its serial number and capacity in gallons.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.60 *Bottling tanks.* The proprietor shall provide one or more bottling tanks, securely constructed of metal, or other suitable material. Each such tank shall be mounted on accurate scales, or equipped with a suitable device whereby the contents can be accurately determined. There shall be painted on each tank the words, "Bottling Tank," followed by its serial number and capacity in gallons. Each bottling tank must be closed, and any necessary openings therein affording access to the interior or to the contents, must be provided with facilities for closing which may be secured by a Government lock or otherwise fastened and sealed. Stopcocks must be provided and so arranged as to control completely the flow of spirits, both into and out of the tank, and so constructed that they may be locked with Government locks. A suitable board shall be provided on each bottling tank for the attachment of Form 230, as prescribed in this part.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.61 *Package filling tanks.* Where distilled spirits or wines are to be packaged especially for export with benefit of drawback, tanks suitable for the purpose, and constructed and equipped in accordance with the provisions and requirements of § 230.60 governing the construction and equipment of bottling tanks shall be provided by the bottler. The bottling tank may be used as the package filling tank, provided it is equipped with an approved outlet for filling packages.

(68A Stat. 614, 680; 26 U. S. C. 5062, 5552)

§ 230.62 *Gravity tank.* The proprietor may, if necessary, install a small gravity tank between the bottling tanks and bottling machine, for the purpose of maintaining a constant head pressure or to afford a gravity flow to the bottling machine. The capacity of the gravity tank shall be no larger than necessary. Gravity tanks must be equipped with a suitable device whereby the contents can be accurately determined, and each such tank shall have plainly and legibly marked thereon the words, "Gravity Tank," followed by its serial number and capacity in gallons.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.63 *Accumulation tanks.* Where the proprietor removes distilled spirits from the bottling line which contain sediment or foreign matter, or which otherwise require refiltering or rebottling, he may install suitable accumulation tanks in the bottling room for the accumulation of such spirits. Each such tank shall have plainly and legibly painted thereon the words "Accumulation Tank," followed by its serial number and capacity in gallons. The spirits so accumulated must be returned to the bottling tank system for refiltering and bottling with the same batch of spirits.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.64 *Water stills.* If water stills are provided in the tax-paid bottling house, there must be a clear space of not less than 1 foot around them. Every such still must have plainly and legibly painted thereon the words, "Water Still," followed by its serial number and capacity in gallons.

§ 230.65 *Distilled water storage tanks.* If the proprietor produces distilled water, or receives the same by pipe line from contiguous establishments operated under internal revenue laws and regulations, distilled water storage tanks shall be provided and so located that their contents may be readily inspected by internal revenue officers. Each such tank shall be equipped with a suitable device whereby the contents can be accurately determined, and shall have plainly and legibly marked thereon the words, "Distilled Water Storage Tank," followed by its serial number and capacity in gallons. The pipe line must be securely constructed as provided in § 230.66 Barrels or other wooden containers in which distilled spirits were previously packaged may not be used for the removal of distilled water.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.66 *Pipe lines.* Pipe lines used for the conveyance of taxpaid spirits to bottling or storage tanks in a taxpaid bottling house, must be of a fixed and permanent character, securely constructed and connected and so arranged as to be exposed to view throughout their entire lengths. Such pipe lines, except those from a bonded winery, must be so secured by brazing, welding, fastening and sealing, or locking with Government locks as to effectually prevent disconnection and access to the spirits. Pipe lines may be connected to bottling or storage tanks by manifold connections so arranged as to control the flow of spirits into such tanks. Each pipe line from a contiguous establishment shall have painted thereon, at a point near the manifold or valve controlling the flow, identification as to the premises from which the pipe line originated, as "RD–7," "IRBW–2," etc. Such pipe lines may be connected with tanks in a taxpaid bottling house by means of flexible metal hose with the ends brazed or welded to the inlet of the tank and to the pipe line, or by means of short, detachable hose connections if the end of each pipe line is fitted with a valve so constructed that it may be secured with a Government lock: *Provided*, That where the pipe line leading from the contiguous premises is equipped with a valve

on such contiguous premises which may be locked with a Government lock, so as to control the flow of spirits, such valve in the receiving taxpaid bottling house is not required. Pipe lines used for the conveyance of distilled water to contiguous establishments operated under the internal revenue laws and regulations, must be independent ones, without any connection with any other pipe, tank, vessel, or utensil on the taxpaid bottling house premises, except the distilled water storage tanks: *Provided*, That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipe line may be connected with such tanks by permanent manifold connections.

(68A Stat. 634, 680; 26 U. S. C. 5194, 5552)

§ 230.67 *Colors for pipe lines.* The pipe lines in the taxpaid bottling house used for conveying the following substances shall be kept painted in the colors indicated:

Black	Spirits.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other, and from all other pipe lines on the premises which are painted, but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed, is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors.

SUBPART H—QUALIFYING DOCUMENTS

§ 230.75 *Notice, Form 27–E.* Every person intending to engage in the business of bottling taxpaid distilled spirits must file notice on Form 27–E, in triplicate, with the Assistant Regional Commissioner before engaging in the business. Except as provided in § 230.78, in the case of amended and supplemental notices, all of the information indicated by the lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. Notices on Form 27–E must be signed in accordance with the instructions printed on the form, and be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such notice contains therein a provision for verification by a written declaration that such notice is made under penalties of perjury, such notice shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required by this section for verification. Such notices must be numbered serially, commencing with number 1 and continuing in regular sequence for all notices thereafter filed, whether amended or supplemental. All data, written statements, affidavits, and other documents submitted in support of the notice, shall be deemed to be a part thereof.

(68A Stat. 749, 852; 26 U. S. C. 6065, 7206)

§ 230.76 *Federal Alcohol Administration Act permit.* Under the Federal Alcohol Administration Act and Regulations 1 (27 CFR Part 1) issued pursuant thereto, any person, except an agency of a State or political subdivision thereof, or any officer or employee of any such agency, intending to engage in the business of bottling distilled spirits is required to procure a warehousing and bottling basic Federal Alcohol Administration Act permit (Form 1642) therefor. The trade names or styles under which it is intended to conduct the business must be specified in the permit. Application for such permit should be filed on Form 1641 with the Assistant Regional Commissioner at the time of filing notice, Form 27–E.

(Sec. 3, 49 Stat. 978; 27 U. S. C. 203)

§ 230.77 *Location of distillery, bonded warehouse, or alcohol plant.* There must be stated in the notice, Form 27–E, the name, registry number, and complete address of the proprietor's distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, in connection with which the taxpaid bottling house is established. The distance between the taxpaid bottling house and the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse located on contiguous or nearby premises as provided in § 230.40, shall also be stated in the notice.

§ 230.78 *Amended and supplemental notices.* Amended and supplemental notices on Form 27–E may be executed in skeleton form, except as to the items amended or supplemented. All items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notice by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item, in the space provided therefor, the statement "No change since filing Form 27–E, Serial No. ____" (the number being inserted), and the date of such form. The Assistant Regional Commissioner may at any time, in his discretion, require the filing of a complete notice on Form 27–E.

§ 230.79 *Corporate documents, etc.* The proprietor of the taxpaid bottling house must submit with, and make a part of, his notice, Form 27–E, certified copies, in triplicate, of the corporate documents or articles of partnership or association, if any, described in Parts 182, 220, 221 or 225 of this subchapter governing his qualification as the proprietor of a distillery, internal revenue bonded warehouse, industrial alcohol plant or industrial alcohol bonded warehouse, unless such documents were filed with and made a part of the notice or application submitted in connection with the establishment or operation of one of such plants, in which event a statement, in triplicate, to that effect may be submitted in lieu of a separate set of such documents. Likewise, the proprietor of the taxpaid bottling house must submit powers of attorney in the same circumstances under which he is required by such regulations to submit such documents in connection with the establishment or operation of his distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, except that where he has filed the required powers of attorney in connection with the establishment or operation of one of such plants, and the terms of such powers of attorney are broad enough to cover the execution of documents required for the taxpaid bottling house, a statement, in triplicate, regarding such filing of the powers of attorney may be submitted in lieu of extra copies of the documents.

§ 230.80 *Plat and plans.* Every person intending to engage in the business of bottling taxpaid distilled spirits must submit to the Assistant Regional Commissioner with his notice, Form 27–E, an accurate plat of the taxpaid bottling house premises and accurate plans of the buildings or rooms and the bottling apparatus and equipment therein, in triplicate, conforming to the requirements of Subpart I of this part.

§ 230.81 *Additional information.* The Assistant Regional Commissioner may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.

SUBPART I—PLATS AND PLANS

§ 230.95 *Plat and plans required.* Every person intending to engage in the business of bottling taxpaid distilled spirits must, as provided in § 230.80, file an accurate plat and accurate plans of the taxpaid bottling house premises, apparatus, and equipment, in triplicate, with the Assistant Regional Commissioner.

§ 230.96 *Preparation.* Every plat and plan shall be drawn to scale, and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational flow diagrams (plans). The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least one inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct.

§ 230.97 *Depiction of premises.* Plats must show the outer boundaries of the taxpaid bottling house premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises, and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith.

The depiction of the premises shall agree with the description in the notice, Form 27–E. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way opposite each other, the different tracts will be depicted separately, in feet and inches. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A", and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. If the taxpaid bottling house consists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from, and egress to, a public street or yard shall be shown. Except as provided in § 230.103, all pipe lines leading to or from the premises, the purpose for which used, and points of origin and termination will be indicated on the plat.

§ 230.98 *Contiguous premises.* The plat must show the relative location of any distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse, or rectifying plant, or other premises on which liquors are manufactured, stored or sold, contiguous to the taxpaid bottling house premises, and all pipe lines and other connections, if any, between them, and the distance they are from each other. The outlines of such contiguous premises and the taxpaid bottling house premises must be shown in contrasting colors.

§ 230.99 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. If a portion of a building is used, such as a room or floor, the floor plans will include only that portion, and shall also show the means of ingress and egress to the street. All fixed apparatus and equipment, except pipelines, must be shown in their exact location on the floor plans and their designated use indicated. Execept as provided in this subpart, pipe lines need not be shown. In the case of water stills, tanks, and similar equipment, the serial number and capacity shall also be shown.

§ 230.100 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises until the cased spirits are removed from the bottling room. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors, with all connecting pipe lines, valves, flanges, measuring devices, and attachments for Government locks: *Provided,* That where flanges, unions or other connections in pipe lines brazed, welded, or otherwise are permanently secured in such a manner as to constitute a continuous, single pipe line, the location of such flanges, unions or other connections, and the manner of securing the same need not be shown on the plans. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major fixed equipment, such as dump tanks, bottling tanks, filters, etc., must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 230.103, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required by this subpart may be submitted in compliance with this section. The location of all Government locks required to secure the apparatus and equipment, and the doors of the rooms, must be indicated on the plans by the symbol "GL" at the points where the locks are to be attached.

§ 230.101 *Pipe lines.* The plat and plans shall show pipe lines, if any, connecting the taxpaid bottling house with a registered or fruit distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse, bonded winery, or rectifying plant, for the transfer of taxpaid spirits for bottling. The plat will show the relative location of the taxpaid bottling house and the premises connected by such pipe lines. The plat or plans will also show the bottling tanks or storage tanks to which such pipe lines are connected.

(68A Stat. 634; 26 U. S. C. 5194)

§ 230.102 *Pipe lines in colors.* The fixed pipe lines must be shown on the plat and plans in the colors in which they are required to be painted, as prescribed by § 230.67.

§ 230.103 *Pipe lines exempted.* Approved public or private utilities service lines, such as sewers, electric or gas conduits or pipes, and approved sprinkler, refrigeration, or heating systems which have no connection with equipment used for spirits, need not be shown on the plat and plans, provided that the point of entry to the premises shall be indicated.

§ 230.104 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman, and the Assistant Regional Commissioner, substantially in the following form:

(Name of proprietor)

(Address)

Approved: ---
(Date)

(Assistant Regional Commissioner)

Accuracy certified by:

(Name and capacity—for the proprietor)

(Draftsman)

TPBH No. ---

---, 19---- Sheet
(Date)

No. ---

§ 230.105 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

SUBPART J—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT

§ 230.110 *General requirement.* Notice in writing must be given immediately by the proprietor to the Assistant Regional Commissioner in case of any change in the location, form, capacity, ownership, agency, superintendency, or in persons interested in the business of the taxpaid bottling house.

§ 230.111 *Procedure applicable.* Except as provided in §§ 230.115–230.118, changes in the individual or corporate name, or in the trade name or style, of the proprietor, and changes in the proprietorship, control, location, premises, and equipment of the taxpaid bottling house shall be in accordance with the procedure, in so far as applicable, prescribed by Parts 182, 220, 221 or 225 of this subchapter governing such changes in connection with the operation of the proprietor's distillery, internal revenue bonded warehouse, industrial alcohol plant or industrial alcohol bonded warehouse. Where the proprietor desires to operate under a trade name or style, or to bottle spirits under a trade name or style, or under a number of trade names or styles, other than those previously approved, he must, if the additional name or style has not previously been specified on the Federal Alcohol Administration Act permit, file with the Assistant Regional Commissioner a letterhead application for approval of such trade name or style. The Assistant Regional Commissioner will forward such application to the National Office for action by the Director, Alcohol and Tobacco Tax Division. If the Director, Alcohol and Tobacco Tax Division, finds that the name or names may be used, he will advise the Assistant Regional Commissioner. The proprietor will be advised accordingly. He may then file with the Assistant Regional Commissioner an amended Form 27–E in accordance with § 230.78 and, where necessary, he must also procure from the Assistant Regional Commissioner an amended basic permit. The proprietor will, in the case of changes in name, proprietorship, or location, also comply with the applicable provisions of Part 194 of this subchapter governing special (occupational) taxes.

SUBPART K—REQUIREMENTS GOVERNING OPERATIONS UNDER ALTERNATING PROPRIETORSHIPS

§ 230.115 *Qualification.* A taxpaid bottling house may be operated under alternating proprietorships. Where it is desired to so operate, the successor (lessee) proprietor must qualify as proprietor of the taxpaid bottling house in accordance with the provisions of Subpart H of this part. At the time of the first suspension of the taxpaid bottling

house for operation under an alternating proprietorship, the outgoing (lessor) proprietor must discontinue operations and file with the Assistant Regional Commissioner an amended notice on Form 27–E, in triplicate, stating thereon the purpose of the notice to be "Temporary discontinuance in order that the taxpaid bottling house may be operated by an alternate proprietor" and give the date of discontinuance. The outgoing (lessor) proprietor shall also comply with Subpart Z of this part.

§ 230.116 *Suspension and subsequent alternate proprietorships.* Where an alternate proprietor desires to suspend operations of the taxpaid bottling house preparatory to resumption by another alternate proprietor, he must file Form 1696, after proper execution of parts 1 and 2, through the storekeeper-gauger in charge, with the Assistant Regional Commissioner, giving notice of intention to suspend operations. The form shall be executed and filed in accordance with the various lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part. Form 1696 shall contain or be verified by a written declaration that it is executed under the penalties of perjury. The outgoing (lessor) proprietor shall also comply with Subpart Z of this part. Operations will be suspended at the time specified in the notice, upon approval thereof, by the Assistant Regional Commissioner.

(68A Stat. 852; 26 U. S. C. 7206)

§ 230.117 *Resumption for subsequent alternate proprietorships.* Where an alternate proprietor desires to resume operation of the taxpaid bottling house following suspension by another alternate proprietor, he must file Form 1696, after proper execution of parts 1 and 2, through the storekeeper-gauger in charge, with the Assistant Regional Commissioner for authority to resume operations. The notice shall be executed and otherwise completed as provided in this subpart. The outgoing (lessor) proprietor shall also comply with Subpart Z of this part.

§ 230.118 *Approval and disposition of Form 1696.* Upon receipt of Form 1696, the Assistant Regional Commissioner will, if he finds that the notice may be properly approved, execute the certificate of approval on all copies and dispose of the copies in accordance with the instructions printed thereon or issued in respect thereto.

SUBPART L—REQUIREMENTS GOVERNING ALTERNATE OPERATIONS AS BOTTLING-IN-BOND DEPARTMENT OF AN INTERNAL REVENUE BONDED WAREHOUSE

§ 230.120 *Procedure applicable.* A taxpaid bottling house may be operated alternately as a bottling-in-bond department. Where it is desired to so operate, the procedure prescribed by Part 225 of this subchapter will be followed insofar as applicable.

SUBPART M—ACTION BY ASSISTANT REGIONAL COMMISSIONER

§ 230.125 *Authority to approve.* Assistant Regional Commissioners are authorized to approve all notices and other qualifying documents required by this part.

§ 230.126 *Examination of qualifying documents.* Upon receipt of the notice, plat, plans and other documents required by this part of persons intending to qualify as proprietors of taxpaid bottling houses, the Assistant Regional Commissioner will examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and this part. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission, error or discrepancy, has been rectified, and there has been full compliance with all requirements.

§ 230.127 *Inspection of premises and equipment.* When the required documents have been filed in proper form, the Assistant Regional Commissioner will assign an inspector to examine the premises, buildings, apparatus and equipment and determine whether they conform with the description thereof in the notice, plat and plans, and whether the construction and measures of protection afforded meet the requirements of law and this part. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will, at the time of their discovery, direct the attention of the proprietor to the same in order that the proprietor may correct the defects before completion of the inspection.

§ 230.128 *Inaccurate documents; defective construction.* Where the Assistant Regional Commissioner's examination, or the inspector's report, discloses discrepancies in the qualifying documents, the inaccurate or incomplete documents will be returned to the proprietor for correction. Where it is found that the construction of the taxpaid bottling house or its equipment does not conform to the requirements of the law and this part, the Assistant Regional Commissioner will inform the proprietor concerning the defects, and further action will be held in abeyance pending correction thereof.

§ 230.129 *Disposition of qualifying documents.* Where the Assistant Regional Commissioner approves the qualifying documents, he will forward to the applicant one copy of the documents with the original of the basic permit (Form 1642) issued pursuant to Regulations 1 (27 CFR Part 1) issued under the Federal Alcohol Administration Act. If the qualifying documents are disapproved, the Assistant Regional Commissioner shall note his disapproval on all copies of the notice with brief statements of his reasons therefor, and return to the applicant by registered mail, one copy of the disapproved notice, together with all copies of the supporting documents. If the applicant is not entitled to a basic permit, the Assistant Regional Commissioner will, upon disapproval of the application therefor, return all copies of the qualifying documents to the applicant without action thereon.

§ 230.130 *Changes subsequent to original establishment.* The action by the Assistant Regional Commissioner in connection with changes subsequent to the establishment of a taxpaid bottling house will be in accordance with the procedure prescribed in this part, and, insofar as applicable, the procedure prescribed by Parts 182, 220, 221 or 225 of this subchapter, governing changes subsequent to the establishment of the proprietor's distillery, internal revenue bonded warehouse, industrial alcohol plant or industrial alcohol bonded warehouse.

SUBPART N—INSTRUMENTS

§ 230.140 *General requirements.* Proprietors must provide themselves with proper instruments for gauging or determining the alcoholic content of spirits and wines.

§ 230.141 *Hydrometer set.* For use in determining the proof of distilled spirits and rectified spirits to which saccharine or other solid matter has not been added, proprietors will provide themselves with an accurate hydrometer set, consisting of cup with thermometer and the necessary stems.

§ 230.142 *Ebulliometer.* Except as provided in § 230.244, proprietors will provide themselves with an approved ebulliometer or a small still for use in determining the alcoholic content of blended whiskies containing sherry wine, prune juice, caramel, glycerine, etc., and of wines, cordials, liqueurs, and other rectified products containing saccharine or other solid matter. The following ebulliometers have been approved by the Commissioner for use in determining the alcoholic content of such products: Salleron-Dujardin, Juerst, Lefco, Braun, E. B. Torino (with shield), "TAG" (with shield), Malligand Type (with shield), L'Ebulliometer Levesque (with shield), and Arnaldo-Sala (with shield). The E. B. Torino, "TAG", Malligand Type, L'Ebulliometer Levesque, and Arnaldo-Sala have been approved subject to the condition that they will be used in connection with a shield to protect them from drafts or air currents.

§ 230.143 *Other instruments.* The Director, Alcohol and Tobacco Tax Division, may authorize the use of other instruments or methods for determining the alcoholic content by volume of such blended whiskies, and of wines, cordials, liqueurs, and similar products.

§ 230.144 *Accuracy of instruments to be checked.* Internal revenue officers will from time to time check the accuracy of all instruments used at taxpaid bottling houses. Instructions for use of hydrometer sets and of small stills (or wine sets) will be found in Parts 186 and 240 of this subchapter. Ebulliometers will be tested in accordance with the instructions furnished with the instruments. Instructions for the use of approved ebulliometers will be found in the appendix to Part 240 of this subchapter.

SUBPART O—PLANT OPERATION

§ 230.155 *Restrictions.* No operations pertaining to transferring of spirits by pipe line from adjoining premises or from tank cars or tank trucks to storage or bottling tanks or other operations required by this part to be conducted under the supervision of an internal revenue officer shall be carried on at a taxpaid bottling house during other than regular business hours, unless special permission (including provision for supervision) is first obtained therefor from the Assistant Regional Commissioner. Operations which may be conducted in the absence of the internal revenue officer may not however be carried on at a taxpaid bottling house during other than regular business hours unless notice of such operations is first given, in writing, to the storekeeper-gauger.

§ 230.156 *Operations after regular hours.* The Assistant Regional Commissioner will ordinarily restrict operations requiring the supervision of an internal revenue officer at a taxpaid bottling house to regular business hours, unless it should be found necessary, upon a proper showing by the proprietor, to permit operations after such hours to meet seasonable demands or temporary emergency conditions. Where bona fide emergencies exist, Assistant Regional Commissioners will assign officers to duty outside of regular hours only after thorough investigation of the facts in each case and only in the event the necessary personnel can be assigned without interference with other activities. Where the proprietor needs to dump, filter or bottle spirits or perform other operations which may be conducted in the absence of an internal revenue officer, after regular hours, he shall first give notice thereof, in writing, to the storekeeper-gauger. The storekeeper-gauger shall forward a copy of the notice to the Assistant Regional Commissioner.

SUBPART P—RECEIPT OF SPIRITS

§ 230.160 *Taxpaid liquors only.* Only spirits, including wines, cordials, liqueurs, etc., that have been taxpaid at the rates provided by law may be received at a taxpaid bottling house.

FROM PREMISES OTHER THAN RECTIFYING PLANTS

§ 230.161 *Deposit in bottling house.* When spirits are received, they must be deposited in the taxpaid bottling house. When spirits are received in a railroad tank car, in a tank truck, or by pipe line, they must be transferred or conveyed into storage tanks, or into bottling tanks: *Provided*, That such transfers of distilled spirits must be under the supervision of an internal revenue officer in order that he may determine that only lawful taxpaid spirits are received. When spirits are transferred into storage tanks, the internal revenue officer shall open and close the Government locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the spirits. Upon completion of the transfer of the spirits to storage or bottling tanks, the report of gauge, Forms 1440 or 1520, as the case may be, delivered to the storekeeper-gauger from the consignor premises, shall be delivered by him to the proprietor. Distilled spirits may be received in railroad tank cars at a taxpaid bottling house only where the bottling house is equipped with suitable railroad siding facilities.

§ 230.162 *Certificate of taxpayment, Form 1595, or wholesale liquor dealer's stamp.* When distilled spirits are received in a tank car or tank truck at a taxpaid bottling house, the proprietor shall at the time the car or truck is emptied scalp the certificate of taxpayment Form 1595, or the wholesale liquor dealer's stamp, as the case may be, by cutting out all of that portion of the certificate or stamp within the border. The proprietor shall then send the cut-out portion of the certificate or stamp to the Assistant Regional Commissioner of the region in which the proprietor is located, and shall obliterate the remainder of the certificate or stamp.

(68A Stat. 634; 26 U. S. C. 5194)

§ 230.163 *Absence of Form 1595 or wholesale liquor dealer's stamp to be reported.* If the tank car or tank truck is received without the certificate or wholesale liquor dealer's stamp attached thereto, the proprietor shall note such fact on the bill of lading, if any, or on Form 1520 or 1440, as the case may be, covering such tank car or tank truck and immediately notify the Assistant Regional Commissioner, who will cause such inquiry to be made respecting the shipment and receipt of the car or truck as he may deem appropriate. Where a tank car or tank truck with the certificate or wholesale liquor dealer stamp missing is received at a taxpaid bottling house, the storekeeper-gauger will furnish a complete report to the Assistant Regional Commissioner.

(68A Stat. 634; 26 U. S. C. 5194)

§ 230.164 *Attachment of Forms 1440 and 1520 to tanks.* When spirits received in a tank car, in a tank truck, or by a pipe line are run into a storage tank, the report of gauge, Form 1520, in the case of distilled spirits other than alcohol, and Form 1440 in the case of alcohol, delivered to the proprietor of the taxpaid bottling house by the storekeeper-gauger, shall be attached to such storage tank. The proprietor shall enter the date and quantity of each removal from the storage tank in a blank space on such form. The form shall be kept on the tank until such time as a quantity equivalent to that covered by the form has been withdrawn from the tank. The form shall then be filed by the proprietor, available for inspection by internal revenue officers. If the spirits are transferred directly from the tank car or by a pipe line into a bottling tank, the proprietor shall make a note to that effect on the form, and attach it to the tank. Upon completion of the bottling, Forms 1440 or 1520, as the case may be, will be filed by the proprietor. Where the entire quantity of spirits received is run into more than one storage tank, or into more than one bottling tank, the proprietor will prepare additional copies of Form 1440 or 1520, as the case may be, for attachment to each such tank, and note thereon the quantity run in each tank.

(68A Stat. 634; 26 U. S. C. 5194)

FROM RECTIFYING PLANTS

§ 230.165 *Deposit in bottling house.* When spirits are received, the same must be deposited in the taxpaid bottling house.

(68A Stat. 634; 26 U. S. C. 5194)

§ 230.166 *Extra copy of Form 230 or Form 237.* When rectified spirits are transferred by pipe line from a rectifying plant to a taxpaid bottling house on contiguous premises, an extra copy of Form 237 will be prepared by the rectifier and the same will be fully executed in the same manner as the original Form 237, including the storekeeper-gauger's certificate of taxpayment if the spirits are subject to the rectification tax, or the storekeeper-gauger's certificate of exemption from the rectification tax, if the spirits are not subject to such tax. When spirits other than rectified spirits are to be so transferred, an extra copy of Form 230 will be fully executed in the same manner as the original Form 230 prepared by the rectifier. Upon completion of the transfer of spirits to the taxpaid bottling house, the rectifier shall enter under the certificate of cases filled on all copies of Form 237 or Form 230, a statement that the spirits described on the reverse side of the form have been transferred by pipe line to bottling tank No. _____ in the contiguous taxpaid bottling house operated by _____, together with the date of transfer.

§ 230.167 *Attachment of Forms 230 or 237 to bottling tanks.* When spirits are received by pipe line from a rectifying plant and run into a bottling tank, the copy of Form 230 or Form 237 received from the rectifier will be securely attached by means of a staple, eyelet, or similar device, to a copy of the Form 230 prepared by the proprietor of the taxpaid bottling house as evidence that the proper tax on the spirits described therein has been paid and both forms will be attached to the bottling tank. Where the spirits are run into more than one bottling tank, the proprietor of the taxpaid bottling house will prepare additional copies of Forms 230 or 237 for attachment to each such tank, and note thereon the quantity run into each tank.

MIXING IN STORAGE TANKS

§ 230.168 *Mixing of different spirits prohibited.* Spirits of less than 190 degrees of proof, received in tank cars or by pipe line, which were produced from different materials, or by two or more distillers, or at two or more distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may not be mingled in a storage tank. Examples of spirits which are otherwise heterogeneous are spirits which have been quick-aged and spirits which have not been quick-aged, and spirits which have been stored in different kinds of cooperage. Spirits of the same composition, produced at approximately

the same proof by the same distiller at the same distillery, and differing in age (a) not more than 6 months in the case of spirits more than 2 years of age, (b) not more than 60 days in the case of spirits more than 1 year and not more than 2 years of age, or (c) not more than 30 days in the case of spirits 1 year of age or less, and packaged in the same kind of cooperage will be presumed to be homogeneous, and may be mingled in a storage tank. Where it is desired to mingle spirits falling within more than one of the age categories specified, the difference in age allowable shall be determined according to the age of the youngest spirits. For example, if spirits not more than 1 year of age are mingled with spirits more than 1 year old, the spirits must not vary in age more than 30 days. Spirits of 190 degrees of proof or more, received in tank cars or by pipe line, distilled from the same class of materials (such as grain) will be presumed to be homogeneous and may be mingled in a storage tank. Taxpaid wines of the same kind (class, type, and national origin) and taxable grade may be mixed together in a storage tank to facilitate handling.

(Sec. 205, 49 Stat. 981, as amended, 68A Stat. 634, 665; 27 U. S. C. 205, 26 U. S. C. 5194, 5363)

SUBPART Q—DUMPING AND BOTTLING

§ 230.180 *Notice, Form 230.* Proprietors of taxpaid bottling houses desiring to bottle taxpaid spirits will give notice on Form 230, in duplicate, giving all of the data called for by the form as indicated by the headings of the various columns and lines and the instructions printed thereon or issued in respect thereto and as required by this part. A copy of the label which is to be affixed to the bottles of such spirits shall be attached to each copy of Form 230. The proprietor will enter on Form 230 the details of the withdrawal gauge for taxpayment when packages of spirits are to be dumped for bottling, or when liqueurs or cordials are authorized to be bottled from the original package, as provided in § 230.188; or when spirits received in a tank car or by pipe line are conveyed directly into one bottling tank. When spirits received in a tank car or by pipe line are conveyed directly into one or more bottling tanks, or where spirits are withdrawn from a storage tank and run either directly or through a dumping and reducing tank into one or more bottling tanks, the proprietor will enter on a separate Form 230 the details of gauge of each bottling tank giving all applicable information. An actual gauge of the spirits will, however, be made in any case before the bottling begins, and the details of such gauge will also be entered on Form 230, as provided in §§ 230.187 and 230.188. Except as permitted in § 230.189, the proof of spirits shall be adjusted to a whole degree of proof preparatory to bottling. Adjusting the proof to tenths of a degree, either above or below the whole or complete degree, will not be permitted: *Provided*, That when spirits are being prepared for bottling and are to be bottled and labeled in tenths of a degree of proof, such as 86.4, the proof of the spirits shall be adjusted to such tenths of a degree of proof. Each Form 230 will be given a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. A separate application on Form 230 must be prepared for each tank of taxpaid spirits to be bottled.

(68A Stat. 634; 26 U. S. C. 5194)

§ 230.181 *Distiller's original or wholesale liquor dealer's packages.* Where the spirits to be dumped are contained in distiller's original packages, the proprietor will cut out with a sharp instrument that portion of each taxpaid stamp upon which is shown the serial number of the stamp, the date, the name of the distiller or warehouseman, the proof gallons, and the serial number of the package. In the case of wholesale liquor dealer's packages, that portion of each stamp extending from the top to the bottom and embracing the entire width between the borders of the stamp will be cut out. The cut-out portions of the stamps will be securely attached by means of a staple, eyelet, or similar device, to a slip of paper in such manner that the data thereon may be readily examined, and such slip of paper bearing the cut-out portions of the stamps will be securely attached to the original Form 230.

(68A Stat. 634; 26 U. S. C. 5194)

§ 230.182 *Rectified spirits.* If packages of rectified spirits are to be dumped, that portion of each rectified spirits stamp showing the serial number, the date, the name of the rectifier, the proof gallons, the class, and the district and State, will be cut out and attached to the original Form 230 in the same manner as taxpaid stamps.

§ 230.183 *Imported spirits.* Where packages of imported spirits are to be dumped, that portion of each customs stamp showing the kind of spirits, the serial number, date of issue, name of the importer, proof gallons, and the name and district of the collector of customs, will be cut out and attached to the original Form 230 in the same manner as taxpaid stamps.

§ 230.184 *Unstamped spirits.* When a stamp has been lost or mutilated so that the required portion thereof cannot be returned, an affidavit setting forth all the facts in the case will be made by the proprietor and attached to each copy of Form 230. When spirits are received in a tank car or tank truck bearing a certificate of taxpayment, Form 1595, or a wholesale liquor dealer's stamp, or when spirits are received by pipeline, or where spirits in stamped bottles are to be dumped, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as "Form 1595, Serial No. ------, dated ----------, heretofore submitted," or "wholesale liquor dealer's stamp, Serial No. ------, dated ----------, heretofore submitted," or "Form 1520, dated ----------, pipeline transfer on Form 1595, Serial No. ------," or "Form 1440, dated ----------, pipeline transfer on Form 1595, Serial No. ------," or "See Form 230, Serial No. ------, dated ----------," or "See Form 237, Serial No. ------, dated ----------," or "In Stamped Bottles," as the case may be. If the spirits received by pipeline were taxpaid by the use of distilled spirits stamps, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as, "Distilled spirits stamps, Form 1520, dated ----------," or "Distilled spirits stamps, Form 1440 dated ----------," as the case may be.

(68A Stat. 634; 26 U. S. C. 5194)

§ 230.185 *Submission to officer.* After preparation of the notice the proprietor will place the original of Form 230 on the storekeeper-gauger's desk and thereupon will proceed with the bottling. Where packages of spirits are to be dumped for bottling, or where spirits are received by pipe line from contiguous premises (other than rectifying plants) and are conveyed directly into bottling tanks, the withdrawal gauge, Forms 1440, or 1520, will be submitted with the original of Form 230. Where spirits are received by pipe line from contiguous rectifying plants, the serial number of the copy of Form 230, or Form 237, received from the rectifier will be noted by the proprietor on Form 230 prepared by him. The storekeeper-gauger will return the Form 230 to the proprietor after noting the operation covered thereby.

§ 230.186 *Transfer of packages of spirits to bottling tank.* Upon placing the original of Form 230 on the storekeeper-gauger's desk, the proprietor will, in the case of packages, dump the spirits and run them either directly or through a dumping and reducing tank into a bottling tank.

§ 230.187 *Bottling tank gauge.* The proprietor will make an actual gauge of the spirits in the bottling tank after they have been reduced to bottling proof where such reduction is permissible, and the details of such gauge (calculated or corrected to volume in accordance with the provisions of the Gauging Manual (Part 186 of this subchapter)) will be entered in the space provided therefor on all copies of Form 230; and one copy of the form will be attached to the bottling tank.

§ 230.188 *Bottling tank to be used.* All spirits bottled at a taxpaid bottling house must be bottled from approved bottling tanks: *Provided*, That the Assistant Regional Commissioner may authorize the bottling from the original package of liqueurs and cordials which it is impracticable to bottle from an approved bottling tank. Where liqueurs or cordials are authorized to be bottled from the original package, the proprietor will gauge such liqueurs or cordials before the bottling begins and enter the details thereof on all copies of Form 230.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.189 *Reduction of spirits.* Unrectified spirits in storage, dumping and reducing or bottling tanks may be reduced in proof prior to the commencement of bottling. The reduction in proof or the increasing in volume, at a taxpaid bottling house, of rectified spirits on which the rectification tax has

been determined is prohibited by law. However, the restoration to the original proof and volume of rectified spirits upon which the rectification tax has been determined, by the addition of water, preparatory to bottling, shall not be deemed a reduction in proof or an increase in volume within the meaning of section 5021 (b) of the Internal Revenue Code. Liqueurs and cordials upon which the tax imposed by section 5022 of the Internal Revenue Code has been paid, may not be reduced in proof or increased in volume, nor may wines be increased in volume or in taxable grade, at a taxpaid bottling house. Section 5021 (b) of the Internal Revenue Code is not applicable to the reduction of imported spirits rectified abroad, or of spirits rectified in Puerto Rico, the Virgin Islands, or of domestically rectified spirits exempt from rectification tax.

(68A Stat. 606; 26 U. S. C. 5021)

§ 230.190 *Mingling of different spirits prohibited.* Spirits of less than 190 degrees of proof, which were produced from different materials, or by two or more distillers, or at two or more distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may not be mingled in a dumping and reducing or bottling tank for convenience in bottling. Examples of spirits which are otherwise heterogeneous are spirits which have been quick-aged and spirits which have not been quick-aged, and spirits which have been stored in different kinds of cooperage. Such spirits of the same composition, produced at approximately the same proof by the same distiller at the same distillery, and differing in age (a) not more than 6 months in the case of spirits more than 2 years of age, (b) not more than 60 days in the case of spirits more than 1 year and not more than 2 years of age, or (c) not more than 30 days in the case of spirits one year of age or less, and packaged in the same kind of cooperage will be presumed to be homogeneous, and may be mingled in a dumping and reducing or bottling tank for convenience in bottling. Where it is desired to mingle spirits falling within more than one of the age categories specified, the difference in age allowable shall be determined according to the age of the youngest spirits. For example, if spirits not more than one year of age are mingled with spirits more than 1 year old, the spirits must not vary in age more than 30 days. Packages of blended or rectified spirits filled from the same blend or rectification, or from different blends or rectifications made with precisely the same spirits under the same formula, packaged in the same kind of cooperage, and stored under the same conditions, will likewise be presumed to be homogeneous, and may be dumped together for convenience in bottling. Spirits of 190 degrees of proof or more, distilled from the same class of materials (such as grain) will be presumed to be homogeneous and may be mingled in a dumping and reducing or bottling tank for convenience in bottling. Wines of the same kind (class, type, and national origin) and taxable grade will be presumed to be homogeneous, and may be mingled together for convenience in bottling.

(Sec. 5, 49 Stat. 981 as amended, 68A Stat. 634, 665; 27 U. S. C. 205, 26 U. S. C. 5194, 5363)

§ 230.191 *Testing of spirits dumped together for bottling.* Whenever there is doubt as to whether the dumping together of the contents of two or more containers of spirits is permissible, that is, whether the spirits are of the same composition and are homogeneous, a sample of each component of the proposed mixture should be compared with a sample of the final mixture by chemical analysis and by taste, color, and other tests to ascertain whether the mixture is homogeneous with each of its component parts. The regular dumping together of spirits of different ages, or different blends or rectifications, at the time of bottling is indicative of blending (rectification). The Assistant Regional Commissioner will make appropriate inquiry where such dumping is done pursuant to Form 230 to determine whether the mass of spirits dumped together is homogeneous with each of its component parts.

§ 230.192 *Permissible filtration.* Filtering which consists of merely removing foreign substances, such as particles of char, wood, dirt, or other extraneous, solid matter, that have got into the spirits since manufacture, and which does not change the original character of the spirits through removal of congeneric substances, or change the composition of the spirits, may be done at taxpaid bottling houses, since such filtering does not constitute rectification.

§ 230.193 *Use of filter-aids.* Filter-aids may be used at taxpaid bottling houses only when they do not change the original character or composition of the spirits, either by the abstraction of any essential constituent or the addition of any substance.

§ 230.194 *Prohibited filtration.* Any filtering of distilled spirits or wines which purifies or refines the same constitutes rectification and may be done only at a rectifying plant. The filtering out of cloudiness in whisky, gin, or other spirits, other than that due to the presence of finely pulverized or agglutinated charcoal or other extraneous, solid matter in suspension, which results in the removal of terpenes or congeneric substances from the spirits and changes their original composition, constitutes rectification.

(68A Stat. 616; 26 U. S. C. 5082)

§ 230.195 *Destruction of stamps, marks, and brands.* When packages of spirits are dumped for bottling, all stamps, except the cut-out portions attached to Form 230, and all marks and brands which such packages are required by law to bear, must be completely effaced and obliterated. This should be done immediately upon completion of the dumping, draining, and rinsing of the packages. Certificates of taxpayment or wholesale liquor dealer's stamps affixed to tank cars or tank trucks of distilled spirits, except the portion thereof scalped for submission to the Assistant Regional Commissioner, must likewise be immediately destroyed when such cars or trucks are emptied. When packages of wines are emptied by any person, all labels and marks which such packages are required by law and regulations to bear must be destroyed by scraping or obliterating immediately the packages are emptied. All labels and marks required to be affixed to tank cars, tanks, tank trucks, or similar containers of wine must also be scraped or obliterated immediately after such containers are emptied.

(68A Stat. 603, 634, 716, 830; 26 U. S. C. 5010, 5194, 5752, 6804)

§ 230.196 *Rinsing of barrels.* When packages are dumped for bottling, the barrels and char and wood chips, if any, contained therein must be thoroughly rinsed with water. When packages of distilled spirits which were rinsed in the internal revenue bonded warehouse at the time they were dumped for taxpayment are dumped for bottling, the barrels, char and wood chips contained therein must be thoroughly rinsed with water of a temperature not greater than that of the rinse water used at the time of taxpayment as shown by the marking on the barrels. The rinse water obtained at the time of dumping for bottling may be used to reduce the proof of spirits dumped from such barrels in the taxpaid bottling house. When packages containing rectified spirits exempt from the rectification tax are dumped for bottling, the barrels and char contained therein must be thoroughly rinsed and the rinse water obtained may be used to reduce the proof of spirits dumped from such barrels in the taxpaid bottling house. Any rinse water remaining after reduction must be poured upon the ground or into a sewer and may not be mixed with spirits dumped from other packages. In the case of packages not rinsed in the internal revenue bonded warehouse at the time of taxpayment and in the case of packages containing rectified spirits on which the rectification tax has been paid, the barrels, char and wood chips contained therein must be thoroughly rinsed with water. Except as provided in § 230.189, the rinse water obtained from such barrels may not be used to reduce the proof of spirits dumped from such barrels in the taxpaid bottling house, but must be poured upon the ground or into a sewer. Char and wood chips dumped from packages must be burned on the premises of the taxpaid bottling house, or, if such burning is not practicable, treated with kerosene before removal from the premises. Where kerosene is used, it must be sprayed or sprinkled on the materials, using not less than 1 gallon of kerosene to each 100 pounds of materials, in such manner as to preclude the abstraction of potable spirits from any part of the materials after removal from the premises. This will be effected by stirring or agitating the materials while the kerosene is being applied. Such burning or treating of materials must be done under the supervision of an internal revenue officer. The Assistant Regional Commissioner may authorize any other disposition of the materials that will effectively prevent recovery of spirits

therefrom. Packages which were taxpaid prior to September 1, 1950, may continue to be rinsed in the taxpaid bottling house and the rinse water used in the same manner as permitted prior to September 1, 1950.

(68A Stat. 634; 26 U. S. C. 5194)

§ 230.197 *Taxpayment of rinsings.* In lieu of the procedure prescribed in § 230.196 concerning the rinsings of packages, the proprietor may rinse and save the rinsings from packages, to any extent desired, which were not rinsed in the internal revenue bonded warehouse at the time of taxpayment and are so marked in accordance with the provisions of Part 225 of this subchapter: *Provided*, That the rinsings are run into a closed, locked tank for taxpayment of the proof gallon contents. Such rinsings may be used for reduction purposes in the taxpaid bottling house, or in a contiguous rectifying plant in the manufacture of rectified spirits or products subject to the rectification tax. When used for reduction, the rinsings must be used in similar spirits. When used in the manufacture of rectified spirits or products, the rinsings may be used with any other appropriate spirits. The tank into which the rinsings are run will be mounted on accurate scales, or equipped with a suitable measuring device whereby the contents can be accurately determined. Upon completion of the rinsing of the packages, the contents of the tank will be gauged by the internal revenue officer and the proof gallon contents determined. The gauge of the tank will be made by weight (where the tank is mounted on scales) or by measure. The internal revenue officer will prepare Form 1520, in triplicate, governing the gauge of the tank showing the proof gallons, and the kind and age of the spirits from which the rinsings were obtained and will deliver all copies to the proprietor. The proprietor will cancel the necessary number of distilled spirits stamps prescribed by Part 225 of this subchapter for the taxpayment of distilled spirits bottled-in-bond, in the exact amount of the tax due, in the manner described by § 230.198. The proprietor will then attach the stamps to the original copy of Form 1520 and submit it with all copies of Form 1520 to the internal revenue officer. The internal revenue officer, after determining that the canceled stamps are in the proper amount of the tax due, will then further cancel the stamps in the manner prescribed by § 230.198, and will execute a certificate on the back of Form 1520, certifying to the receipt and further cancellation of stamps for the amount of tax due. The canceled distilled spirits stamps will be securely attached to the copy of Form 1520 by means of a staple, eyelet, or similar device. The storekeeper-gauger will attach the copy of Form 1520 to which the canceled stamps are attached to the tank, and then release the rinsings for reduction purposes or for transfer by pipeline to a contiguous rectifying plant for use in rectification, as authorized herein. The internal revenue officer will give one copy of Form 1520 to the proprietor and retain the remaining copy. To identify properly the spirits in the tank, Form 1520 to which the stamps are attached will continue to remain on the tank until all the rinsings covered by such stamps have been removed, at which time such form, with the stamps attached, will be forwarded to the Assistant Regional Commissioner. Where the rinsings are transferred by pipeline to a contiguous rectifying plant, an additional copy of Form 1520 will be forwarded to the internal revenue officer assigned to such plant. When so transferred, the rinsings will be accounted for in the rectifying plant in the same manner as other spirits received for rectification. Packages of imported spirits may similarly be rinsed and the rinsings saved if taxpaid in accordance with this procedure. The proprietor shall make a report on Form 1697, properly modified, of all distilled spirits stamps received and used at the taxpaid bottling house for taxpayment of rinsings authorized by this section. The form shall be disposed of in accordance with instructions printed thereon.

(68A Stat. 595, 634, 681; 26 U. S. C. 5001, 5194, 5556)

§ 230.198 *Manner of cancelling stamps used to taxpay rinsings.* At the time of delivery of the stamps to the internal revenue officer for payment of the distilled spirits tax, the proprietor shall cancel the stamps by perforation as prescribed in this section, or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the taxpaid bottling house, and the date of the Form 1520; for example, "John Doe Distilling Company, Taxpaid Bottling House No. 63, New Jersey, Form 1520, dated June 1, 1952." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only. The date of the Form 1520 must not be entered on the stamp in advance of actual use in taxpayment. The Assistant Regional Commissioner may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor, if adequate for identification; for example, "J. D. Dist. Co. TPBH 63–NJ–1520–6–1–52." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. If the proprietor's cancellation is made by perforation, each letter and figure of the cancellation must be not less than one-fourth of an inch in height and of proportionate width and suitably spaced for legibility and distinctness, and must be clearly and sharply outlined either (a) by perforation through the substance of the stamp, and not merely puncturing it, each perforation to be not less than one thirty-second of an inch in width or diameter; or (b) by perforations in the form of incisions through the stamp of at least one thirty-second of an inch in width, cutting out the form of the letters and the figures from the substance of the stamp, which letters and figures must be of the size, spacing, and distinctness as above specified. The internal revenue officer, after determining that the canceled stamps are in the full amount of the tax due, will further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp.

(68A Stat. 634, 830; 26 U. S. C. 5194, 6804)

§ 230.199 *Extracting spirits from wood forbidden.* The rinsing with water of a temperature in excess of that provided for in § 230.196, or the steaming of packages, char or wood chips, for the purpose of extracting spirits from the staves and heads of the packages or from the char or wood chips, is forbidden, unless such rinse water is immediately destroyed. Likewise, such barrels may not be filled or partially filled with water and permitted to stand for the purpose of extracting spirits, nor may any other method or process, except as authorized in § 230.196, be used to extract spirits from the barrels.

(68A Stat. 634; 26 U. S. C. 5194)

§ 230.200 *Completion of bottling.* When the contents of a bottling tank are not completely bottled at the close of the day the bottler shall enter in his certificate on the copy of Form 230 attached to the bottling tank the total quantity bottled that day from such tank, giving all the information required by the form. The Form 230 shall be kept on the tank until the entire contents are bottled. Upon completion of the bottling the bottler will remove Form 230 from the bottling tank and complete the execution of his certificate on all copies.

§ 230.201 *Remnants.* Where, upon the completion of bottling, there remain bottles less than the number necessary to fill a case, such bottles may, after being stamped or labeled in accordance with this part, be removed to the case storage room or to the wholesale liquor dealer premises or placed in a case and kept in the bottling room until spirits of the same kind are again bottled, whereupon the filling of the case will be completed. Appropriate notation will be made on Form 230 to cover the bottling of the remnant, and if such remnant is subsequently used to complete the filling of a case, a notation will be made on the subsequent Form 230 to show such use of the remnant. Appropriate notation in such case will also be made on Form 52–D.

§ 230.202 *Disposition of Form 230.* Immediately after the completion of the bottling and the proper completion of Form 230, the proprietor will forward the original copy of the form, with the cut-out portions of the taxpaid stamps, or the affidavit or statements required in lieu thereof, to the Assistant Regional Commissioner, and will file the remaining copy as a permanent record at the plant, available for inspection by internal revenue officers. Where Form 237 or Form 230 is attached to one copy of Form 230 as evidence that the proper tax on the spirits transferred from a rectifying plant has been paid, such copy of Form 230 with Form 237 or Form 230 attached will be filed by the proprietor and the original copy of Form 230 will be forwarded immediately to the Assistant Regional Commissioner.

§ 230.203 *Liquor bottles.* The proprietor of a taxpaid bottling house must comply with the provisions of part 175 of this subchapter, respecting the use of liquor bottles and other containers for rectified and unrectified products. Marked liquor bottles may not be used for packaging wines containing 24 percent or less of alcohol by volume, or products manufactured with such wines, unless such products contain distilled spirits other than those used in fortifying the wine. Bottles must be filled as nearly as possible to conform to the amount stated on the stamp and on the label or bottle to be contained therein, but in no event may the amount of spirits contained in any bottle, due to the lack of uniformity of the bottles, vary more than 2 percent from the amount stated to be contained therein and, further, in such case there shall be substantially as many bottles overfilled as there are bottles underfilled for each lot of spirits bottled as reported on Form 230.

§ 230.204 *Red strip stamps.* The proprietor of a taxpaid bottling house must affix to each bottle of distilled spirits and compounds containing distilled spirits filled at his plant, except distilled spirits bottled especially for export with benefit of drawback, a red strip stamp, as provided in Subpart R of this part. The stamp must be affixed in such manner as to be broken when the bottle is opened. Red strip stamps shall not be affixed to bottles of wines containing 24 percent or less of alcohol by volume, or products manufactured with such wines, unless such products contain distilled spirits other than those used in fortifying the wine.

(68A Stat. 602; 26 U. S. C. 5008)

§ 230.205 *Labels for distilled spirits.* The labels used by proprietors of taxpaid bottling houses on bottles of distilled spirits and compounds containing distilled spirits must be covered by a certificate of approval of labels of domestically bottled distilled spirits (Form 1649), or a certificate of exemption from label approval for distilled spirits (Form 1650), issued pursuant to Regulations 5 (27 CFR Part 5) issued under the Federal Alcohol Administration Act, as provided in Subpart S of this part. Labels covered by a certificate of exemption from label approval affixed to bottles of a capacity of one-half pint or more but not exceeding 1 gallon, in which distilled spirits or compounds containing distilled spirits are packaged for sale at retail, must conform to the provisions of Part 175 of this subchapter.

§ 230.206 *Labels for wines.* The labels used by proprietors of taxpaid bottling houses on bottles or packages of wines must be covered by a certificate of approval of labels of wine domestically bottled or packed (Form 1649), or a certificate of exemption from label approval for wine (Form 1650), issued pursuant to Regulations 4 (27 CFR Part 4) issued under the Federal Alcohol Administration Act. Each bottle in which wine is packaged by the proprietor of a taxpaid bottling house must bear a securely affixed label showing the name and address of the proprietor, the kind of wine, the alcoholic content by volume, except that if not over 14 percent it may be so stated, and the net contents of the bottle, unless legibly blown in the bottle: *Provided,* That where the wines are bottled for a dealer under a certificate of exemption from label approval, the name and address of such dealer may be substituted for the name and address of the proprietor, if the name and address of the dealer are preceded by the words "Bottled for" or "Bottled expressly for" and the number of the warehousing and bottling permit of the proprietor is shown on the label. A separate label showing the data specified in the previous sentence need not be affixed to the bottle if such data is shown on the label covered by the certificate issued under the Federal Alcohol Administration Act.

§ 230.207 *Rebottling, relabeling, and restamping of bottled spirits.* Where distilled spirits packaged in bottles are to be rebottled for domestic sale, the bottles, if of a capacity of one-half pint or greater and not exceeding 1 gallon, must conform to the requirements of Part 175 of this subchapter. The spirits may be rebottled in the same bottles from which removed if such bottles containing the spirits originally conform to the requirements of Part 175 of this subchapter and have not been sold to the consumer or opened, and the use of such bottles is authorized by the Assistant Regional Commissioner in accordance with the said regulations. The new label must be covered by an appropriate certificate of label approval (Form 1649), or a certificate of exemption from label approval (Form 1650) issued pursuant to Regulations 4 and 5 (27 CFR Parts 4 and 5), issued under the Federal Alcohol Administration Act. If the new label is covered by a certificate of exemption from label approval, it must conform to the requirements of Part 175 of this subchapter. If the spirits have left the possession of the original bottler and are to be relabeled without rebottling, authorization to relabel the spirits must be obtained in accordance with regulations issued under the Federal Alcohol Administration Act and submitted to the internal revenue officer supervising operations of the plant. Whenever bottled distilled spirits are dumped for rebottling, the red strip stamps on the bottles must be destroyed at the time of dumping, and new red strip stamps must be affixed to the bottles in which the spirits are rebottled. Such rebottling, relabeling, and restamping operations may be performed in the absence of the internal revenue officer. All products to be rebottled will be dumped pursuant to Form 230.

SUBPART R—RED STRIP STAMPS

§ 230.220 *Requisition, Form 428.* Proprietors of taxpaid bottling houses may procure red strip stamps evidencing determination of tax on bottled distilled spirits in anticipation of their current needs. Requisition for red strip stamps will be made by proprietors on Form 428, in triplicate.

§ 230.221 *Stamp denominations.* Red strip stamps will be provided in the following denominations only: 1 gallon, ½ gallon, 1 quart, ⅘ quart, ¾ quart, 1 pint, ⅘ pint, ¾ pint, ½ pint, and less than ½ pint. Red strip stamps will be issued 50 in a sheet. Requisitions for red strip stamps by proprietors of taxpaid bottling houses must be made for full sheets. Stamps less than a full sheet may not be furnished by a District Director to proprietors of taxpaid bottling houses.

§ 230.222 *Approval of requisition.* The proprietor will submit all copies of the requisition, Form 428, to the internal revenue officer for approval. Before approving the requisition, the approving officer will see that it is properly executed and will satisfy himself that the number of stamps for which requisition is made is necessary for the current needs of the proprietor. No red strip stamps may be issued for use at taxpaid bottling houses unless Form 428 is approved. Upon approval of the form, the approving officer will return all copies to the proprietor.

§ 230.223 *Procurement of stamps.* Red strip stamps may be obtained, possessed, used or disposed of only as specifically provided by law or regulations. Red strip stamps will be furnished without charge to proprietors of taxpaid bottling houses by the District Director of the district in which such bottling houses are located. Except in cases of emergency, they will not be furnished by District Directors of other districts. The proprietor will forward all copies of the approved requisition Form 428 received from the approving officer to the proper District Director. The District Director will enter the serial numbers of the stamps issued, and will stamp the date of issuance on all copies of the Form 428. He will return one copy to the proprietor with the stamps. The proprietor will deliver the copy of Form 428 and the stamps to the internal revenue officer for verification of receipt, and after such verification will enter receipt of the stamps on Form 182.

(68A Stat. 602; 26 U. S. C. 5008)

§ 230.224 *Shipment of stamps.* Stamps will not be shipped by ordinary mail. Unless delivered directly to the proprietor or his messenger by the District Director, stamps will be shipped either by registered mail or by express. If the proprietor wishes the shipment to come by registered mail, a remittance covering postage, registry fee and any required registry surcharge must accompany the requisition Form 428. The local postmaster should be consulted regarding the amount of registry fee and surcharge required. If stamps are sent by express they will be sent "collect."

§ 230.225 *Requisitions to be filed.* Proprietors will retain and file in chronological order all copies of Form 428 returned to them with stamps by the District Director, as a record available for inspection by internal revenue officers.

§ 230.226 *Proprietor's responsibility.* Proprietors will be held strictly responsible for the proper control and accounting of all stamps received, used and on hand. They shall be held responsible for the proper affixing of the stamps to bottles of taxpaid distilled spirits and for

making a proper accounting for all stamps reported mutilated.

§ 230.227 *Manner of affixing stamps.* The stamps must be securely affixed to the bottles with the use of a good adhesive. The adhesive used must be in proper liquid condition, and care must be taken to cover the entire back of the stamp with the adhesive, and to press the whole surface of the stamp firmly against the surface of the bottle sufficiently long to cause the entire surface of the stamp to adhere securely to the bottle. The stamp must be affixed in such manner that it will be broken when the bottle is opened, but so placed that a portion of the stamp will remain attached to the bottle when it is opened.

§ 230.228 *Concealing or obscuring stamps prohibited.* No part of the stamp shall be concealed or obscured by any label or other covering, except that a cup may be placed over the opening of the bottle or the bottle may be placed in a carton, as provided in this part. Seals made of cellulose or other material which are shrunk or otherwise fitted over the necks of the bottles and cover the stamps must be sufficiently transparent to permit the stamps to be plainly seen and the data thereon easily read. No cup or cap may be placed over the opening of a bottle and cover the stamp, unless such cup or cap is transparent or is so placed on the bottle that it may be readily removed at any time without injury to the stamp and the arrangement is such that a portion of the stamp will be plainly visible when the cap or cup is in place. Cartons or other coverings of bottles of distilled spirits are permitted, if so made that they may be opened and closed without being torn or broken. Sealed cartons or other coverings may not be used unless transparent or unless openings therein permit the data on the stamp and the indicia on the bottle to be plainly seen and read.

§ 230.229 *Affixing stamp over cup or cap.* The stamp may be affixed over a cup or cap placed over the opening of the bottle, provided the cup or cap is securely screwed or fastened over the opening of the bottle and the stamp is securely affixed, with a strong adhesive, to both the cup or cap and the bottle in such a manner that the stamp will be broken when the cup or cap is unscrewed or removed. Where it is desired to affix the stamp over a cap or seal made of cellulose or other similar adhesive material which is so shrunk or otherwise fitted over the neck of the bottle as to be unremovable without being destroyed, it will not be necessary for the ends of the stamp to be affixed to the surface of the bottle, but the cap or seal and stamp must be so affixed that a portion of each will remain attached to the bottle when it is opened. In any case where there is doubt as to the propriety of the use of any cup or cap, the bottle and cup or cap should be submitted to the Assistant Regional Commissioner for a ruling thereon.

§ 230.230 *Bulk containers in excess of 1 and not more than 5 gallons.* Where alcohol or other distilled spirits are packaged in containers in excess of 1 gallon and not more than 5 gallons, a red strip stamp must be securely affixed to the container in such a manner that the stamp will be broken when the container is opened. Stamps of 1-gallon denomination will be used for such containers and the denomination of the stamp will be changed by obliterating the figure "1" on each end of the stamp over the abbreviation "Gal." and writing or printing immediately above the same other figures representing the exact contents of the container. Alcohol and other distilled spirits in such containers may be sold or disposed of only as provided in § 230.300.

§ 230.231 *Non-usable strip stamps.* Strip stamps issued by foreign countries may not be affixed to either imported or domestic spirits bottled at taxpaid bottling houses and intended for domestic consumption, nor may red strip stamps which have been mutilated be used at such plants. Red strip stamps that have been mutilated should be destroyed by the proprietor under the supervision of the internal revenue officer. Immediately after such destruction the proprietor will enter appropriate credit on Form 182 for the number of each denomination of stamps so destroyed.

SUBPART S—LABELS ON BOTTLES OF SPIRITS

§ 230.240 *Certificate of approval or exemption.* All bottlers of wines, and all bottlers of distilled spirits are required by Regulations 4 and 5 (27 CFR Parts 4 and 5), issued under the Federal Alcohol Administration Act, to obtain a certificate of approval of labels (Form 1649) or a certificate of exemption from label approval (Form 1650) before using labels on bottles of wines or distilled spirits.

(Sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

§ 230.241 *Certificates to be exhibited.* All bottlers of spirits are required to exhibit certificates of label approval (Form 1649) or certificates of exemption from label approval (Form 1650) upon request by any internal revenue officer. The original certificate or duplicate original issued pursuant to Regulations 1 (27 CFR Part 1), issued under the Federal Alcohol Administration Act, must be exhibited to the officer. Photostatic copies are not acceptable for this purpose.

(Sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

§ 230.242 *Samples.* Internal revenue officers assigned to taxpaid bottling houses will secure samples of finished labeled products from the bottling line at irregular intervals for submission to the regional chemist.

§ 230.243 *Tests of bottled spirits.* Internal revenue officers assigned to taxpaid bottling houses will, at irregular intervals during the process of bottling, test and examine the bottled spirits to determine whether the label attached is identical with the label affixed to Form 230 attached to the bottling tank, and with the certificate of label approval or label exemption; whether the bottled spirits agree in proof with the data on the label; and whether the quantity agrees with the data on the label, stamp or bottle, subject to the limitation prescribed by § 230.203. The test as to proof will be made in accordance with the provisions of Part 186 of this subchapter. The test as to quantity will be made by the utilization of a glass graduate standardized at sixty degrees Fahrenheit to be provided by the proprietor or by weighing a given number of empty bottles and reweighing the same bottles after filling. The net contents will be computed in accordance with the provisions of Part 186 of this subchapter. If the contents do not agree as to quantity (subject to the limitation of § 230.203) or as to proof (subject to a normal drop in proof occurring during bottling operations not to exceed three-tenths of a degree) with the respective data on the label, stamp or bottle, the internal revenue officer will require the proprietor to rebottle, recondition (where permissible), or relabel the spirits in such manner that the label will correctly describe the contents. However, the proof at the beginning of the bottling operations shall always be set exactly as provided in § 230.180.

§ 230.244 *Determining proof of sweetened spirits, wines, etc.* The alcoholic content of blended whiskies containing more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials such as sherry wine, prune juice, caramel, glycerine, etc., and of wines, cordials, liqueurs, and other rectified products containing saccharine or other solid matter will be determined by the use of an approved ebulliometer or a small laboratory still provided by the proprietor in accordance with § 230.142. When using such instruments proprietors must follow closely the instructions furnished therewith in order that accurate determinations may be made. Instructions relative to the use of small laboratory stills (or wine sets) and the following ebulliometers: Arnaldo-Sala (with shield), Braun, Juerst, Lefco, L'Ebulliometer Levesque (with shield), Malligand (with shield), Salleron-Dujardin, "TAG" (with shield), and E. B. Torino (with shield), are also set forth in the appendix to Part 240 of this subchapter. The alcoholic content of blended spirits containing not more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials will be determined by the use of a standard hydrometer or a small still. If determined by a standard hydrometer an obscuration correction factor may be added to the apparent proof in order to obtain the true proof of the blended spirits. Experience has shown that 0.1 gram or 100 milligrams of solids per 100 milliliters will obscure the true proof 0.4 of 1 degree of proof. For example, if a blended whisky contains 0.25 grams or 250 milligrams of solids per 100 milliliters and the apparent proof corrected to 60 degrees Fahrenheit is found to be 89 degrees of proof by a standard hydrometer, a correction factor of 1 degree of proof (2.5 times 0.4) due to the solids may be added to the apparent proof, hence the true proof would be 90 degrees. The solids in blended spirits due to blending materials will be determined by evaporating 25 milliliters of the blended spirits in a weighed dish on

a steam bath and then heating for 30 minutes at a temperature of boiling water in a drying oven. The solids thus determined, multiplied by 4, will give the solids in 100 milliliters of blended spirits. The correction factor to be used then will be determined on the basis that every 100 milligrams of solids will obscure the proof of 0.4 of 1 degree of proof. The Director, Alcohol and Tobacco Tax Division, may authorize the use of other instruments or methods for determining the alcoholic content by volume of sweetened spirits, wines, etc.

§ 230.245 *Proprietor's responsibility.* Full responsibility rests upon the proprietor to see that the labeling of all spirits bottled at his plant is in conformity with requirements of Regulations 4 and 5 (27 CFR Parts 4 and 5) issued pursuant to the Federal Alcohol Administration Act, and Part 175 of this subchapter.

(Sec. 5, 49 Stat. 981, as amended, 68A Stat. 639; 27 U. S. C. 205, 26 U. S. C. 5214)

SUBPART T—MARKING OF CASES

§ 230.250 *Serial numbers.* Each case of distilled spirits filled at a taxpaid bottling house must be numbered serially, beginning with No. 1 for the first case filled: *Provided*, That the series in current use at existing taxpaid bottling houses will be continued. Where upon completion of bottling, there remains less than the number of bottles necessary to fill a case, and the proprietor desires to dispose of such bottles as a remnant case, the case will be given the serial number of the last full case of the same bottling lot followed by the letter "R", thus, "100R", or "161R". Where there is a change in the individual or corporate name, or in the trade name or style, of the proprietor, the series in use at the time of such change will be continued, but a new series will be commenced where there is a change of proprietorship.

§ 230.251 *New or separate series.* The serial numbers of the cases filled at a taxpaid bottling house shall run consecutively and shall not be broken in any manner, except that whenever the number 1,000,000 is reached the proprietor may, if he so desires, begin a new series commencing with No. 1, and that where two or more separate bottling units are used and different kinds of spirits are bottled simultaneously, and it is impracticable to number the cases of each kind of spirits consecutively, a series identified by a letter may be used for each bottling unit, as A1, A2, etc., and B1, B2, etc. Cases may be serially numbered either before or after filling.

§ 230.252 *Other required marks.* In addition to the serial number, each case of distilled spirits shall have marked on the Government side thereof the kind of spirits, the wine gallons, proof, and proof gallons, the date of filling, and the name (or trade name or style), location (city or town and State), and the number of the Federal Alcohol Administration Act warehousing and bottling permit held by the bottler: *Provided*, That if the spirits are unrectified spirits which were produced by such bottler at a distillery, or if the spirits were rectified by such bottler at a rectifying plant, or if the spirits were neither rectified nor produced by such bottler, he may use in connection with his name the designation "Distiller," "Rectifier," or "Bottler," respectively: *And provided further*, That where the spirits are bottled for a certain dealer and it is desired to show the name and address of the dealer on the case in lieu of the name and location of the bottler, such may be done if the name of the dealer is preceded by the words, "Bottled for," or "Bottled expressly for," and the Federal Alcohol Administration Act permit number of the bottler, together with the other required marks, excepting the name and location of the bottler, are shown on the case. Cases of wine will be similarly marked, except that if the wine is unrectified wine which was produced by the bottler at a winery the designation "Winemaker" will be used in lieu of "Distiller," the alcoholic content of the wine will be shown in percentage by volume in lieu of the proof, and the proof gallons will be omitted.

§ 230.253 *Illustration of marks.* The required marks will be placed on the cases substantially as follows:

Ser. No. 1
Whisky
John Doe & Co.
Bottler (or Distiller or Rectifier)
New York, N. Y.
BD–135
3.00 W. G.
90 Proof
2.70 P. G.
Filled Jan. 5, 1955

The location of the bottler, or the address of the dealer for whom the spirits are bottled, may be shown by recognized abbreviations.

§ 230.254 *Manner and size of markings.* The required marks will be durably and plainly printed, stamped, or stenciled on each case in a color contrasting with the background of the case and in letters and figures not less than one-half inch in height.

§ 230.255 *Preservation of marks and brands.* The marks, brands, and serial numbers required by this part, to be placed on cases shall not be removed therefrom, or obscured or obliterated, before the contents thereof have been removed.

§ 230.256 *Additional marks.* The Assistant Regional Commissioner may, upon written application from the proprietor, authorize the affixing of bottle labels or other concise data, or symbols in lieu thereof, to the Government side of cases, to describe, for commercial identification purposes, the contents of the cases and to show the payment of State taxes thereon: *Provided*, That such additional information is set apart from and does not in any way detract from, conflict with, or obscure, any of the markings required by this part.

§ 230.257 *Deposit in case storage room.* Where the proprietor desires to store bottled spirits in the taxpaid bottling house pending removal thereof from the premises, the same must be placed in the case storage room provided in accordance with § 230.48.

SUBPART U—BOTTLING AND PACKAGING OF DISTILLED SPIRITS AND WINES ESPECIALLY FOR EXPORT WITH BENEFIT OF DRAWBACK

§ 230.265 *General.* Under the law, distilled spirits and wines manufactured or produced in the United States and on which the internal revenue tax has been paid may be bottled or packaged especially for export at a taxpaid bottling house, and upon the exportation of the spirits or wines there may be allowed a drawback equal in amount to the tax found to have been paid thereon.

(68A Stat. 614; 26 U. S. C. 5062)

§ 230.266 *Procedure.* The bottling and packaging of distilled spirits and wines especially for export at a taxpaid bottling house, the storage of the spirits and wines pending exportation, the exportation of the spirits or wines, including the lading thereof on vessels for use as ship's supplies and on aircraft for use as aircraft's supplies, and the allowance of drawback thereon, shall be in accordance with the provisions of Part 252 of this subchapter.

(68A Stat. 614; 26 U. S. C. 5062)

SUBPART V—PROPRIETOR'S RECORDS AND REPORTS

§ 230.280 *Form 52–D.* Every proprietor of a taxpaid bottling house shall keep a record and render a monthly report, on Form 52–D, of all spirits received, dumped for bottling, bottled, and disposed of at his bottling house.

(68A Stat. 619; 26 U. S. C. 5114)

§ 230.281 *Contiguous wholesale liquor dealer room.* Where the proprietor of the taxpaid bottling house maintains a contiguous wholesale liquor dealer room and uses it exclusively for products bottled at the taxpaid bottling house, he shall report on Form 52–D all bottled products removed from the taxpaid bottling house and the contiguous wholesale liquor dealer room. If spirits in bulk containers are removed from the taxpaid bottling house, the removal thereof shall also be reported on Form 52–D. Where the wholesale liquor dealer room is not used exclusively for products bottled at the taxpaid bottling house, the proprietor shall report all bottled products removed from his taxpaid bottling house on Form 52–D kept at such bottling house and shall keep at such contiguous wholesale liquor dealer room Record 52, which shall show all bottled distilled spirits products received and disposed of thereat, including those products transferred from his contiguous taxpaid bottling house.

(68A Stat. 619; 26 U. S. C. 5114)

§ 230.282 *Record of warehouse receipts to be kept by proprietor.* Every proprietor of a taxpaid bottling house who sells, or offers for sale, distilled spirits by warehouse receipts shall, in addition to procuring a wholesaler's basic Federal Alcohol Administration Act permit (Form 1633), keep a separate record and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52–F. There need not be

entered on Form 52–F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52–F shall be made as indicated by the headings of the various columns and lines of the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. Form 52–F must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. The provisions of § 230.284 with respect to the time of making entries, and of § 230.290 with respect to forms to be provided by users, are hereby made applicable to Form 52–F. The provisions of § 230.285 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52–F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52–F shall be forwarded to the Assistant Regional Commissioner on or before the 5th day of the succeeding month. The physical removal of distilled spirits from the taxpaid bottling house shall continue to be reported on Form 52–D in accordance with the provisions of § 230.280. The physical receipt and disposition of distilled spirits at the contiguous wholesale liquor dealer room not used exclusively for products bottled at the taxpaid bottling house shall continue to be reported on Record 52 in accordance with the provisions of § 230.281.

(68A Stat. 619; 26 U. S. C. 5114)

§ 230.283 *Place where Form 52–F shall be kept.* Every proprietor of a taxpaid bottling house shall keep Form 52–F at the place of business where warehouse receipts are sold or offered for sale.

(68A Stat. 619; 26 U. S. C. 5114)

§ 230.284 *Time of making entries.* Daily entries shall be made on Form 52–D and Record 52 as indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part, before the close of the business day next succeeding the day on which the transactions occur. Where the proprietor of a taxpaid bottling house defers the making of the entries to the next business day, as authorized in this section, he shall keep a separate record, such as invoices, of the removals of spirits, showing the removal data required to be entered on Form 52–D and Record 52, and appropriate memoranda of other transactions required to be entered in such records, for the purpose of making the entries correctly.

§ 230.285 *Separate record of serial numbers of cases.* Serial numbers of cases of spirits disposed of by the proprietor of a taxpaid bottling house need not be entered on Form 52–D and Record 52, provided the proprietor keeps in his place of business a separate record, approved by the Assistant Regional Commissioner, showing such serial numbers with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of 2 years and in such a manner that the required information may be ascertained readily therefrom, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by internal revenue officers. Entries shall be made on such separate approved record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The proprietor whose separate record has been approved by the Assistant Regional Commissioner shall make a notation in the column on Form 52–D and Record 52 for reporting serial numbers as follows: "Serial numbers shown on commercial records per authority dated _____."

§ 230.286 *Reports.* Except as otherwise provided in this section, the proprietor shall file, daily, full and complete transcripts, of Form 52–D (part 3) on Form 52–D (part 3) and full and complete transcripts of Record 52 on Forms 52–A and 52–B (one copy of each) with the Assistant Regional Commissioner, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the Assistant Regional Commissioner shall direct, the transcripts shall be so filed with the Supervisor in Charge instead of with the Assistant Regional Commissioner. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338 or 52–D;

I hereby certify that these transcripts, consisting of — pages disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the Assistant Regional Commissioner shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 5th day of the month succeeding the month in which the transactions occurred. In such event, transactions will be entered on Form 52–D and Record 52 in accordance with the provisions of § 230.284. A full and complete transcript of Form 52–D (except part 3 where such part is filed daily) shall be prepared and forwarded to the Assistant Regional Commissioner on or before the 5th day of the month succeeding the month in which the transactions occurred. Form 52–D must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. When Record 52 is kept, a monthly summary report on Form 338 shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the Assistant Regional Commissioner on or before the 5th day of the month succeeding the month in which the transactions occurred. Form 338 must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Records kept on Form 52–D and Record 52 shall be preserved for a period of 2 years, and during such period shall be available during business hours for inspection and the taking of abstracts by any internal revenue officer.

(68A Stat. 619, 852; 26 U. S. C. 5114, 7206)

§ 230.287 *Additional requirements.* The proprietor of the taxpaid bottling house shall report, on Form 52–D, part 3, and when Record 52 is kept, on part 2 and on transcript, Form 52–B, the name and address of each consignee, in the column now designated "Name". In the column now designated "Address", there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The headings of both columns will be amended accordingly.

(a) *Reporting of shipment or delivery of distilled spirits to third party.* Where the proprietor of a taxpaid bottling house ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept on Form 52–D by the proprietor of the taxpaid bottling house making the shipment or delivery, on Record 52 by the wholesale liquor dealer giving the order, and on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that the proprietor of taxpaid bottling house (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(1) The proprietor of the taxpaid bottling house (A) will show in his Form 52–D the name and address of wholesale dealer (B) who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the

distilled spirits are actually shipped or delivered;

(2) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(3) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from the proprietor of taxpaid bottling house (A), giving name and address of both. A copy of Form 52–D and trancripts of Record 52 on Forms 52–A and 52–B, required to be filed with the Assistant Regional Commissioner, will similarly show the details of such transactions.

(b) *Similar third party transactions.* Where the proprietor of a taxpaid bottling house keeps Record 52 and is a party to transactions similar to those described in paragraph (a) of this section, he shall make similar entries of such transactions in Record 52; and the transcripts on Forms 52–A and 52–B required to be filed with the Assistant Regional Commissioner, will likewise show the details of the transactions.

(68A Stat. 619; 26 U. S. C. 5114)

§ 230.288 *Record, part 1, Form 182.* Every proprietor who has in his possession red strip stamps will keep a record of such stamps received and used on part 1 of Form 182. Entries will be made on Form 182 daily, as indicated by the headings of the various columns and lines on the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The record will be kept in bound form, available for inspection by internal revenue officers.

§ 230.289 *Monthly report, part 2, Form 182.* The proprietor shall prepare a monthly summary report on part 2 of Form 182, in duplicate. He shall deliver part 2 of Form 182 to the internal revenue officer for verification of the monthly inventories of stamps on hand. After such verification the internal revenue officer will return both copies to the proprietor who will, on or before the 5th day of the month succeeding the month in which the transactions occurred, forward the original to the Assistant Regional Commissioner and retain the remaining copy, available for inspection by internal revenue officers.

§ 230.290 *Forms to be provided by users.* Record 52 and Forms 52–A, 52–B, 52–D, 52–F and 338 will be provided by proprietors at their own expense but must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division: *Provided*, That with the approval of the Director, Alcohol and Tobacco Tax Division the form may be modified to adapt its use to tabulating or other mechanical equipment: *And provided further*, That where the form is printed in book form, including looseleaf books, the instructions may be printed on the cover or the flyleaf of the book instead of on the individual form.

(68A Stat. 619; 26 U. S. C. 5114)

§ 230.291 *Filing of forms.* Proprietors of taxpaid bottling houses shall maintain separate files for Forms 230 (and Form 230 or Form 237 attached thereto in the case of spirits received by pipeline from a rectifying plant), 1440, and 1520. He shall file Form 230 in serial order and all other forms in chronological order, in their respective files and shall preserve them for a period of 2 years at the taxpaid bottling house, available for inspection by internal revenue officers.

§ 230.292 *Examination by internal revenue officers.* Internal revenue officers inspecting taxpaid bottling houses, or assigned to duty thereat, will from time to time examine Form 52–D (and Record 52 and Form 52–F if required) and Form 182, to determine whether such records are being properly maintained. They will see that copies of Form 230 (and Form 230 or Form 237 attached thereto in the case of spirits received by pipeline from a rectifying plant), 1440, and 1520, are being retained in proper order by the proprietor at the taxpaid bottling house, available for inspection by internal revenue officers.

SUBPART W—SALES OF DISTILLED SPIRITS BY PROPRIETORS OF TAXPAID BOTTLING HOUSES

§ 230.300 *Bulk containers.* Under the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR Part 3) distillers and proprietors of internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, including those operating taxpaid bottling houses, may sell or dispose of distilled spirits in bulk, i. e., in containers having a capacity in excess of one gallon, (a) to distillers and proprietors of internal revenue bonded warehouses, industrial alcohol plants and industrial alcohol bonded warehouses (holding a permit under the Federal Alcohol Administration Act), including those operating taxpaid bottling houses; (b) to rectifiers; (c) to proprietors of class 8 customs bonded warehouses (imported spirits only); (d) to winemakers (brandy or alcohol) for the fortification of wine; (e) to any agency of the United States or of any State or political subdivision thereof; (f) for export; (g) on warehouse receipts, conforming to the regulations issued under the Federal Alcohol Administration Act, for distilled spirits in internal revenue bonded warehouses; and (h) for industrial use as follows: For experimental purposes and for use in the manufacture (1) of medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists; (2) of toilet products; (3) of flavoring extracts, sirups, or food products; or (4) of scientific, chemical, mechanical, or industrial products; provided such products are unfit for beverage use. Under the regulations issued pursuant to the Federal Alcohol Administration Act, distillers, proprietors of internal revenue bonded warehouses and other permittees engaged in the sale or other disposition of distilled spirits for nonindustrial use may not sell or otherwise dispose of distilled spirits (other than alcohol or neutral spirits—fruit) in bulk for industrial use, unless such spirits are shipped or delivered directly to the industrial user thereof.

(Sec. 6, 49 Stat. 985, 68A Stat. 634; 27 U. S. C. 206, 26 U. S. C. 5194)

§ 230.301 *Retail containers.* Except as provided in § 230.300, proprietors of taxpaid bottling houses may sell or dispose of distilled spirits only in containers having a capacity of 1 gallon or less. All such containers having a capacity of one-half pint or more must conform to the requirements of Part 175 of this subchapter.

(Sec. 6, 49 Stat. 985; 27 U. S. C. 206)

§ 230.302 *Broken cases.* The proprietor may break serially numbered cases in the case storage room, or the contiguous wholesale liquor dealer room, when necessary for the purpose of filling orders for less than a case of particular brands or kinds of liquors, provided notation of the serial numbers of such cases is made on Form 52–D, or on a separate record with identifying data in accordance with § 230.285. Broken cases will be kept separate from full cases, and no case shall be broken unless necessary to fill orders. Composite or partial cases will not be serially numbered.

(68A Stat. 619; 26 U. S. C. 5114)

SUBPART X—SPECIAL (OCCUPATIONAL) TAXES

§ 230.310 *Wholesale and retail liquor dealer.* Proprietors of taxpaid bottling houses who sell distilled spirits or wines must file separate return on Form 11, and pay special (occupational) taxes as wholesale liquor dealer or retail liquor dealer, or both, for the premises at which sales are made, in accordance with the law and Part 194 of this subchapter.

(68A Stat. 618, 619, 620, 621, 624, 625, 831, 846; 26 U. S. C. 5111, 5112, 5114, 5121, 5122, 5142–5145, 6806, 7011)

§ 230.311 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of a taxpaid bottling house who sells, or offers for sale, warehouse receipts for distilled spirits stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale, and must file return on Form 11, pay occupational tax as provided in § 230.310, and procure a wholesaler's basic permit issued pursuant to Regulations 1 (27 CFR Part 1), issued under the Federal Alcoholic Administration Act.

(68A Stat. 618, 619, 624, 625, 831, 846; 26 U. S. C. 5111, 5112, 5114, 5142–5145, 6806, 7011)

SUBPART Y—OPERATING UNDER A NEW NAME, OR BOTTLING UNDER DIFFERENT TRADE NAMES OR STYLES

§ 230.320 *Qualification of proprietor.* Whenever the proprietor of a taxpaid

bottling house desires to change the individual or corporate name, or the trade name or style in which the taxpaid bottling house is operated, or to bottle spirits under trade names or styles other than those previously approved, he must secure approval of such change in the manner prescribed in § 230.111, prior to the commencement of operations. Where the proprietor desires to bottle spirits under a trade name or style and such trade name or style has been specified on an approved Form 27–E, and has also been specified on the proprietor's Federal Alcohol Administration Act permit (Form 1642) in the manner prescribed in § 230.111, and he has secured certificates of label approval (Form 1649) or certificates of exemption from label approval (Form 1650) for the labeling of spirits under such trade name or style, he may state on Form 230 his desire to bottle and label the spirits covered by the form under such trade name or style. He may so bottle and label the particular spirits without filing an amended notice on Form 27–E or changing the name under which the taxpaid bottling house is then qualified and operated.

§ 230.321 *Spirits covered by outstanding Forms 230.* Whenever a change in the individual or corporate name, or in the trade name or style, takes place at a taxpaid bottling house, the proprietor shall enter in his certificate on both copies of each outstanding Form 230 the total quantity of spirits bottled from each lot prior to the effective date of the change, giving all of the information required by headings of the various columns and lines on the form, and the instructions printed thereon, or issued in respect thereto and as required by this part. Each of such entries will be followed by a statement dated and signed by the proprietor, showing that the remainder of the spirits described on the form are to be bottled under the new name. Upon completion of the bottling, the proprietor will complete the execution of his certificate on the forms under the new name and dispose of the same in the manner prescribed in § 230.202.

§ 230.322 *Records.* Separate records on Form 52–D and Form 182 will not be required for operations under a new individual or corporate name, or under each trade name or style, but the proprietor must note on Form 52–D and Form 182 the individual or corporate names, or the trade names or styles, under which operations were conducted during the month and the dates of operation under each.

(68A Stat. 619; 26 U. S. C. 5114)

SUBPART Z—CHANGE OF PROPRIETORSHIP

§ 230.330 *Completion of operations required.* When a succession, or actual change, in the proprietorship of a taxpaid bottling house takes place other than a change brought about by operation of law, as by the appointment of an administrator, executor, assignee, receiver, trustee, or other fiduciary, the business of bottling spirits must be completely finished by the person or persons who have been carrying on the business, and all spirits on hand removed from the premises before the business shall be undertaken or begun by the succeeding proprietor, unless by agreement between the outgoing proprietor and the successor it shall be arranged to transfer from the former to the latter, at the time the transfer of proprietorship becomes effective, all spirits then on hand: *Provided*, That in each case the notice and other qualifying documents of the successor prescribed by this part have been approved as provided in this part, to take effect on the day next succeeding that at the close of which the transfer is made. Where a change of proprietorship has been brought about by operation of law, the administrator, executor, assignee, receiver, trustee, or other fiduciary, may not commence operations until the required qualifying documents have been filed and approved.

§ 230.331 *Spirits covered by outstanding Forms 230.* Where there is a change in proprietorship, and all spirits on hand at the time such change becomes effective are transferred to the successor, the outgoing proprietor shall enter on both copies of each outstanding Form 230 the total quantity of spirits bottled by him, giving all the information required by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto and as required by this part. Each of such entries will be followed by a statement, dated and signed by the outgoing proprietor, showing that the remainder of the spirits described on the form were transferred to his successor. Upon completion of the bottling, the successor shall complete the execution of the forms and then dispose of the same in the manner prescribed in § 230.202. If an administrator, executor, assignee, receiver, trustee, or other fiduciary succeeds to the business and qualifies to conduct same, he shall make appropriate notation of his succession on both copies of each Form 230, and upon completion of the bottling he shall complete the execution of the forms and otherwise proceed as specified above.

§ 230.332 *Disposition of red strip stamps.* The outgoing proprietor may not transfer any strip stamps to his successor. The stamps must be disposed of as provided in § 230.342. Where the change of proprietorship is to be of a temporary nature, any strip stamps on hand belonging to the outgoing proprietor will be retained pending requalification and resumption of operations by such proprietor. The proprietor will submit a monthly report on part 2 of Form 182 of such stamps.

§ 230.333 *Records and reports.* Where there is a change in the proprietorship otherwise than by operation of law, the outgoing proprietor shall enter on his Form 52–D all spirits transferred to his successor, who shall in turn enter such items on his Form 52–D as received from his predecessor. Where an administrator, executor, assignee, receiver, trustee, or other fiduciary succeeds to the business and qualifies to operate the same, he shall make proper notation on Form 52–D of his succession.

(68A Stat. 619; 26 U. S. C. 5114)

SUBPART AA—DISCONTINUANCE OF OPERATIONS

§ 230.340 *Disposition of spirits.* Upon permanent discontinuance of business, the proprietor will file notice thereof on Form 27–E as prescribed in § 230.343. All spirits on hand must be accounted for on Form 52–D, and the disposition of any bulk spirits on hand must be in accordance with the provisions of § 230.300.

(68A Stat. 619; 26 U. S. C. 5114)

§ 230.341 *Disposition of indicia bottles.* If there are any indicia bottles on hand, the same will be inventoried by the proprietor and the inventory verified by the storekeeper-gauger or other officer designated for the purpose by the Assistant Regional Commissioner. The disposition of such bottles will be in accordance with the procedure prescribed in Part 175 of this subchapter.

§ 230.342 *Disposition of red strip stamps.* All unused red strip stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination, serial number and quantity, and the inventory will be verified by the storekeeper-gauger or other officer designated by the Assistant Regional Commissioner to perform such duty. Stamps which have been cut shall be destroyed under the supervision of the internal revenue officer. Stamps which have not been cut will be disposed of in accordance with instructions from the Assistant Regional Commissioner.

(68A Stat. 602, 691, 692; 26 U. S. C. 5008, 5640, 5642)

§ 230.343 *Notice, Form 27–E.* When all spirits, indicia bottles, and red strip stamps have been lawfully disposed of, the proprietor shall file Form 27–E, in triplicate, with the Assistant Regional Commissioner, stating the purpose of the filing thereof to be "Permanent discontinuance of business." The Assistant Regional Commissioner will forward the original of the Form 27–E to the Director, Alcohol and Tobacco Tax Division, with a copy of the report of the internal revenue officer, reflecting compliance with the foregoing provisions of this section.

SUBPART BB—LOCKS AND SEALS

§ 230.350 *Furnished by Government.* The Director, Alcohol and Tobacco Tax Division will furnish, at the expense of the United States, all Government locks and seals required to be used at taxpaid bottling houses. Assistant Regional Commissioners will see that taxpaid bottling houses in their respective regions are fully equipped with locks in good condition and that the necessary seals are provided for seal locks.

§ 230.351 *Where locks are required.* Government locks are required upon the door of the Government room, vault, or cabinet, provided in accordance with, § 230.50, and the entrance door of the

export storage room, if any; upon the manheads; inlets of storage tanks; and upon the valves in pipe lines which convey spirits into the taxpaid bottling house from contiguous premises if such pipelines are not locked in the contiguous premises; and upon such other valves, stopcocks, and openings in equipment and apparatus as are required by this part or deemed necessary by the Assistant Regional Commissioner to be secured with Government locks.

§ 230.352 *Seal locks.* Seal locks will be used on the door of the Government room, vault or cabinet; on the entrance door of the export storage room, if any; and on such other places where the use of seal locks is required by this part or deemed necessary by the Assistant Regional Commissioner.

§ 230.353 *Plain locks.* Plain locks will be used at all other places in the taxpaid bottling house where locks are required by this part.

§ 230.354 *Custody of locks and keys.* Storekeeper-gaugers are strictly prohibited from intrusting locks, keys, or seals in their possession to any person other than an internal revenue officer entitled to receive them, and under no circumstances will they permit locks to remain open, whether hanging by the shackle or otherwise.

§ 230.355 *Breaking of sealed connections forbidden.* Sealed connections must not be broken by the proprietor except as authorized by the storekeeper-gauger in charge or the Assistant Regional Commissioner.

SUBPART CC—MISCELLANEOUS PROVISIONS

§ 230.360 *Exceptions to construction and equipment requirements.* The Director, Alcohol and Tobacco Tax Division, may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much or more security and protection to the revenue as is intended by the specifications prescribed in this part, and where such variations will not be contrary to any provision of law. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 230.362.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.361 *Exceptions to methods of operation.* The Director, Alcohol and Tobacco Tax Division, may, in case of emergency, approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operations other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 230.362.

(68A Stat. 680; 26 U. S. C. 5552)

§ 230.362 *Application.* A proprietor who proposes to employ methods of operations or construction or to install equipment, other than as provided in this part, shall submit a letterhead application so to do, in triplicate, to the Assistant Regional Commissioner. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall also be submitted. The Assistant Regional Commissioner will make such inquiries as are necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the Assistant Regional Commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

(68A Stat. 680; 26 U. S. C. 5552)

[F. R. Doc. 54-9503; Filed, Nov. 30, 1954; 8:52 a. m.]

[26 CFR (1954) Part 231]

TAXPAID WINE BOTTLING HOUSES

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, *in duplicate*, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority contained in section 7805, of the Internal Revenue Code (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

PART 231—TAXPAID WINE BOTTLING HOUSES

Preamble: 1. The regulations in this part shall be effective on January 1, 1955.

2. No regulations governing the bottling or packaging of taxpaid wine at premises other than rectifying plants or taxpaid distilled spirits bottling houses were in effect immediately prior to January 1, 1955.

Subpart A—Scope

Sec.
231.1 Bottling or packaging of taxpaid wine.
231.2 Forms prescribed.

Subpart B—Definitions

231.10 Meaning of terms.
231.11 Assistant Regional Commissioner.
231.12 Commissioner.
231.13 Director, Alcohol and Tobacco Tax Division.
231.14 Foreign wine.
231.15 Gallon.
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231.18 I. R. C.
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231.20 Proprietor.
231.21 Standard wine.
231.22 Taxpaid wine.
231.23 U. S. C.
231.24 United States wine.
231.25 Wine.
231.26 Exception.

Subpart C—Establishment of Premises

231.30 General.
231.31 Use of taxpaid wine bottling house.

Subpart D—Construction and Equipment

231.40 Buildings and rooms of taxpaid wine bottling houses.
231.41 Export storage room.
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231.50 Application.
231.51 Permit.
231.52 Occupational taxes.
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231.54 Individual owners, copartnerships or associations.
231.55 Corporate documents.
231.56 List of stockholders.
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231.59 Change in proprietorship.
231.60 Authority to approve.
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Subpart F—Operations

231.80 Treatment and handling of wine.
231.81 Prohibited practices.
231.82 Bottling and labeling operations.
231.83 Relabeling of bottled wine.
231.84 Packaging.
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Subpart G—Bottling or Packaging of Wines Especially for Export With Benefit of Drawback

231.100 General.
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Subpart H—Records and Inventories

231.110 Record of receipts and removals.
231.111 Record of cases filled.
231.112 Record of packages filled.
231.113 Inventories.
231.114 Retention of records.

Subpart I—Variations From Requirements

231.120 Construction and equipment.
231.121 Operations.
231.122 Application covering proposed variations.

Subpart J—Examination of Premises

231.130 Officer's right of entry and examination.

AUTHORITY: §§ 231.1 to 231.130 issued under 68A Stat. 917; 26 U. S. C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE

§ 231.1 *Bottling or packaging of taxpaid wine.* The regulations in this part relate to the bottling and packaging of taxpaid United States and foreign wines, at premises other than a rectifying plant or a taxpaid distilled spirits

bottling house operated under Parts 235 and 230, respectively, of this title.

§ 231.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 231.10 *Meaning of terms.* As used in this part, except as otherwise indicated in the context, terms shall have the meanings ascribed in this subpart.

§ 231.11 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner of Internal Revenue.

§ 231.12 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 231.13 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division," shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 231.14 *Foreign wine.* "Foreign wine" shall mean wine produced outside the continental United States, Alaska and Hawaii.

§ 231.15 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 231.16 *Including.* "Including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 231.17 *Inclusive language.* Words in the plural form shall include the singular and vice versa, and words in the masculine gender shall include the feminine, a trust, estate, partnership, association, company, or corporation.

§ 231.18 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 231.19 *Package.* "Package" shall mean any barrel, cask, keg, or similar container, or any demijohn (or bottle) of two gallons or more capacity, used to remove wine from taxpaid wine bottling houses.

§ 231.20 *Proprietor.* "Proprietor" shall mean the operator of a taxpaid wine bottling house.

§ 231.21 *Standard wine.* "Standard wine" shall mean natural wine, specially sweetened natural wine, special natural wine and standard agricultural wine produced in accordance with the provisions of Part 240, Title 26, of the Code of Federal Regulations.

§ 231.22 *Taxpaid wine.* "Taxpaid wine" shall mean wine on which the tax imposed by section 5041, I. R. C., has been determined, regardless of whether the tax has actually been paid or the payment of tax has been deferred under section 5061, I. R. C.

§ 231.23 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 231.24 *United States wine.* "United States wine" shall mean wine produced on bonded wine cellar premises in the continental United States, Alaska and Hawaii.

§ 231.25 *Wine.* "Wine," when used without qualification, means all still wine and includes vermouth and other special (flavored) natural wine.

§ 231.26 *Exception.* The definitions in this subpart are prescribed pursuant to the internal revenue laws governing the bottling, packaging and removal of taxpaid wine and shall not supersede or affect the requirements set forth in Part 4 of Title 27 of the Code of Federal Regulations relative to the labeling of wine under the provisions of the Federal Alcohol Administration Act.

SUBPART C—ESTABLISHMENT OF PREMISES

§ 231.30 *General.* Every person desiring to bottle or package taxpaid wine (at premises other than a rectifying plant or taxpaid distilled spirits bottling house) shall provide premises, make application, and receive permission from the assistant regional commissioner to operate a taxpaid wine bottling house.

(68A Stat. 663, 664; 26 U. S. C. 5352, 5356)

§ 231.31 *Use of taxpaid wine bottling house.* The premises of a taxpaid wine bottling house shall be used for the business of bottling, packaging, or repackaging of taxpaid wine, including the mixing of wines of the same kind and taxable grade and country of origin to facilitate handling; the preserving, filtering or clarifying of wine; and to conduct operations not involving wine where such operations will not jeopardize the revenue or conflict with wine operations, subject to the requirements of Subparts F and I of this part.

(68A Stat. 665; 26 U. S. C. 5363)

SUBPART D—CONSTRUCTION AND EQUIPMENT

§ 231.40 *Buildings and rooms of taxpaid wine bottling houses.* Taxpaid wine bottling houses must be so constructed and equipped as to be suitable for the storage and bottling or packaging of taxpaid wine. The buildings, rooms, or partitioned areas of the premises must be separated from adjacent buildings, rooms, or areas. However, doors or other openings may be provided leading into other buildings, rooms, or areas under control of the bottling house proprietor. An entrance door of the premises must lead into a public street or yard, or into an elevator shaft or common passageway: *Provided,* That where it is impracticable to have such outside entrance directly to the premises, the proprietor may provide and maintain, subject to the approval of the assistant regional commissioner, access to the taxpaid wine bottling house through other commercial premises under the control of the proprietor.

(68A Stat. 663; 26 U. S. C. 5352)

§ 231.41 *Export storage room.* Proprietors of taxpaid wine bottling houses intending to bottle or package taxpaid wines especially for export with benefit of drawback, shall provide, on the premises of the taxpaid wine bottling house, an export storage room suitable for the storage of the wine so bottled or packaged pending its removal for export.

§ 231.42 *Tanks and equipment.* Suitble tanks or other containers so arranged and located as to permit ready examination and determination of their contents shall be provided at taxpaid wine bottling houses, unless all wine is to be bottled directly from the bulk containers in which received. The capacities of tanks and other containers will be determined by calculation or measurement and the capacity of the tank and the purpose or purposes for which it will be used will be marked on each tank. If more than one tank is used for the same purpose, they shall be serially numbered. Suitable equipment for measuring and testing wine shall be provided by the proprietor unless such equipment has been provided for use at adjacent premises operated by the proprietor.

§ 231.43 *Pipeline from bonded wine cellar.* If taxpaid wine is to be received by pipeline from a contiguous or adjacent bonded wine cellar, the pipeline must be a fixed, unbroken line of permanent character, securely constructed and connected, and so arranged as to be exposed to view throughout its entire length.

SUBPART E—QUALIFYING DOCUMENTS

§ 231.50 *Application.* Every person desiring to establish a taxpaid wine bottling house shall file an application, in triplicate, with the assistant regional commissioner of the region in which the taxpaid wine bottling house is located, for approval of the premises. The application shall be prepared on letter-size paper and must show:

(a) The name and address of the proprietor, and whether an individual owner, copartnership, association, or corporation;

(b) A description of the taxpaid wine bottling house premises in sufficient detail to show the location of the premises and to distinguish such premises from other portions, if any, of the building;

(c) A statement whether the entrance door of the taxpaid wine bottling house leads directly to the outside of the building, to a common passageway or elevator shaft, or into other premises under the control of the proprietor, and if the entrance is into other premises, a statement of the nature of the business conducted on such premises;

(d) Each trade name to be used in bottling or packaging wine;

(e) The approximate quantity of wine to be bottled each month;

(f) If a copartnership, association, or corporation, a statement whether permits are held or other premises operated in the same region, and if so, the permit or premises (identified by class, number and address) in connection with which the documents required by §§ 231.54 to 231.56 have been filed;

(g) A statement whether the premises will be used for the bottling of standard wine or wine other than standard wine; and

(h) A statement whether any other business, or operation not involving wine, is to be conducted on the taxpaid wine bottling house premises, and if so, a statement of the nature of the business or operation.

All data, written statements, affidavits and other documents submitted in support of the application shall be deemed to be a part thereof. The application shall be signed by the proprietor or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this application has been examined by me and to the best of my knowledge and belief is a true, correct and complete application."

(68A Stat. 664, 749; 26 U. S. C. 5356, 6065)

§ 231.51 *Permit.* The Federal Alcohol Administration Act (49 Stat. 978; 27 U. S. C. Supp. 203) and regulations issued pursuant thereto in Part 1, Title 27 of the Code of Federal Regulations require that any person, intending to engage in the business of purchasing wine for resale at wholesale, obtain a permit therefor. A state, a political subdivision of a state, or an officer or employee of a state or political subdivision thereof acting in his official capacity, is exempted from this requirement. Application for the permit shall be filed with the assistant regional commissioner at the time of filing the original application for establishment.

§ 231.52 *Occupational taxes.* Proprietors of taxpaid wine bottling houses who sell wine must file special tax returns on Form 11, and pay special (occupational) tax as wholesale liquor dealer or retail liquor dealer, or both, as provided in Part 194 of this title.

(68A Stat. 618, 620, 621, 624, 846; 26 U. S. C. 5111, 5112, 5121, 5122, 5142, 7011)

§ 231.53 *Amended application.* If the proprietor desires to change the location or extent of the premises, or if a trade name not previously approved is to be used, an amended application must be filed with the assistant regional commissioner, and approval obtained prior to commencing the proposed operation. The assistant regional commissioner may require the proprietor to furnish additional information concerning the taxpaid wine bottling house at any time.

(68A Stat. 664; 26 U. S. C. 5356)

§ 231.54 *Individual owners, copartnerships or associations.* Where the application is filed by an individual owner, copartnership or association, the name and address of every person interested in the taxpaid wine bottling house, whether active, passive, or silent, must be given in the application. If there are articles of copartnership or association, copies thereof, in triplicate, must be submitted with the application, unless such documents have been previously filed, and a statement to that effect is included in the application.

(68A Stat. 664; 26 U. S. C. 5356)

§ 231.55 *Corporate documents.* Where the application is filed by a corporation there must be filed with the initial application a certificate of incorporation; properly certified copies, in triplicate, of the extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation and specifying what documents may be signed; and a list of the names and addresses (business and residence) of the officers, directors and stockholders, as required by § 231.56. If such documents have previously been filed in the same region, and statement to that effect included in the application, additional copies are not required.

(68A Stat. 664; 26 U. S. C. 5356)

§ 231.56 *List of stockholders.* In case of corporations and similar entities, there must be submitted with the application a list, in triplicate, giving the names and addresses (business and residence) of all stockholders and persons interested in the corporation, or other legal entity, and the amount and nature of the stockholding or other interests of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided*, That the information need be furnished only as to the persons holding or controlling 10 percent or more of any class of stock or other interest.

§ 231.57 *Power of attorney, Form 1534.* If the application is signed by an attorney in fact for an individual, partnership, association, or a corporation, or by one of the members of a copartnership or an association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 231.55, such application must be supported by a duly authenticated copy of power of attorney conferring authority on the person signing the application to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the assistant regional commissioner.

§ 231.58 *Plat.* Every person filing application to establish a taxpaid wine bottling house shall file with the assistant regional commissioner a plat of the proposed premises, in triplicate. The plat shall show, in sufficient detail to definitely determine what premises are to be used as a taxpaid wine bottling house, the outer boundaries and doors of the premises. The plat may be a sketch to approximate scale on letter size white paper and shall be signed by the applicant. If letter size paper is not used, the plat shall be 15 x 20 inches in size with a clear margin of not less than one inch.

§ 231.59 *Change in proprietorship.* If there is any change in proprietorship of the business, except through a change in stock ownership of a corporation, the successor must qualify in the same manner as for original establishment of a taxpaid wine bottling house. If there is a change in the control of a corporation, whether by a change in stock ownership or otherwise, the assistant regional commissioner must be notified of the change within ten days.

§ 231.60 *Authority to approve.* The assistant regional commissioner is authorized to approve all applications and other qualifying documents required by this subpart. Upon approval the assistant regional commissioner will assign a registry number to the premises and will return one copy of each such document to the proprietor. The registry number shall be used in all correspondence or subsequent documents filed in connection with the operation of the premises, and shall be shown where required on labels or markings of packages or cases filled at the premises.

§ 231.61 *Retention of documents.* The proprietor shall keep in a secure place and filed in an orderly fashion at the taxpaid wine bottling house premises or in an office adjacent thereto, the copies of all approved qualifying documents which have been returned to him by the assistant regional commissioner. Such copies shall be made available, without delay, for the examination of any internal revenue officer.

§ 231.62 *Discontinuance of business.* When the proprietor desires to discontinue the operation of a taxpaid wine bottling house, he shall file a notice, in triplicate, with the assistant regional commissioner giving the date of discontinuance and stating whether all wine on hand has been disposed of and if it has not been disposed of, the disposition which will be made.

§ 231.63 *Premises in use prior to January 1, 1955.* Where premises are in use for the bottling of taxpaid wine immediately prior to January 1, 1955, the qualifying documents required by this subpart must be filed on or before that date for continued operations. The assistant regional commissioner may approve the continued use of any such premises not meeting the requirements of this part as to construction and equipment provided he finds that such continued use will not result in jeopardy to the revenue.

SUBPART F—OPERATIONS

§ 231.80 *Treatment and handling of wine.* The proprietor of a taxpaid wine bottling house may use sulphur dioxide compounds in the treatment of wine. Wine may be filtered or clarified by the use of methods or materials which will not change the basic character of the wine: *Provided*, That if the proprietor desires to treat wine in any manner other than by simple filtration or the use of sulphur dioxide compounds, he shall first file with the assistant regional commissioner an application, in triplicate, giving the details of the proposed treatment. The assistant regional commissioner will approve the application, if the proposed treatment is permissible on taxpaid wine bottling house premises, and the proprietor must not use the treatment prior to receipt of such approval: *Provided*, That if application has been filed covering the use of any material or method which a proprietor was using prior to January 1, 1955, he may continue the use of such material or method pending receipt of approval or disapproval of the application. Wine of the same kind (class, type, and national origin) and taxable grade may be mixed to facilitate handling.

(68A Stat. 665; 26 U. S. C. 5363)

§ 231.81 *Prohibited practices.* While more than one lot of wine of the same kind (class and type), taxable grade, and country of origin, may be deposited in the same storage container or bottling tank to facilitate handling, the blending of taxpaid wines at a taxpaid wine bottling house is prohibited. Water may not be added to wine nor may wine be subjected to any treatment which will alter its character. Unauthorized treatment of wine may result in liability to rectification tax or additional wine tax. The proprietor of a taxpaid wine bottling house may incur liability to penalties by reason of unauthorized treatment of wine.

(68A Stat. 695; 26 U. S. C. 5661)

§ 231.82 *Bottling and labeling operations.* Bottles must be filled as nearly as possible to conform to the quantity shown on the label or blown in the bottle, but in no event may the amount of wine contained in any bottle, due to lack of uniformity of the bottles, vary more than two percent from the amount stated to be contained therein; and further in the case of variations in fill within the two percent limitation there shall be substantially as many bottles overfilled as there are bottles underfilled for each lot of wine bottled. Bottles shall be labeled to show:

(a) The name of the proprietor, or an approved trade name, and address of the premises or the name, registry number and state where the premises are located;

(b) Kind of wine (class and type), in the manner specified by Part 4, Title 27, of the Code of Federal Regulations;

(c) The alcohol content by volume in the manner specified by Part 4, Title 27, of the Code of Federal Regulations; and

(d) The net contents of the bottle, unless legibly blown in the bottle.

The labels used by bottlers of wine must be covered by certificates of label approval or certificates of exemption from label approval issued under the Federal Alcohol Administration Act. Bottles must be placed in cases, marked as required by § 231.85, prior to removal from the premises.

§ 231.83 *Relabeling of bottled wine.* Where it is desired to relabel bottled wine received from other premises, application for permission to relabel the wine must be made to the assistant regional commissioner in accordance with the provisions of Part 4, Title 27 of the Code of Federal Regulations.

§ 231.84 *Packaging.* The proprietor of a taxpaid wine bottling house may package or repackage wine in barrels, casks, kegs, or similar containers, or in demijohns or bottles of a capacity of two gallons or more. The marks on packages are held to constitute a label, and are subject to the same requirement for approval as labels for bottles.

(68A Stat. 663; 26 U. S. C. 5352)

§ 231.85 *Marks.* Each package or case filled at a taxpaid wine bottling house must be marked in a plain and durable manner with a serial number, the name of the proprietor and the registry number and location (by city, town and state or by region and state) of the taxpaid wine bottling house, the kind (class and type) and the alcohol content of the wine, the contents of the package or case in wine gallons, and (except for cases) the date of removal or shipment. When wine is packaged or bottled under an authorized trade name such trade name may be marked on the shipping container as the name of the proprietor. These marks may be cut, branded, or otherwise durably marked on the package or case or placed upon a label or tag securely affixed to such container. The marks shall be placed on the head of the package or a side of the case.

(68A Stat. 666; 26 U. S. C. 5368)

§ 231.86 *Serial numbers.* The serial numbers required to be placed on packages and cases by § 231.85 will be placed thereon at the time of filling the package or case. The serial numbers will commence with "1" for each taxpaid wine bottling house and will continue in order to the number 1,000,000, when the series may start again with "1." If desired, separate series of numbers preceded by identifying letters may be used for packages and for cases, or for cases filled on different bottling lines.

(68A Stat. 666; 26 U. S. C. 5368)

SUBPART G—BOTTLING OR PACKAGING OF WINES ESPECIALLY FOR EXPORT WITH BENEFIT OF DRAWBACK

§ 231.100 *General.* Wine manufactured or produced in the United States and on which the internal revenue tax has been paid may be bottled or packaged especially for export in a taxpaid wine bottling house, provided an export storage room has been constructed in accordance with § 231.41, and upon exportation of the wine there may be allowed a drawback equal in amount to the tax found to have been paid thereon.

(68A Stat. 614; 26 U. S. C. 5062)

§ 231.101 *Procedure.* The bottling or packaging of wine especially for export in a taxpaid wine bottling house, the storage of the wine pending exportation, the exportation of wine, including the lading thereof for use as supplies on vessels or aircraft and the allowance of drawback thereon, shall be in accordance with the provisions of Part 252, Title 26, Code of Federal Regulations.

SUBPART H—RECORDS AND INVENTORIES

§ 231.110 *Record of receipts and removals.* Proprietors of taxpaid wine bottling houses shall keep daily records, in bound or other permanent form, available for inspection by internal revenue officers, of all wine received at and removed from their premises, and make daily entries therein as the transactions occur. These records shall show as to receipts of wine:

(a) The name of the person from whom received;

(b) The registry number (if any) of the premises from which received;

(c) The address of the premises from which received;

(d) The kind (class, type, and in the case of foreign wine, country of origin) of the wine;

(e) Alcohol content or taxable grade of the wine; and

(f) The quantity in gallons of wine received.

The records shall show as to removals:

(g) The name and address of the person to whom removed: *Provided,* That on sales direct to consumers of not more than one case the name and address of the consignee need not be shown;

(h) The kind (class, type, and in the case of foreign wine, country of origin) of the wine;

(i) Alcohol content or taxable grade; and

(j) The quantity in gallons of wine shipped.

Where the proprietor keeps copies of invoices or other commercial records covering receipt and shipment of wine, with detailed information thereon, or ascertainable therefrom, as described above, and such commercial records are kept in such manner that the required information may be readily ascertained therefrom by internal revenue officers, the separate record may show, by tax class, the total quantity received and removed each day in lieu of the details of each receipt and removal. Entries shall be made on the separate record on the day on which the transactions occur, unless the details are shown on commercial records, in which case the totals may be entered on the separate record on the following business day. Within five days after the end of each month the proprietor shall make a monthly summary showing the quantity on hand (including wine in the export storage room, if any), received, removed, lost, and remaining on hand at the close of the month, for each tax class of wine handled.

(68A Stat. 666; 26 U. S. C. 5367)

§ 231.111 *Record of cases filled.* Each proprietor of a taxpaid wine bottling house shall keep Form 2060, record of wine cases filled, covering the bottling of the wine and the filling and serial numbering of cases. The proprietor must furnish Form 2060 at his own expense in accordance with the form prescribed by the Director, Alcohol and Tobacco Tax Division. Samples of the prescribed Form 2060 may be obtained from the assistant regional commissioner for the use of commercial printers. Proprietors desiring to maintain records in a different form which will show the information called for by Form 2060 may obtain approval for such substitute record upon filing samples of the record with the assistant regional commissioner, provided the assistant regional commissioner finds that the substitute record will furnish the required information in a form susceptible of ready examination and audit by internal revenue officers.

(68A Stat 666; 26 U. S. C. 5367)

§ 231.112 *Record of packages filled.* Each proprietor of a taxpaid wine bottling house who fills packages of wine for removal from the premises must keep a record of the wine packaged. The record shall show the date of packaging, the number of packages filled,

serial number and contents of each, and the kind and alcohol content of the wine. No form is prescribed for the record of packages filled but it must be kept complete and in chronological order available for inspection by internal revenue officers.

(68A Stat 666; 26 U. S. C. 5367)

§ 231.113 *Inventories.* The proprietor of every taxpaid wine bottling house shall take an inventory of all wine on hand at his premises on June 30 and December 31 of each year. The record of the inventory shall show the serial number, if any, of each container (except cases), the kind of wine (class and type), the gallons contained therein by taxable grade, and a summary by kinds and by taxable grades. The proprietor shall retain the record of inventory and the working papers available for inspection by internal revenue officers at any reasonable hour.

(68A Stat. 666; 26 U. S. C. 5369)

§ 231.114 *Retention of records.* All records required by this part must be retained by the proprietor for a period of three years, and shall be filed in such manner that they may be readily inspected by internal revenue officers.

SUBPART I—VARIATIONS FROM REQUIREMENTS

§ 231.120 *Construction and equipment.* The Director, Alcohol and Tobacco Tax Division, may approve construction and equipment other than those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications and the proposed construction and equipment will not result in any jeopardy to the revenue or be contrary to any provision of law. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 231.122.

§ 231.121 *Operations.* The Director, Alcohol and Tobacco Tax Division, may, in case of emergency, approve methods or operation other than those provided for by this part where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and are not contrary to any provision of law. Where it is proposed to employ methods or conduct operations other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 231.122.

§ 231.122 *Application covering proposed variations.* Where it is desired to use construction or equipment or to employ methods or conduct operations other than as provided in this part, a letter application, in triplicate, shall be filed with the assistant regional commissioner for transmittal to the Director, Alcohol and Tobacco Tax Division. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall be submitted.

SUBPART J—EXAMINATION OF PREMISES

§ 231.130 *Officer's right of entry and examination.* Internal revenue officers have authority under the law to inspect at any reasonable hour the records, stocks, and premises of taxpaid wine bottling houses to determine that provisions of the internal revenue laws and regulations are being complied with. Officers desiring to make inspections will identify themselves by exhibiting credentials. Any denial of or interference with such inspection by the proprietor, his agents, or employees, is a violation of law and will be reported as such for appropriate action.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

[F. R. Doc. 54-9504; Filed, Nov. 30, 1954; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1954–55 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (19 F. R. 2941), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $147,820.13 will be necessarily incurred during the fiscal year November 1, 1954, through October 31, 1955, for the maintenance and functioning of the committee established under the aforesaid marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of $0.011 per box of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year" and "box" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

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

Dated: November 26, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9494; Filed, Nov. 30, 1954; 8:50 a. m.]

[7 CFR Part 928]

[Docket No. AO-227-A5]

HANDLING OF MILK IN NEOSHO VALLEY MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Neosho Valley, marketing area, which was issued October 28, 1954 (19 F. R. 7114), is hereby extended to November 27, 1954.

Dated: November 26, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-9469; Filed, Nov. 30, 1954; 8:48 a. m.]

[7 CFR Part 977]

[Docket No. AO 183-A3]

HANDLING OF MILK IN PADUCAH, KY., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington

25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the following findings and conclusions were formulated, was conducted at Paducah, Kentucky, March 30–April 1, 1954 (19 F. R. 1565).

The material issues of record related to:

1. The level of the Class I price;
2. The level of the Class II price;
3. The butterfat differential to be used in adjusting the Class II milk price;
4. The determination of which plants should be subject to the regulations of the order;
5. The recognition under the order of diversion of producer milk by qualified cooperative associations;
6. The need for a provision authorizing qualified cooperative associations to receive payments for milk marketed for producer members under the order;
7. The need for a provision requiring payments with respect to milk not priced under the order; and
8. Adjustments in certain administrative provisions of the order.

Findings and conclusions. The following findings and conclusions on these material issues are based upon the evidence introduced at the hearing and the record thereof:

1. The Class I price should be adjusted so as to bring it more nearly in line with the prices prevailing at different seasons of the year in areas surrounding the Paducah market.

It was contended on the hearing record that the level of the Class I price as fixed under the Paducah order at different seasons of the year has not been in appropriate adjustment with prices prevailing in surrounding markets. The resulting differences have encouraged handlers from other markets to increase their sales of milk in Paducah during certain months of the year. Sales in the marketing area by handlers from other markets have increased considerably in the past two years.

As discussed in greater detail under issue No. 7 hereof, Paducah handlers have not bought all the milk available from regular producers under the order, even though they have secured substantial quantities of milk from unpriced sources. Adjustments in price herein found necessary, along with other amendments recommended, should aid in assuring producers that handlers will accept all their milk before purchasing other source milk.

It was proposed that the Class I differential of $1.70 now in effect from September through February be decreased to $1.50, and that the differential of $1.20 in effect for March and August be increased to $1.50. These changes would result in an average net Class I price decrease for the year of 5 cents per hundredweight.

It is concluded that such a change would promote the orderly marketing of milk and that the order should be amended to accomplish the intent of this proposal. It is concluded also that the basic formula price should be amended to bring it more nearly in line with that used under the Chicago order. Price changes resulting from the use of the formula herein recommended will keep the Paducah market more nearly in alignment with other markets than does the present basic formula. Over a period of approximately three years, during which the present Chicago basic formula has been in effect, the price fixed under the proposed basic formula has averaged approximately 10 cents less than the present Paducah basic formula price. The amount of this difference has varied from nothing when the basic formula price was determined by the midwest condensery price to 20 cents or more when the butter powder formula prevailed. It is concluded that 10 cents should be added to the Class I differential otherwise appropriate for the Paducah market in order to allow for the change to the new lower basic formula price. The changes in formulas and differentials will result in somewhat higher Class I prices at times and lower prices at other times. The change in basic formula and the addition of 10 cents to the differentials will result in more timely price changes, but should offset each other and have little or no net effect upon the average Class I price over a period of time.

Producer representatives contended that a somewhat larger adjustment was required to offset the effects of the proposed change in the basic formula price. In arriving at the adjustment, it is necessary to consider the price level provided by the highest of several alternatives as the basic formula price and not just the butter-powder component thereof. Substitution of the butter-powder formula herein recommended would have no effect upon the basic formula price when the latter is determined on the basis of the midwest condensery or the local condensery price.

It was proposed also that the Class I price be based on the basic formula price for the previous month so that it may be announced during the first few days of the month. Advance information concerning the Class I price will aid handlers and producers in adjusting their operations to the needs of the market. This proposal should be adopted.

The Class I price, as well as other prices fixed under the order, should be determined for milk testing 3.5 rather than 4.0 percent butterfat. This change will not affect the cost of milk to handlers or the price to individual producers. The record indicates that such a change will facilitate price comparisons between the Paducah market and the markets from which Paducah normally draws its supplemental milk.

2. The Class II price should be fixed at the level of the proposed basic formula price. This would result in an average reduction of about 10 cents per hundredweight in the cost of Class II milk.

It was proposed that certain special allowances should be made for the handling of Class II milk. Evidence on the hearing record indicates that there are limited facilities available to Paducah handlers for processing Class II milk. Some of the milk which was marketed for Class II use shortly before the hearing was hauled a considerable distance to a cheese plant in Mississippi. It was proposed that in order to facilitate the removal of this milk from the Paducah market a transportation allowance be granted as a reduction in the Class II price. The actual allowance would depend upon the location of the processing plant to which the milk is transported.

Such an allowance would not be in the best interest of the market and should not be adopted. If the price which a handler must pay for Class II milk were to be made dependent upon the method used in handling such milk, part of the incentive would be removed for disposing of such milk so as to yield the maximum return to producers. Any adjustment in the Paducah Class II price should be made on an over-all basis and should be that amount necessary to insure orderly marketing of such milk.

The basic formula price herein recommended reflects the general level of manufacturing milk values. The higher of several alternatives is chosen so as to reflect the most favorable outlet for such milk. The amount of Class II milk in the Paducah market is rather small, Class I sales under the order exceeded producer receipts in 27 out of the most recent 30 months preceding the hearing. It should be possible to market the limited quantities of excess milk available at the most favorable price.

Some of the milk which has recently been marketed in Class II by certain handlers may find an outlet in Class I under the amendments proposed herein. Considerable volumes of other source milk are imported into the Paducah market as a general rule. More than one million pounds of such milk, which is equivalent to nearly one-third of the Class I sales under the order, was imported during the month when the Class II milk previously referred to was marketed to a plant in Mississippi. Amendments to the order recommended elsewhere in this decision should encourage a fuller utilization of producer milk in Class I rather than in Class II when fluid outlets are available. This should eliminate or substantially reduce the need for hauling Class II milk long distances, and the extra costs allegedly incurred in handling surplus milk.

The Class II price herein found necessary will result in some reduction in the cost of such milk to handlers. This reduction in price, coupled with the proposed amendments to eliminate the advantage to handlers in using unpriced milk in Class I outlets, should assure the orderly marketing of any producer milk moving to Class II outlets.

3. The factor to be used in calculating the Class II butterfat differential should be reduced from 1.20 to 1.15. This change will reapportion the incidence of the Class II price with respect to its butterfat and nonfat solids components.

It was contended that the Class II butterfat differential should be lowered so as to allow handlers under the order to market cream and butter in competition with such products from ungraded sources.

At the present time, most of the allowance for processing Class II milk is attributed to the nonfat solids portion of the milk. If the Class II milk of a handler is all butterfat, the handler is required to pay producers a price for such fat which is nearly equal to the market price reflected by the Chicago butter price for a finished product. The reduction in Class II price found necessary under issue No. 2 would apply only to the nonfat solids portion of the milk in the absence of an adjustment to the butterfat differential. It is concluded that the change herein found necessary should assure the orderly marketing of producer butterfat in excess of that required for Class I use.

4. Performance standards should be incorporated into the order to designate which plants will be subject to the pricing and pooling provisions of the order.

The present order provisions would not, under certain circumstances, extend regulation to those plants which should logically be subject to the order. Also, they could very well bring under pricing and pooling a plant which ships little or no milk to the marketing area. Performance standards as herein recommended will insure that all plants primarily associated with the market, and only such plants, will be subject to full regulation under the order. The record evidence indicates that such changes will not affect the status of any milk plant now serving the market.

The performance standards herein recommended are necessary to insure the proper functioning of the marketwide pooling of producer returns as now carried out under the order. Since marketwide pooling results in payment to all producers on an average utilization for the market, the utilization which any individual handler may make of his milk will not affect his ability to buy producer milk as compared to that of other handlers. Whatever utilization a handler may have, his blend price to producers will be the same as that of all other handlers in the market. Special provisions are necessary, therefore, to insure that the milk pooled under the order will be available for Class I use as needed.

It is essential, also, that the rules for distributing the returns from Class I sales be such that the differentials over manufacturing milk values paid by users of Class I milk will serve the purpose for which they are intended. The Class I milk prices of the order are fixed at a level which exceeds the value of the milk for manufacturing uses by a varying amount. This premium, or differential, over the manufactured milk price is essential as an incentive to producers for producing milk of the quality required and at the time needed by consumers. Extra costs are involved in providing sanitary surroundings for the dairy herd and in maintaining milk production during the fall and winter months when feed and housing costs are high. Extra costs are involved also in handling milk for fluid use since it must be refrigerated, handled through sanitary utensils and facilities, and marketed promptly.

The extra costs thus involved to Grade A or fluid milk producers must be borne by that share of the milk which is marketed as Class I milk. Excess or surplus milk, although an essential to the fluid milk business, can be expected to return no more than a manufactured milk value. The only outlet for reserve milk not needed for fluid use is in the form of manufactured products. Such products must be marketed in competition with similar products made from ungraded milk.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A standards be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage production of more than enough Grade A milk would represent an economic waste, since the expenditures involved in producing quality milk not essential to insure an adequate supply would result in no extra value to consumers.

One of the primary problems then under a marketwide pool is to establish rules which will provide for the sharing of Class I sales (Class I differentials) among those producers who are an essential and regular part of the market. Class I prices must first be set as nearly as possible at the minimum levels which will stimulate the necessary level of milk production and the resulting returns should be distributed in such a way as to assure the market of the maximum dependable supply of quality milk which can be obtained at these prices. In order to do this, provision is made that equalization of market sales should be only to plants meeting reasonable performance standards with respect to supplying milk to the market.

The performance standards herein recommended apply uniformly to all plants. Any plant, regardless of its location, has the same opportunity under the order to comply with its standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted under the order to sell his milk to plants under the order. Whether or not plants and producers choose to supply the Paducah market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation, nor should they be permitted or required to equalize their sales with all plants under the Paducah order. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the premiums, or differentials, paid by users of Class I milk would be subject to dissipation without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by obtaining appropriate health department approval or by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all Paducah plants might, if it obtains such approval or makes such a token shipment, receive equalization payments from the pool.

The mere circumstance of having obtained health department approval is not sufficient justification for equalizing the sales of such plant with the market. There are many plants having milk of suitable quality for sale in the marketing area which are in no way, or are only incidentally, associated with the market. Approval by the appropriate health authority according to present order provisions entitles a plant to participate in the equalization pool. There is no reason to assume that the health department would refuse an application for approval because they had determined that the milk from an applicant plant was not entitled to pool with the market, or that such standards as might be applied by the health department in extending its approval would be appropriate to effectuate the declared policy of the act. It is concluded that the health authority should not be placed in a position of determining which plants should share in equalization.

The marketing area health authority extends approval to bulk supplies of milk from plants under inspection of other health departments. Thus, milk from plants and dairy farmers not holding marketing area permits may be marketed in the area. This has further contributed to the situation in which health department approvals may not be relied upon as a standard for determining which plants and which producers are primarily associated with the Paducah market.

Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent reliable sources of milk on which the Paducah market may depend and they should not be pooled under the order. If such plants were allowed to sell a token quantity of milk in the marketing area whenever their Class I sales were low, and then withdraw as their Class I sales were high, the results would be that the in-and-out handler would be able to gain advantage in paying producers. During unregulated periods when utilization was largely in Class I, such a handler might retain a larger share of the proceeds from his sales, since he probably would be selling at Class I prices and paying producers at a competitive blend price. Whenever his utilization dropped below average, he could fall back onto the pool and draw equalization payments to maintain his paying price to producers.

The Paducah market would have no compensating gain from the payment of equalization to such a handler. Such a distribution of equalization payments

would, in fact, reduce the blend price to producers regularly supplying the market, and thereby have an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required.

Because of the difference in the marketing practices and demands upon the supply of milk from city distributing and country supply plants, two sets of performance standards should be provided. These standards and reasons therefor are as follows:

(a) *Distributing plants.* In order to qualify as a pool plant, a distributing plant should be required to distribute at least 10 percent of its milk during the month as Class I on retail or wholesale routes to customers in the marketing area. Distribution of milk by vendors or through plant stores should be included to the extent that such sales are to outlets located in the marketing area. The record indicates that all distributing plants now regulated under the order dispose of more than 10 percent of their milk as route sales in the marketing area. At least one of these plants is operating routes on the fringes of the marketing area, however, and an important share of the route sales from such plant is outside the marketing area.

A city plant having more than 90 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market as a distributing plant. Such a plant is selling primarily to an unregulated market. It is not considered advisable to bring such a plant under full regulation in order to control the minor share of its business which is in the marketing area. Full regulation would not be necessary to accomplish the purposes of the order and might well place such a plant at a competitive disadvantage in relation to other dealers supplying the unregulated market.

It is contemplated that only plants primarily engaged in route distributions of fluid milk and Class I products should be qualified as pool plants under this definition. Therefore, in order to preserve this distinction, a further qualification standard is provided for distributing plants, namely, that their total distribution of Class I milk on routes to wholesale or retail outlets (excluding any sales to other milk plants) both inside and outside the marketing area must amount to at least 45 percent of their receipts during the month of milk from producers and from supply plants. Any plant which does not qualify on this basis should be deemed to be primarily a supplemental supply plant and its status under the pool should be judged by the standards applied to such plants.

(b) *Supply plants.* In order to qualify as a pool plant, a supply plant should dispose of at least 50 percent of its receipts of milk from producers in the form of supplemental supplies of milk, skim milk or cream shipped to distributing plants which need such supplies for Class I use. In case such a plant also distributes milk on routes, any milk distributed on routes from the supply plant to wholesale or retail outlets in the marketing area should be counted in calculating this percentage. It is concluded that a plant should not be qualified as a pool plant and equalize in the sales of the market unless more than half of the milk from such plant is disposed of in this manner.

It is recognized, however, that the demand for milk from supply plants is rather seasonal. The primary function of most bulk supply plants is to furnish milk to distributing plants during the season of low production. In the months of flush production, supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk to be manufactured where it is received and use direct receipts for Class I sales. The pool plant performance standards should not force milk to be transported to distributing plants in the summertime where it must be manufactured in order to maintain the pool status of supply plants.

To avoid this, a proviso has been incorporated into the supply plant standards which allows such a plant to maintain pool status throughout the year if it supplies certain proportions of its producer milk to distributing plants needing the milk for their own Class I use in the months when milk production tends to be lowest. These percentage standards should require that a supply plant provide such distributing plants with needed milk to the extent of three-fourths of its pool milk received in each of the months of lowest production, October and November, and 35 percent of such milk during three additional months during the short production season. Percentage figures would be determined for each month on the basis of volume of receipts from producers and pool milk from other pool plants, compared with the pounds of milk, skim milk and cream shipped to distributing plants during the month. Any plant meeting these standards would maintain pool status for the following season of flush production.

It would not be in the best interest of the Paducah market if a supply plant were to ship milk to distributing plants for qualification purposes when such milk was actually used for Class II disposition. This does not appear likely, however, because of the limited manufacturing facilities in Paducah distributing plants. Attempts to qualify supply plants by these means would be discouraged also by including a provision in the order which will allow location differential credit only with respect to milk needed by the transferee plant for Class I use. If this does not prove to be true, further consideration may be given to this question.

5. The order should recognize diversion of producer milk by qualified cooperative associations.

The record indicates that the facilities for handling surplus milk in the plants of regulated handlers are very limited in capacity. At certain times it may become necessary, in order to facilitate the handling of milk not needed by milk distributors under the order, to divert such milk to unapproved plants for processing. Milk so diverted is needed during the fall and winter months for Class I use in the Paducah market. In order to maintain the status of all producers under the order and allow them to continue to pool their milk during the spring when such milk may be temporarily in excess supply, a qualified cooperative association should be designated as a handler and permitted to pool such milk. In the absence of such authority, individual producers, or the cooperative association members, might be required to carry the burden of the surplus. Such a system would not result in orderly marketing conditions.

The language of the attached order specifies that a cooperative association may be a handler with respect to diverted milk. Cooperative associations would have the same handler status as any other handler under the order. A producer under the order is any person having the health authority approval for the production of Grade A milk and whose milk is received at a pool plant or diverted by any handler as defined under the order.

6. The order should be amended to provide that handlers shall, if so requested, make payment directly to qualified cooperative associations for milk received from producer members of such association. This change is necessary to enable producer cooperative associations to carry out their essential functions as authorized by the act.

The collective marketing activities of cooperative associations are of benefit not only to member producers, but also to producers not members of the association who are able to market their milk in a stable and orderly market at prices comparable to those received by association members. Under these conditions, all producers are assured that they will be paid for their fair share of the fluid milk sales. They are assured, also, that their milk will not be displaced with milk purchased from other producers at lower prices than they receive. The stable and orderly marketing conditions which may be achieved and maintained by cooperative action of producers likewise are of benefit to consumers and distributors in that they foster a dependable supply of pure and wholesome milk.

In order for a cooperative association to be able to carry out these functions, it is important that such an association will have full authority and not be impeded in collective bargaining and in selling milk. In order for a cooperative association to be able to market milk effectively and distribute returns therefrom to producer members, it may be necessary for them to receive payment for such milk. Thus, payments to all members of the association may be made in accordance with the association's pooling program authorized by the act. Under the authority of the Marketing Agreement Act, payments may be received by a cooperative association on behalf of its members for milk caused to be marketed by the association.

The record indicates that a cooperative association representing a majority

of the producers supplying the Paducah market has experienced substantial losses in diverting producer milk for Class II use. The milk so marketed was needed as part of the necessary supplies of the market so that adequate Class I milk would be available at all times.

The losses which have been sustained by this cooperative in the process of disposing of surplus milk have benefited the entire market through increased stability and maintenance of class prices under the order. However, unless the association is in a position to share any such losses over the entire membership, it will be impossible to continue marketing milk in this way. It would not be practical for the association to maintain an orderly marketing program and keep all members on an equal footing in this respect unless it collected for the milk which it sells for all its members and distributed payments to such members. The milk of some of the members of the association is sold to plants not regulated under the order. Returns on this milk may vary from time to time and may be different than that reflected by the blend price. The order should provide, therefore, that handlers pay any cooperative association which so requests for the milk marketed for its producer members. Such payments should be made by handlers directly to the cooperative association.

A representative of producers testified that it would be unnecessary for a cooperative association to receive the advance payments to producers. Authority should be provided in the order so that a cooperative may request such payments, however, so that a handler may not circumvent the intent of this provision by increasing the rate of advance payment to producers. The association need not handle the advance payment, however, if it elects not to do so.

The various provisions of the order relative to payments for milk, except date of payment, should be the same for milk marketed by a cooperative association as that marketed by individual producers. The handler should be required to furnish the cooperative with data concerning the milk shipped each day be each producer member, the same as is furnished individual producers. The same minimum payments should be required, subject only to the proper deductions authorized by the producers in writing.

7. Payments should be required on unpriced milk. The order provisions concerning pool plant qualification standards described heretofore in this decision of necessity leave open channels by which unpriced milk may be disposed of for Class I use in the marketing area. Sale of unpriced milk (milk not paid for in accordance with its utilization) as Class I milk in the marketing area with no regulation whatsoever has seriously jeopardized the successful operation of the classified pricing system of the order.

A large volume of milk has been purchased for Class I use by Paducah handlers from sources other than producers during most months since the order became effective. Such milk may, and has, come from widely scattered plants. Although much of this milk is assigned to Class I use, it is not priced under the Paducah order. Aside from the provision of the order requiring prior allocation of producer milk to Class I and the administrative assessment, the purchase and sale of such milk is not affected by the order program. The handler may obtain such milk whenever, wherever and at any price he can. The utilization he makes of the milk is not regulated in any way by the order. If unpriced milk is allowed to be sold as Class I milk in the marketing area with no regulation whatsoever, the classified pricing system of the order may be seriously jeopardized.

There has been a considerable volume of other source milk disposed of on the Paducah market each month since May 1950. During February 1954, one handler discontinued purchases of milk from about 60 producers. During the same month, more than 1,000,000 pounds of other source milk was used by regulated handlers primarily for Class I use. The Paducah Graded Milk Producers Association, as well as producers themselves, tried unsuccessfully to market this milk to other fluid markets. Only six of these producers were accepted by other Paducah handlers up to the time of the hearing. A number of the producers sold to an ungraded plant but others were forced to skim their milk and sell cream. The record indicates that while these producers were trying to find a market, the handler to whom they previously shipped purchased surplus milk from a nonpool plant for the purpose of bottling it and disposing of it as Class I milk.

In spite of the milk shortage generally prevalent in the market, handlers have not adopted a policy of encouraging new producers to come on the market to any great extent. Testimony by a producer representative indicated that many ungraded producers who have offered to build any type building and purchase any equipment required to produce Grade "A" milk have not been given proper encouragement to become associated with the market. Some qualified producers have been refused access to the market. Failure to develop new producers regularly could soon result in serious reductions in the flow of producer milk. There is a normal turnover among producers which represents a substantial proportion of the total production.

Indications are that at least one reason why producer milk has been refused, and the major reason why new production has not been encouraged, even though the market was short, is the fact that surplus milk has been available from other fluid markets at a cost less than that for Class I producer milk. Handlers purchasing this other source milk at a saving compared to producer Class I milk are able to underbid handlers using producer milk for contract sales, and to jeopardize generally the position of producer prices and all Class I sales of the market.

The order assures the producers that if their milk is used for Class I purposes it will be paid for at Class I prices. Such prices are set at levels which reflect the price of feeds and other economic conditions and insure consumers of a sufficient supply of quality milk.

A classified pricing program cannot be successful in insuring returns to producers at rates contemplated by the act, however, if it is possible for some handlers to purchase milk which costs less than Class I producer milk and sell it for Class I use. Any handler who finds himself in a situation where his competitors are paying less for Class I milk than he is paying will be encouraged to resort to the same methods. This could result in disorderly marketing and in partial or substantial displacement of producer milk in the Class I market. Handlers might by-pass regular sources of supply by obtaining unpriced milk, thus creating insecurity for both themselves and producers as well as consumers.

In any fluid milk operation there must be a minimum amount of milk in excess of actual Class I needs. Because of seasonal fluctuation in production not matched by seasonal changes in consumer demand, this excess or reserve milk is surplus to the fluid operation and must of necessity be marketed in manufactured form in competition with products made from ungraded milk. Daily and weekly fluctuations in production and consumption may result in some excess milk at any time throughout the year. Such reserve milk yields a considerably lower price than is necessary to maintain graded milk production.

This reserve Grade "A" milk, which must be marketed at a lower price, is the major cause of the instability which affects fluid milk markets. If a handler is allowed to use milk he purchased at Class II prices for Class I use, he stands to gain advantage, but at the same time such action would demoralize the Class I market price.

The Paducah Class I market needs protection from the use of seasonal or other excess milk from other markets. Provisions of the order as it now stands permit handlers to curtail purchases of producer milk to their own advantage and secure low cost supplies, represented by the reserve milk from other markets, for Class I use. These seasonal supplies are most easily and cheaply acquired during the months of flush production when surrounding markets are receiving milk greatly in excess of their current fluid needs.

If adjacent milksheds dump their seasonal surplus on each other's Class I markets, the result will be market chaos. Class I prices would be demoralized and the rate of milk production would suffer. This would result in a milk shortage in both markets at any time in the year when general shortages and high prices prevailed. It is necessary therefore, in order to insure the effectiveness of the classified pricing program of the order and to promote orderly marketing, that provision be incorporated into the order to remove the incentive which handlers have to acquire unpriced milk and thereby undermine the Class I pricing structure of the order.

One possible alternative for accomplishing this would be to extend price regulation in accordance with order provisions to all milk dealers who supplied milk either directly or indirectly to the

Paducah market. This alternative is both economically and administratively unacceptable in such an order program. It would open the Paducah market pool to anyone who supplied even a token quantity of milk to handlers serving the marketing area. The objections to such distribution of pooled funds were discussed previously herein in connection with the recommended performance standards for pool plant status.

Such regulation would have the further disadvantage of being cumbersome, expensive, and difficult to enforce. The record discloses that needed supplemental milk is obtained by Paducah handlers from a number of scattered plants. It would not be possible or desirable to limit the number of plants or areas from which milk might be purchased. However, in order to bring such plants under regulation, it would be necessary to set up a complete new set of transfer and allocation rules, perhaps with individual tailoring according to the various plant locations, markets and supplies. It would be necessary to follow milk from these plants to its various destinations and uses to determine classification. Also, it would be necessary to ascertain sources of supply other than receipts directly from farmers and determine what priority should be given such supplies in the allocation of Class I milk. In the case of a plant which made an incidental shipment of milk, perhaps at the end of the month or in the case of such items as storage cream, additional complications would be involved. Earlier inventories as well as sales would have to be ascertained and classified. Classification might depend upon transactions made in the past concerning which adequate records were not kept. Producer prices would be fixed for milk already purchased and sold. Required record keeping and auditing problems would be greatly multiplied with the extension of regulation.

Such extension of regulation would undoubtedly interfere with the acquisition of needed supplemental milk supplies for the Paducah market. Potential suppliers might be reluctant to sell milk to Paducah handlers if such sale would mean that they would be subject to producer price fixing and complete regulations as provided for under the order. Also, the terms of the order, such as pooling and equalization, might work to the disadvantage of such a supplier selling primarily to an unregulated Class I market.

It is concluded that it is not feasible to price all milk which may enter the market and that provision is necessary in the order which will insure against the displacement of producer milk by such unpriced milk for the purpose of cost advantage. There is no choice as to what type of provision can be used for this purpose. The only alternative is to levy a charge against unpriced milk used in Class I to the extent it is required for the removal of any advantage there may be in using such milk instead of regulated producer milk.

Several problems are involved in establishing rules for any charge or payment designed to bring about the removal of the advantage of using unregulated milk. The rate of a compensation payment for this purpose must not be so low that it will permit a handler to have temporary or permanent advantage through sale of unpriced milk as Class I in the marketing area. It should not be so high that it will penalize suppliers of unpriced milk who offer milk needed by the market and who are not in a position of gaining an unfair advantage by such sale of milk. The payment must be provided for in a manner which is administratively feasible and which does not bring about unjustified administrative inconvenience or expense.

Several methods may be suggested for determining what rate of payment would be appropriate. One of these is to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensation payment any amount by which the Class I price exceeded the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Rates at which milk sales are billed may not represent actual cost to the purchaser. In the case of a firm which owns or controls pool plants under the Paducah order as well as unregulated plants, the rate of payment from one plant to another, if any were made, would have little or no significance. If such a provision were to be adopted, the billing rate might be deliberately set in each instance at a level which would avoid any payments without regard to the value of the milk.

A handler having no unregulated plants would no doubt find it possible to arrange a billing price on purchased milk which would avoid any compensation payment. If a handler had the choice of paying money to the marketwide pool or to a person from whom he was buying milk, he would probably choose the latter. A kickback arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be a self-serving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented the true cost to the purchaser.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensation payments on the difference between such price and the Class I price. The record discloses that sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge varies according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and receiving costs, such as receiving, weighing, testing and cooling the milk, and other costs of doing business. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this excess rate should be particularly in the case of products such as skim milk and cream, where the allocation of additional processing costs among more than one end product is involved. Furthermore, the Marketing Agreement Act does not give the Secretary express authority to enforce prices other than producer prices. This scheme for removing the advantage in using unregulated milk is rejected for these reasons.

Another suggested method is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk and base the compensation payment thereon. This method has several shortcomings. The various payment plans which are used in paying farmers for milk would make the determination of pay rates to individual farmers a next-to-impossible task. For example, unregulated milk dealers may use varying rates of butterfat differentials, different types of base rating plans, or payments based on volume of deliveries. Various devices such as these for paying farmers often make it impossible to determine actual rate of payment per hundredweight of milk. Stated prices are often illusory, since the cost of the milk itself may be modified by unrealistic charges for various items of supplies and services. Whatever payment plan an unregulated milk dealer may use is a matter of his own choice and it can be changed readily. Calculation of compensation payments according to this suggestion would give any affected dealer special incentive to resort to these or other special payment plans for purposes of evading payment, even though such plans may not now be prevalent.

The further problem of establishing the rate of payment to be required would by itself preclude use of the actual cost of the milk purchased from farmers by unregulated handlers as a basis for calculating the payment to be required. If a payment were to be required on the unregulated milk based on the difference between prices paid farmers and some other price, the unregulated handler could avoid payments by increasing his prices to farmers. This would give an unregulated handler the advantage over regulated handlers in that a regulated handler has no choice as to what he is required to pay producers nor how this money is to be distributed. Likewise, it would enable unregulated suppliers to dispose of Class I milk in the marketing area with no obligation to equalize such sales with other suppliers of the market.

Even though the rate of payment to producers for all milk might be known, it would still be impossible to ascertain the rate of payment on that portion of the milk disposed of in the marketing area. Since milk marketed outside the marketing area would represent most of the total supply in the unregulated plant, it would be necessary to determine payment for milk marketed to the various outlets. As pointed out in this decision, all handlers have both surplus as well as Class I milk in their plants and it is not

realistic to assume that the purchase price for milk for each use is the same.

It has been suggested that in order to overcome this objection the plant of the unregulated handler be subject to audit and that the rate of compensation payment be based on the difference between the average utilization value at order prices in the unregulated plant and the average rate of payment to producers. This method would not recover the entire advantage of selling surplus milk as Class I in the marketing area. It has not only the disadvantages associated with other schemes based on actual pay rates to producers, but it would involve, in the case of the Paducah market, a complicated and administratively impracticable system of accounting and determination in such plants. The unregulated plants from which the Paducah handlers may obtain supplemental milk are numerous and widely scattered. Determination of utilization value in these plants would involve the same complications and administrative expense and difficulties, as discussed earlier, which would be involved in complete regulation of such plants. To make the detailed accounting necessary to establish classification, such unregulated dealers would need to maintain the same detailed records as wholly regulated handlers.

An alternative method for determining the rate of compensation payment would be to base the rate of payment on the difference between blend prices prevailing in an area and the Class I price. This method has been suggested because it is assumed that unregulated handlers will be forced by competition to pay farmers approximately average blend prices. This assumption is not valid to the degree that a payment based on the difference between such prices could be expected to insure that unregulated milk would not be used to displace regulated milk for cost reasons at all times throughout the year. Unregulated plants, as well as regulated plants, have some surplus milk at all times and particularly during the seasons of flush production. As a result, prices paid farmers are, in fact, blend prices made up of returns from the sale of milk in Class I outlets, as well as sales to the surplus market. If an unregulated plant were in a position to sell its surplus milk for Class I use in the marketing area and maintain its own Class I outlets, it would have a competitive advantage over regulated handlers who found it necessary to dispose of part of their milk as surplus.

Since none of these suggestions presents an acceptable approach to the problem of compensation payments, it is necessary to resort to a different procedure. The only sound method of dealing with this problem is one based on a recognition of the economics involved as they affect producers and handlers. This approach resolves itself primarily into a question of market values for milk.

Handlers under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk priced under the order for similar use. The record shows that milk supplies are invariably larger in surrounding markets in spring and summer than in fall and winter, and that because of relatively constant sales of fluid milk, the excess increased production must be marketed largely as manufactured products. This outlet represents the opportunity cost of the surplus milk since it is the highest price at which the milk can otherwise be sold. It is this opportunity cost or value of such milk which would be effective in determining the price at which the unregulated plant would sell such milk. The minimum asking price of the unregulated supplier of such milk would be expected to be only the return which he would realize if the milk were disposed of for surplus use, including any necessary handling charge.

Since considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the market may obtain milk, it is evident that handlers under the Paducah order could obtain such milk at prices reflecting its value as surplus milk. In short, the actual value of this milk is not the blend price paid to dairy farmers but rather the price which can be obtained for it in the market.

Therefore, for the months of March through July, during which period surplus milk is likely to be available in substantial volumes to the Paducah market from nonpool sources, the compensation payment on other source milk or milk products used for Class I should be based on the difference between the minimum price of producer milk used for surplus and the applicable Class I price under the order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses whether received from producers at regulated plants or from other farmers at nonregulated plants. In calculating the payments on other source milk both the Class I and surplus values must relate to and be fixed as of the point where the milk is received from farmers at the first receiving plant, so as to be properly comparable with minimum class prices which always attach to producer milk at that level of marketing. No allowance should be made for subsequent handling costs and profits in this farm level comparison between producer and other source milk because such costs and profits attach at stages of marketing subsequent to the basing point to which minimum class prices for producer milk refer. They are in no way regulated by the order with respect to producer milk. Neither the act nor the order contemplates, authorizes or provides for the regulation of subsequent handling charges or profits or the establishment of uniform resale prices between handlers, whether the milk be from producers or other sources.

During the months of August through February, when milk supplies tend to be shorter, it is concluded that other source milk will not be available to handlers in the Paducah market at surplus prices. Evidence indicates that the supply of excess milk available in these months is much less than during the season of flush production. It is concluded that during these months the compensation payment should be based on the difference between the Class I and the blend prices under the order. Generally speaking, during these months the relationship between the supply of milk in the Paducah supply area and the demand for such milk will tend to fluctuate considerably from year to year according to production conditions. It is concluded that these fluctuations will tend to be similar in Paducah and surrounding markets. Thus, the rate of compensation payment based on the difference between Class I and blend prices will adjust itself automatically in these months according to the changes in demand for and prices of outside supplies. If supplies of producer milk are relatively plentiful, unpriced milk can be expected to be cheaper, and therefore, the rate of compensation payment should be somewhat higher. On the other hand, as milk supplies in the area tend to be short, it is to be expected that the cost of unregulated milk will increase. Under these circumstances, the rate of compensation payment will be correspondingly less. If producer milk were all assigned to Class I in these months, no compensation payment would be required.

By choosing a rate of compensation payment which reflects the cost of the cheapest milk which may be expected to be available, any advantage to individual handlers through obtaining such cheap milk and substituting it for producer milk in Class I is removed insofar as is administratively feasible. Thus, no handler is given the clear opportunity to gain an unfair advantage as would otherwise be the case. Although the unfair advantage of obtaining other source milk is removed by the particular rate of payment herein provided, nevertheless, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains; for the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk. This follows from the fact that the measure of the compensation payment is an objective one and does not depend upon the particular price which the handler paid for the other source milk.

As pointed out heretofore, the process of market-wide pooling creates an unnatural incentive for milk to come into the market to gain the advantages of pooling. The payments herein found necessary will tend to offset such artificial incentive thus created.

The act requires that prices fixed under the order for milk purchased from producers or associations of producers be uniform as to handlers, subject only to usual adjustments, such as those for butterfat content and location of the milk. The only prices fixed under the order are those for producer milk, and it is hereby determined that they are uniform as required by the act. Class prices for pool milk under the order are for raw milk as received from farmers, f. o. b. the loading platform at the plant where first received.

No valid comparison can be made of prices to farmers with the necessarily higher prices of milk or milk products at

any later point in the marketing process. Consequently, the compensation charges do not purport to assure that the cost or price of non-pool milk or milk products, as bought and sold from dealer to dealer, will be no higher than the minimum class prices for raw, unassembled pool milk, f. o. b. the initial plant. A handler selling pool milk or milk products could not well sell it at levels as low as the minimum class price without loss to himself. Compensation charges at a rate which would assure a total maximum cost to a handler of only the minimum class price for non-pool milk and milk products received from a non-pool plant would clearly discriminate against pool milk and milk products.

It is concluded that the compensation payments herein provided are not only incidental, but necessary to sustain the classification and pricing of milk according to its use in the market, and that the rates of payment specified are those which are necessary and appropriate to accomplish this purpose.

In addition to that other source milk which enters the marketing area through pool plants, some non-pool milk may be distributed within the marketing area from plants which are non-pool plants and the milk from such plants will be non-pool milk. The compensation charges applicable to other source milk disposed of in the marketing area from distributing plants which are non-pool plants should be the same as those applicable to other source milk distributed from pool plants as discussed previously herein. It would not be possible to stabilize the market under the classified pricing program if non-pool plants were allowed to distribute unpriced milk in the marketing area without these payments. Such milk should be classified and priced the same through the classification pricing program as unpriced milk distributed through any other channels.

Handlers distributing such unpriced milk in the marketing area from nonpool distributing plants have the same opportunity to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. Such milk may be purchased and distributed in the marketing area. In addition, however, the operator of the non-pool plant in all probability has surplus milk in his own plant which he would want to dispose of on any basis which would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by bidding for large contracts such as hospitals, defense establishments or other large institutions. With surplus outlets as the alternative, and no compensation payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. A nonpool plant might also use such price advantage in selling his surplus milk to Class I outlets for the purpose of establishing a regular trade on retail or wholesale routes to homes and stores in the marketing area. Under the proposed order provisions, a nonpool plant might sell up to 10 percent of its milk into the marketing area as Class I without becoming subject to regulation. To allow a nonpool plant to use its surplus milk in this manner for establishing a regular trade in the marketing area without compensation payments would mean that such plant would have a marked competitive advantage over regulated handlers selling priced milk. Such conditions could readily lead to disorderly marketing conditions.

It is considered inappropriate also that a plant distributing a small share of its milk in the marketing area should be subject to full regulation because of that small share of its milk so marketed. Such regulation might place a plant of this kind at a competitive disadvantage with respect to its unregulated competition. It might be possible that a nonpool plant would be disposing of a larger share of its milk as Class I than the average utilization for the market. In such cases, the compensation payments herein provided may cost the handler less than the equalization payments such plant would pay if fully regulated as a pool plant. In these instances, the sale of small quantities of milk in the marketing area would be more likely to take place under the compensation payment provisions herein provided than if full regulation were extended to such plants.

The rate of compensation payment provided for nonpool plants making distribution directly in the marketing area should be the same as that for pool plants which obtain and use unpriced milk in Class I. The administrative feasibility of any other method of levying compensation payments is substantially the same as that described in the case of unpriced milk distributed in the marketing area by pool plants.

No compensation payments should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Paducah handlers may obtain supplemental supplies, or from which handlers are now distributing milk in the Paducah market, approximate or exceed the Paducah Class I price after allowing for different types of seasonal price adjustments and for location of the other markets. Since handlers under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to unload any surplus producer milk into the Paducah market for Class I use at less than Class I prices. If such plants should have Class I sales in excess of producer receipts, the same payment may need to be applied to their excess sales as herein recommended for Paducah handlers. The record does not indicate that such is the case, however.

Any money collected as compensation payments should be added to the producer-settlement fund. It is the purpose of the order to insure that a sufficient and dependable supply of quality milk will be available for the Class I needs of the market. To the extent that Class I sales are displaced through the disposition of surplus milk from unpriced sources, producers stand to lose income from the sale of milk to the market which they are expected to supply. This loss of income would mean that the prices contemplated under the order would not be realized by producers. As a result, production might suffer, in which case consumers would stand to lose because of the disappearance of milk supplies from the regular and dependable sources which have assumed the obligation of supplying milk to the market on a year-round basis. Otherwise, Class I prices would have to be increased to offset the loss of income to producers. There is no alternative source of dependable milk supplies which would cost consumers less over a period of time than the milk supplied by regular producers. Thus, there is justification for returning to producers the difference between the value of such milk at its opportunity cost, which would otherwise be its value to the seller, and the Class I price. There is no other alternative disposition of funds from compensation payments under the authority of the act other than that herein provided.

It is necessary that the order specify what handler shall be obligated to make the compensation payment. If the unpriced milk is distributed in the marketing area from a nonpool plant, the operator of such plant should make the payment. In the case of supplemental milk received at pool plants from unpriced sources, either the buying or selling plant might be assessed. From the standpoint of the economics involved, it would make no difference since the amount of the payment would be the same in both cases.

From the standpoint of administration and enforcement, it would be much easier and simpler for the regulated plant to make the payment. It is the regulated handler with whom the market administrator regularly deals. Such handler would be expected to know and understand the terms and provisions of the order. He is the handler who would be responsible for distributing the milk in the regulated market. Whether or not a compensation payment would be required would depend upon the application of the allocation provisions of the order to the plant of the receiving handler.

The seller, on the other hand, would not be aware until later whether a compensation payment would be required, and might not even know at the time of the sale, particularly if the sale took place through a broker, whether his milk would be moved to a regulated market for disposition. If enforcement proceedings were to be required, it would be more convenient and logical to bring the case to trial in the area of the regulated market where the problem arose.

The compensation payments herein provided will not prohibit the marketing of milk nor limit the marketing of milk products from any production area of the United States. The rate of payment required is uniform except for adjustment by transportation differentials to any plant, regardless of whether it is located in the marketing area or at any distance from the marketing area. The transportation differential herein provided for this purpose is designed to

reflect the cost of hauling bulk milk in tank truck lots.

The quantity of milk and milk products which may be sold in any regulated market is dependent to a considerable extent upon the price fixed under the order for the particular class of utilization. Such influence should not be construed, however, as a limitation of the type precluded under the act. No price can be fixed without influencing, to some extent, the quantity of milk and milk products which may be sold from either regulated or unregulated sources. No quantitative limitations are imposed under the order on the amounts of unpriced milk which may be disposed of in the marketing area nor do they prohibit such use or any other use of unpriced nonpool milk or milk products. The compensation payment herewith provided will not discriminate against producers by areas, but will provide for equalization of competitive prices by type of transaction with respect to relationship between regulated and unregulated milk.

The payment will not deprive suppliers of unpriced milk of a high priced market which they would otherwise enjoy. The alternative sale value of the unpriced milk is recognized, and this value would be returned to these sources if sale were made to the Paducah market. If marketing facilities and outlets are such that it is advantageous for unpriced sources to dispose of their surplus milk to the Class I market, they may be expected to and undoubtedly will do so, and the return they receive will be a full surplus value for such milk.

The compensation payment herewith provided has as its primary purpose the elimination of economic incentives for handlers to use unpriced milk to displace priced milk in Class I sales. The rate of payment found to be appropriate for this purpose is one which recognizes general competitive conditions in the purchase and sale of regulated and unregulated milk. It is recognized, however, that general competitive conditions do not prevail in all cases. Each handler is situated differently and each individual transaction is made under different circumstances. It is not possible, however, to adjust prices or payments to individual circumstances or transactions. Such an individual approach would not be administratively or economically feasible. Compensation payments must therefore be applied at a definite and certain rate applicable to all handlers similarly situated. No single rate of payment can be determined, however, which would result in complete equality of cost to all handlers. Consequently, instances will undoubtedly arise which will appear to indicate that the objectives of the compensation payment are not being achieved. As a result, the payments required in isolated cases may seem harsh.

It is necessary in seeking an over-all solution to problems of this nature to adopt provisions which will be reasonable and as liberal as possible, and at the same time still guarantee the integrity of regulation. To provide inadequate payments would leave the door open to practices which would render the program ineffective. Commerce in milk is entirely at the option of handlers. They are free to complete only those transactions which are most favorable to themselves. Order provisions must recognize this fact. They must recognize, also, that the varying conditions under which milk transactions occur give rise to great complexity and some doubtful circumstances. Where marginal problems arise, they must be resolved in favor of producers under the order, otherwise the advantage may go to unregulated milk and to dealers and farmers who are not required to abide by any rules of procedure or price making.

8. Several minor modifications, primarily of an administrative nature, are required in the order. These are as follows:

Inventories of Class I products on hand at the end of the month should be classified as Class II milk. It is essential that some system of classification be applied to such milk so as to determine the obligation of handlers for producer milk received during the month, but not yet utilized for manufacture or disposed of. The order is now silent on this question.

At least one of the milk plants regulated under the Paducah order handles considerable quantities of frozen cream, and this cream is used for Class II disposition. Classification of this product as Class II will avoid overstatement of Class I sales in months when such inventories have accumulated.

The inventories of Class I products so assigned to Class II should be allocated to Class II use in the plant during the following month after the prior subtraction of other source milk. If inventories so classified as Class II exceed the Class II utilization available, a charge should be made in calculating the handlers obligation to reflect any subsequent use of producer milk in Class I after having first been classified as Class II.

Definitions of plants and other order provisions should be changed as necessary to require reports and payments found necessary from plants selling unpriced milk in the marketing area.

Payment and pooling dates should be revised slightly so as to allow time for cooperative associations to collect for producer milk and distribute payments to members. Handlers should be required to furnish cooperatives the necessary data concerning each producer member to enable the cooperative to make proper payments.

Because of the changes in plant definitions and pricing provisions, it may take somewhat longer to receive and make payments in connection with the equalization of producer returns. For this reason the order should be amended to provide for retaining a somewhat larger balance in the producer settlement fund. These and other minor modifications in order language are necessary to effectuate the amendments heretofore found necessary under issues No. 1 through No. 7.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons concerning issues on which decision is herein recommended were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

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

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

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

Recommended marketing agreement and order amending the order, as amended. The following order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the following amended order.

DEFINITIONS

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

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

§ 977.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency authorized to perform the price reporting functions specified in this part.

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

§ 977.5 *Paducah, Kentucky, marketing area.* "Paducah, Kentucky, marketing area," hereinafter called the "marketing area," means all the terri-

tory within the boundaries of McCracken County, Kentucky.

§ 977.6 *Distributing plant.* "Distributing plant" means a plant in which milk is processed and packaged and from which Class I milk is disposed of during the month on routes (including routes operated by vendors) or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 977.7 *Supply plant.* "Supply plant" means a plant (except a distributing plant) which is qualified as a pool plant pursuant to the proviso in § 977.8 (b) or a plant from which milk or skim milk which may be distributed in the marketing area under a Grade A label is supplied during the month to a plant qualified pursuant to § 977.8 (a).

§ 977.8 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which not less than 45 percent of its receipts of producer milk and pool milk from plants qualified pursuant to paragraph (b) of this section is distributed during the month as Class I milk on routes to wholesale or retail outlets (including plant stores), except pool plants or nonpool plants, and from which no less than 10 percent of such receipts is distributed as Class I milk during the month on routes to wholesale or retail outlets (including plant stores), except pool plants or nonpool plants, located in the marketing area: *Provided,* That a plant which qualifies as a pool plant by complying with the foregoing percentages during any month shall be a pool plant during the following month; or

(b) A distributing plant or supply plant from which the volume of milk, skim milk and cream shipped to pool plants qualified pursuant to paragraph (a) hereof, or distributed on routes as Class I milk to retail or wholesale outlets (including plant stores), except pool plants or nonpool plants, located in the marketing area is equal to no less than 50 percent of the pool milk received at the plant: *Provided,* That if a supply plant ships to pool plants qualified pursuant to paragraph (a) hereof, milk, skim milk and cream equal to at least 75 percent of its producer milk in October and November and 35 percent of such milk in three additional months during the period from August through January, such plant shall, upon written application to the market administrator on or before the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the terms of this proviso.

§ 977.9 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 977.10 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a distributing plant or a supply plant; (b) a producer-handler; or (c) a cooperative association qualified pursuant to § 977.87 (b) with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 977.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority, which milk is delivered from the farm to a pool plant or diverted during the months of February through August from a pool plant to a nonpool plant for the account of a handler. Milk so diverted shall be deemed to have been received at a pool plant by the handler for whose account the milk was diverted.

§ 977.12 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant, from which Class I milk is distributed within the marketing area but which receives no other source milk or milk from other dairy farmers.

§ 977.13 *Producer milk.* "Producer milk" means the skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 977.11.

§ 977.14 *Pool milk.* "Pool milk" means skim milk or butterfat contained in producer milk or in products designated as Class I milk pursuant to § 977.41 (a) received from a pool plant (except the plant of a producer-handler) which are approved by the appropriate health authority for distribution as Class I milk in the marketing area.

§ 977.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 977.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 977.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

MARKET ADMINISTRATOR

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

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

(a) To administer its terms and provisions;

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

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

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

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

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

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

(d) Pay out of the funds received pursuant to § 977.88: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 977.87 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 977.30 through 977.33 or payments pursuant to §§ 977.62 and 977.80 through 977.88.

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

(h) Upon request, report, on or before the 25th day after the end of each month, to each cooperative association described in § 977.87 (b) the percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order; and

(k) Publicly announce, by posting in his office and by other means he deems appropriate, on or before;

(1) The 5th day of each month, the minimum price for Class I milk, pursuant

to § 977.51 (a), and the Class I butterfat differential, pursuant to § 977.52 (a), both for the current month; and the minimum price for Class II milk, pursuant to § 977.51 (b), and the Class II butterfat differential, pursuant to § 977.52 (b), both for the preceding month;

(2) The 10th day after the end of each month, the uniform price, pursuant to § 977.71, and the producer butterfat differential, pursuant to § 977.85.

REPORTS RECORDS AND FACILITIES

§ 977.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his distributing and supply plants of (1) producer milk, (2) skim milk or butterfat contained in products designated as Class I milk, pursuant to § 977.41 (a), received from pool plants, and (3) other source milk;

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 977.11;

(c) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(d) Inventories of Class I milk on hand at the beginning and end of the month;

(e) The name and address of each producer from whom milk was not received during the previous month, and the date on which milk was first received from such producer; and

(f) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer.

§ 977.31 *Reports of payments to producers.* On or before the 20th day after the end of each month, each handler shall report to the market administrator on forms approved by the market administrator his producer payroll for such month which shall show for each producer (a) the total pounds of milk received from such producer with the average butterfat content thereof, (b) the net amount of the payment made to such producer together with the price, deductions, and charges involved, and (c) the amount and nature of any payments made pursuant to § 977.84.

§ 977.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 977.33 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The amount and nature of deductions authorized by producers, and disbursements of any money so deducted; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream or other milk products on hand at the beginning and end of the month.

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

CLASSIFICATION OF MILK

§ 977.40 *Basis of classification.* All skim milk and butterfat received by a handler at a pool plant and which is required to be reported pursuant to § 977.30 shall be classified by the market administrator pursuant to the provisions of §§ 977.41 through 977.46.

§ 977.41 *Classes of utilization.* The classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, buttermilk, milk drinks (whether plain or flavored), and cream, and (2) all milk, skim milk and cream not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce a product other than those specified as Class I milk, (2) contained in inventory of milk and milk products designated as Class I milk pursuant to § 977.41 (a) (1), on hand at the end of the month, and (3) as plant shrinkage not to exceed 2 percent of the total receipts of skim milk and butterfat respectively in producer milk (except milk diverted pursuant to § 977.11) and other source milk: *Provided*, That such shrinkage shall be assigned pro rata to such producer milk and other source milk.

§ 977.42 *Responsibility of handlers and reclassification of milk.*

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class.

(b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

§ 977.43 *Transfers.* Skim milk and butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk pursuant to § 977.41 (a) to a pool plant of another handler, except a producer-handler, unless utilization in a product specified in § 977.41 (b) is claimed in the reports submitted to the market administrator by both handlers on or before the 6th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 977.45, and any additional amounts of skim milk or butterfat so transferred shall be assigned to Class I milk.

(b) As Class I milk if transferred in the form of products designated as Class I milk pursuant to § 977.41 (a) to the plant of a producer-handler.

(c) As Class I milk if transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant, unless (1) utilization in a product specified in § 977.41 (b) is indicated in writing to the market administrator by the operator of the pool plant on or before the 6th day after the end of the month within which such transaction occurred, (2) the operator of the nonpool plant maintains books and records showing the utilization of all milk and milk products at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually used at the nonpool plant during the month in a product specified in § 977.41 (b): *Provided*, That skim milk and butterfat so transferred in excess of such actual use shall be classified as Class I milk.

§ 977.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 977.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month, with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 977.41 (b);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk in § 977.41 (a) (1) on hand at the beginning of the month: *Provided*, That if the pounds of milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Subtract the pounds of skim milk in products designated as Class I milk pursuant to § 977.41 (a) (1) received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 977.43 (a);

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

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with the lowest price class.

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of producer milk.

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 977.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

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

Present Operator and Location

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

(b) The sum of the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph less 75 cents.

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93 score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture, during the month: *Provided*, That if no price is reported for 93 score butter, the highest of the prices reported for 92 score butter for the day shall be used in lieu of the price for 93 score butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture.

(c) Or the price shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the month by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky less 5 times the butterfat differential calculated pursuant to § 977.52 (b).

§ 977.51 *Class prices.* Subject to the provisions of §§ 977.52 and 977.53, the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month plus $.70 for the months of April through July, and plus $1.60 for all other months.

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the basic formula price for the month.

§ 977.52 *Butterfat differentials to handlers.* If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 977.44, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and round to the nearest one-tenth cent.

§ 977.53 *Location differentials to handlers.* For that milk which is received from producers at a plant located 40 miles or more from the McCracken County Court House in Paducah, Kentucky, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 977.41 (a) (1) to another fluid milk plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 977.51 (a) shall be reduced according to the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from McCracken County Court House (miles):	*Rate (cents)*
40 but less than 50	20
For each additional 10 miles or fraction thereof an additional	1

Provided, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 977.45 (a) (1) and (2) and the comparable step in (b) for such plant, and after deducting from such remainder an amount equal to no more than 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

APPLICATION OF PROVISIONS

§ 977.60 *Producer-handlers.* Sections 977.30, 977.40 through 977.52, and 977.61 through 977.87 shall not apply to a producer-handler.

§ 977.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be

considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 977.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act, unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Paducah marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant was qualified as a pool plant pursuant to the proviso of § 977.8 (b) for each of the preceding months of September through December.

§ 977.62 *Handlers operating nonpool plants.* Sections 977.43 through 977.46 and 977.70 through 977.83 shall not apply in the case of a handler in his capacity as the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, except that such handler shall, on or before the 15th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and location differentials.

(a) For the months of March through July, the Class II price adjusted by the Class II butterfat differential; or

(b) For the months of August through February, the uniform price adjusted by the Class I location differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the result by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 977.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 977.46 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 977.53.

(b) Add an amount computed as follows: Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 977.45 (a) (2) and (b) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat differential and the Class I location differential at the nearest plant(s) from which an equivalent amount of other source milk was received:

(1) For the months of March through July, the Class II price adjusted by the Class II butterfat differential; or

(2) For the months of August through February, the uniform price adjusted by the Class I location differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for such class, dividing the result by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 977.45 (a) (7) and (b) by the applicable class price.

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II after the calculations pursuant to § 977.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 977.45 (a) (4) and (b) for the current month, whichever is less.

§ 977.71 *Computation of the uniform price.* For each month, the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content, f. o. b. market, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 977.70 for all handlers who made the reports prescribed in § 977.30 and who are not in default of payments pursuant to § 977.82;

(b) Add an amount equivalent to the sum of the deductions for location differentials to be made from producer payments pursuant to § 977.80;

(c) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Add an amount equivalent to one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price per hundredweight of milk testing 3.5 percent butterfat, f. o. b. the marketing area.

PAYMENTS

§ 977.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 16th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 977.87, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 977.85 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association qualified pursuant to § 977.87 (b) which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association an amount equal to not less than the amount due such producer members pursuant to paragraph (a) of this section.

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the amount or rate and nature of deductions, and (iii) the

amount and nature of payments due pursuant to § 977.84.

§ 977.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 977.62, 977.82 and 977.84, and out of which he shall make all payments pursuant to §§ 977.83 and 977.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 977.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his milk, computed pursuant to § 977.70 for such month, is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials.

§ 977.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the total value of his milk, computed pursuant to § 977.70, for such month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 977.84 *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 977.80, the handler shall make up the difference of such payment not later than the next time for making payments as set forth in the provisions relating to payments which were in error.

§ 977.85 *Butterfat differential to producers.* The uniform price to be used pursuant to § 977.80 in making payments for producer milk shall be adjusted by adding or subtracting, as the case may be, for each one-tenth of one percent by which the average butterfat content of such milk is more or less than 3.5 percent, the appropriate amount as shown in the following schedule according to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, for the month:

Butter price range (cents):	Rate (cents)
17.499 or less	2
17.50 to 22.499	2½
22.50 to 27.499	3
27.50 to 32.499	3½
32.50 to 37.499	4
37.50 to 42.499	4½
42.50 to 47.499	5
47.50 to 52.499	5½
52.50 to 57.499	6
57.50 to 62.499	6½
62.50 to 67.499	7
67.50 to 72.499	7½
72.50 to 77.499	8
77.50 to 82.499	8½
82.50 to 87.499	9
87.50 to 92.499	9½
92.50 and over	10

§ 977.86 *Location differentials to producers.* In making payments for milk received from producers pursuant to § 977.80, the uniform price per hundredweight shall be reduced by the rate set forth in the following schedule according the shortest hard-surfaced highway distance, as determined by the market administrator, from the plant where the milk is received from producers or from which the milk is diverted, to the McCracken County Courthouse in Paducah, Kentucky:

Distance from McCracken County Courthouse (miles):	Rate (cents)
40 but less than 50	20
For each additional 10 miles or fraction thereof an additional	1

§ 977.87 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 977.80 with respect to milk received from producers (excluding such handler's own farm production), shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe; and, on or before the 20th day after the end of the month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section and which is not receiving payment for its producer members, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers pursuant to § 977.80 (b) as are authorized by such producers, and on or before the 20th day after the end of each month, pay over such deductions to the association rendering such services.

§ 977.88 *Expense of administration.* As his pro rata share of the expense of the administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month for such month 5 cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk, (b) other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant not partially exempt from the provisions of this order pursuant to § 977.61.

§ 977.89 *Termination of obligations.* The provisions of this section shall apply to any obligations under this order for the payment of moneys irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving

fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 977.90 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 977.91 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 977.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accural or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 977.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except §§ 977.34, 977.89, and 977.91 through 977.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 977.100 *Agents.* The secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 977.101 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of November 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-9468; Filed, Nov. 30, 1954; 8:48 a. m.]

[7 CFR Part 983]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

PROPOSED SUSPENSION OF MARKETING AGREEMENT AND ORDER

Notice is hereby given that the Secretary of Agriculture is considering the suspension of Marketing Agreement No. 112 and Order No. 83 (7 CFR Part 983) effective February 1, 1955. The recommendation for the suspension was made by the Control Committee, established under said Marketing Agreement No. 112 and Order No. 83, as the agency to administer the terms and provisions thereof, regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated area of Florida and Georgia, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

In making this recommendation, the Control Committee considered the supply-demand conditions for, and other factors which affect the marketing of, Type 62 tobacco. At the time the program was initiated in 1952, the total supply of Type 62 tobacco exceeded the normal supply by more than one million pounds. It is now estimated that the current supply of Type 62 tobacco approximates the normal supply. The Control Committee, therefore, expressed the view that commencing February 1, 1955, this regulation program will not tend to effectuate the declared policy of the act. Further, during the period of the suspension, operations under normal supply conditions without regulation should indicate whether the program should be terminated or reactivated in the future.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal may file the same with the Director of the Tobacco Division, Agricultural Marketing Service, Room 3521 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

All terms used herein shall have the same meaning as when used in the marketing agreement and order.

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

Issued at Washington, D. C., this 26th day of November 1954.

[SEAL] STEPHEN E. WRATHER, *Director, Tobacco Division, Agricultural Marketing Service.*

[F. R. Doc. 54-9496; Filed, Nov. 30, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

LUCIENNE PARME AND RENÉE IMBERT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Lucienne Parme, Toulon, Var, France, Renée Imbert (Nee Parme), Toulon, Var, France, Claim No. 42515; $224.95 in the Treasury of the United States, one-half thereof to each claimant.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled "Serenade," by Fred Parme, as listed in Exhibit A to Vesting Order 3430 (9 F. R. 6464, June 13, 1944), to the extent owned by the claimants immediately prior to the vesting thereof by Vesting Order 3430.

Executed at Washington, D. C., on November 24, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-9481; Filed, Nov. 30, 1954; 8:49 a. m.]

POST OFFICE DEPARTMENT

EXECUTIVE DIRECTOR, BUREAU OF POST OFFICE OPERATIONS ET AL.

REDELEGATION OF AUTHORITY TO ISSUE TEMPORARY TRAVEL CREDENTIALS

Pursuant to authority of paragraph (b) (2) of Order No. 55753, dated October 19, 1954 (19 F. R. 7510), authority to issue temporary travel credentials, in the delegatee's own name, necessary for officers and employees to obtain free transportation on railroad lines in the performance of their official duties, has been redelegated as follows:

1. By the Assistant Postmaster General, Bureau of Post Office Operations, to the Executive Director, Bureau of Post Office Operations; and

2. By the Assistant Postmaster General and Controller, Bureau of Finance, to the two Assistant Controllers, and to the Finance Officer, all of the Bureau of Finance.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-9459; Filed, Nov. 30, 1954; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Amdt. 1]

NORTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 22, 1954.

Notice of proposed withdrawal and reservation of lands dated November 12, 1954 (F. R. Doc. 54-9073; 19 F. R. 7439), is hereby amended by adding the following thereto:

Except as to Lot 12, Section 6, T. 146 N., R. 84 W., this withdrawal will not preclude the issuance of leases under the mineral leasing laws, subject to approval of the Corps of Engineers and such stipulations as they may require.

The areas described, including both public and any non-public lands therein, aggregate approximately 10,416 acres.

THEO E. ANHDER,
Acting State Supervisor.

[F. R. Doc. 54-9441; Filed, Nov. 30, 1954; 8:45 a. m.]

[New Mexico 016091]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 22, 1954.

Under authority of the act of April 25, 1932 (47 Stat. 136; 43 U. S. C. 154), and the regulations thereunder contained in 43 CFR 185.36, and pursuant to section 2.22 (a) of Departmental Order No. 2583 of August 16, 1950, of the Secretary of the Interior it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10:30 a. m. on the thirty-fifth day after the date of this order, be open to location, entry and patenting under the United States Mining Laws, subject to the stipulation quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Land Office at Santa Fe, New Mexico, before locations are made:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 N., R. 30 E.,
Sec. 5, lot 4 and SW¼NW¼.
T. 12 N., R. 30 E.,
Sec. 32, lots 1, 2 and E½SW¼.

The areas described aggregate 213.86 acres.

In carrying on the mining and milling operations contemplated hereunder Locators will, by means of substantial dikes or other adequate structures, confine all tailings, debris, and harmful chemicals in such a manner that the same shall not be carried beyond the herein described lands by storm waters or otherwise.

There is reserved to the United States, its successors and assigns, the prior right to use any of the lands hereinabove described, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, without any payment made by the United States or its successors for such right, with the agreement on the part of the Locators that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands should be made more expensive by reason of the existence of improvements or workings of the Locators thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the Locators, and that within thirty days after demand is made upon the Locators for payment of any such sums, the Locators will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands. The Locators further agree that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the Locators resulting from the construction, operation, and maintenance of any of the works hereinabove enumerated.

There is reserved to the Department of the Interior, Bureau of Reclamation, its successors and assigns; the prior right to use any of the lands hereinabove described, for the purpose of (1) mining and removal of sand, gravel, or riprap material, together with rights of ingress and egress, and (2) maintaining upon said property all necessary facilities for the storage of explosives: *Provided, however,* That should constructed facilities hinder mining activities of the Locators, the storage facilities may be moved to a location approved by the Bureau of Reclamation at the full expense of the Locator.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54-9442; Filed, Nov. 30, 1954; 8:45 a. m.]

[Docket Nos. DA-119, 120]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT

Pursuant to determinations DA-119 and 120, Washington, made by the Federal Power Commission and in accordance with section 2.5 Part 2 of the Redelegation Order No. 541 approved April 21, 1954, by the Director, Bureau of Land Management, 19 F. R. 2473, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawal the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to location, entry or selection subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended, and to the provision of the stipulation in so far as it effects the restoration of the E½ NE¼, Sec. 24, T. 24 N., R. 20 E., W. M., described below, that if and when this land is required in whole or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development without expense to the United States, its permittees or licensees.

WILLAMETTE MERIDIAN, WASHINGTON

T. 24 N., R. 20 E.,
Sec. 24, E½NE¼.
T. 30 N., R. 23 E.,
Sec. 29, SW¼NE¼.

The areas described aggregate 120 acres.

The subject lands are located in either Power Site Classification No. 349, or in Power Site Classification No. 197, and are situated adjacent to or near the Columbia and Methow Rivers, respectively. The lands are classified as suitable for disposal under the public sale law, and except for the lands in the E½NE¼, Sec. 24, which have a potential value for recreational purposes, are suitable for grazing, mainly, being composed of rough, rocky terrain. Elevation of the lands ranges from 600 feet to 1,800 feet above sea level. While any application that is filed will be considered on its merits, it is unlikely that any part of the restored land will be classified for any purpose other than that shown above.

The land described shall be subject to application by the State of Washington

for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for the construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the land until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time the land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. sec. 279–284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request in the Land Office, Spokane, Washington.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 54-9443; Filed, Nov. 30, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6523, E-6586]

DEPARTMENT OF INTERIOR ET AL.

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER BY SOUTHEASTERN POWER ADMINISTRATION

NOVEMBER 24, 1954.

In the matter of United States Department of Interior, Southeastern Power Administration, Philpott Project, Docket No. E-6523; and John H. Kerr Project, Docket No. E-6586.

Notice is hereby given that pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 890) the Secretary of Interior filed with the Federal Power Commission for approval, certain rates and charges proposed by the Southeastern Power Administration, an agency of the Department of Interior, for the sale of electric energy generated at the John H. Kerr Project on the Roanoke River in the State of Virginia and at the Philpott Project on the Smith River in the State of Virginia. Southeastern Power Administration (SEPA) states that it desires concurrent approval of the rates for both projects because they are considered to be integrated both operationally and financially.

I. *John H. Kerr Project Rates.* The rates submitted for approval are set forth in three standard (open order) rate schedules for three classes of power and energy, together with rates contained in a special contract with Virginia Electric Power Company (VEPCO).

A. *Standard Rate Schedules—1. Wholesale Firm Power Rate Schedule K–A–1.* This applies to the sale of dependable capacity and accompanying energy. The rate consists of a demand charge of $0.90 per month per kw of billing demand as defined in the rate schedule, and an energy charge of 4.5 mills per kwh.

2. *Wholesale Non-Firm Power Rate Schedule K–B–1.* This applies to the sale of non-dependable capacity and accompanying energy (exclusive of dump energy). The rate is:

Demand Charge: The proportion of $15,625 equivalent to the proportion of the total amount of non-dependable capacity available at the Project which is made available to the purchaser. This charge is applicable when the minimum elevation of the reservoir rule curve is not scaled below 290 and storage is unrestricted when the level of water is below the rule curve. If the reservoir rule curve is scaled to an elevation less than 290 the above charge shall be reduced for each foot of difference between 290 and such lesser elevation by the proportion of the total amount of non-dependable capacity available at the Project which is made available to the purchaser.

Energy Charge: 4.5 mills per kwh.

3. *Wholesale Dump Energy Rate Schedule K–C–1.* The rate for dump energy is 3.0 mills per kwh.

B. *Rates contained in contract dated August 8, 1952, as amended, with Virginia Electric Power Company.* The contract provides for the sale and purchase of various classes of power and energy by either party to the other, and for transmission and transfer service by the company. SEPA will deliver to VEPCO two-thirds of the dependable capacity of the Kerr Project. (The amount of capacity sold under the agreement reflects the effect of integrated operation of the Kerr Project with the Philpott Project). VEPCO will transmit a portion, up to 63,600 kw of the dependable capacity it receives to qualified SEPA customers. The remainder of such dependable capacity received by VEPCO is retained by VEPCO for its own use. Certain obligations are specified as to the quantities of energy to be delivered by SEPA and to be taken by VEPCO. The contract also provides for the sale of dump energy by SEPA and the use of generating units at the Project as condensers by VEPCO. In addition, provision is made for VEPCO to (a) transmit energy to SEPA's customers and to (b) supply deficiencies in energy required to firm up service to SEPA customers served through VEPCO's system and energy required for project use.

Rates for the above services are as follows:

Deliveries by SEPA:	
Demand charges:	
Dependable capacity	$0.90 per kw per month.
Nondependable capacity	$10,416.67 [1] per month, less an adjustment in the event the reservoir rule curve is scaled below a minimum elevation of 290 feet.
Energy charges:	
Energy accompanying above capacity.	4.5 mills per kwh.
Dump energy	3.0 mills per kwh.
Charge for condenser operation	$5 per hour per unit.

SEPA will pay the following charges to VEPCO:

For energy furnished by VEPCO to firm up SEPA customers:	
On-peak energy	Average production cost plus ½ mill per kwh.
Off-peak energy	Average fuel cost plus ½ mill per kwh.
For transmitting power and energy to SEPA customers, VEPCO will receive:	
Zone 1 (100 miles radius)	1.0 mill per kwh.
Zone 2 (150 miles radius)	1.75 mills per kwh.

[1] The charge of $10,416.67 is based upon ultimate installation of 204,000 kw. Prior to ultimate installation, in lieu of said charge, the following charges will be made: (a) $750 per generating unit per month for first 5 units, and (b) $3,450 per month for sixth unit.

In addition to, and separate from, the foregoing services, VEPCO shall transfer through its system any of the remaining one-third of Kerr capacity which SEPA requests to be delivered to Appalachian Electric Power Company or Carolina Power and Light Company. Further, VEPCO shall transfer energy through its system in either direction for SEPA in order to effect integrated operation of the Philpott and Kerr Projects. The same rates as given above for transmission service will be used, except that the rate for transfer of energy to Carolina company is 0.07 mill per kwh. The agreement is for a term ending June 30, 1963, and for successive five-year periods thereafter, and will not become binding until necessary approval is obtained.

II. *Philpott Project Rates.* These include three standard rate schedules for three classes of power and energy (the same three classes as for Kerr Project), and rates contained in a special temporary contract with Appalachian Electric Power Company.

A. Standard Rate Schedules—1. *Wholesale Firm Power Rate Schedule P–A–1.* This applies to the sale of dependable capacity and accompanying energy. The rate consists of a demand charge of $1.05 per kw per month and an energy charge of 3.5 mills per kwh. The billing demand provision is the same as that for Rate Schedule K–A–1 for sales from Kerr Project.

2. *Wholesale Non-Firm Power Rate Schedule P–B–1.* This applies to the sale of non-dependable capacity and accompanying energy (exclusive of dump energy). The rate consists of a demand charge of $0.50 per kw per month, or pro-rata share thereof (1⅔ cents per kw per day) if such capacity is available for less than one month, plus an energy charge of 3.5 mills per kwh.

3. *Wholesale Dump Energy Rate Schedule P–C–1.* The rate for dump energy is 2.0 mills per kwh.

B. *Rates contained in temporary contract dated June 1, 1953, as amended, with Appalachian Electric Power Com-*

pany. The contract is in the form of a letter agreement for the short-term sale of power and energy pending completion of negotiation of a long-term agreement between the parties. SEPA shall deliver 12,000 kw of dependable capacity and at least 100 kwh per kw per month. Additional peak energy or dump energy shall be sold as available. The rate consists of a demand charge of $1.05 per kw per month for dependable capacity and $0.50 per kw per month or 1⅔ cents per kw per day for nondependable capacity, plus an energy charge of 3.5 mills per kwh for energy accompanying the sale of capacity and 2.0 mills per kwh for dump energy. The company may operate the generators as condensers for $1.00 per hour per unit, and shall supply energy required for project use in excess of project generation, such deliveries to be deducted from deliveries by SEPA to company.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing should submit the same in writing on or before December 31, 1954, to the Federal Power Commission, Washington 25, D. C. The proposed rates and contract agreements in their entirety are on file with the Commission and available for inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9475; Filed, Nov. 30, 1954; 8:48 a. m.]

[Docket No. G-1148]

PHILLIPS PETROLEUM CO.

ORDER VACATING TERMINATION OF PROCEEDINGS AND CONTINUING INVESTIGATION

The Commission in its opinion issued August 22, 1951,[1] found, among other things, that Phillips Petroleum Company (Phillips) is not a natural-gas company within the meaning of sections 1 (b) or 2 (6) of the Natural Gas Act, and by order accompanying that opinion the Commission terminated the proceeding initiated by its order issued October 29, 1948, in this docket, instituting an investigation to determine whether Phillips is a natural-gas company and, if so, whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

The United States Court of Appeals for the District of Columbia Circuit handed down its opinion[2] reversing the Commission and determined that Phillips is a natural-gas company and that the "Commission should fix the rates" for Phillips' sales of natural gas for resale in interstate commerce. On June 7, 1954, the United States Supreme Court affirmed the opinion of the Court of Appeals.[3]

The judgment and decree of the Court of Appeals remanded the matter to the Commission for further proceedings in conformity with that Court's opinion.

The Commission finds: It is necessary and proper in the public interest, to aid in the enforcement of the Natural Gas Act, and in compliance with the mandate of the Court of Appeals, that our termination of the proceedings in this docket be vacated and that the investigation initiated by our order issued October 29, 1948, with respect to Phillips' rates and charges be continued.

The Commission orders:

(A) The termination of the proceedings in this docket directed by our order issued August 22, 1951, be and the same hereby is vacated.

(B) The investigation of Phillips Petroleum Company instituted by our order issued October 29, 1948, be and the same hereby is reinstituted and continued for the purpose of enabling the Commission to determine whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged or collected by Phillips, or any rules, regulations, practices or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(C) If the Commission shall find, after hearing, that any of Phillips' rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory or preferential, it shall determine and fix, by order or orders, just and reasonable, nondiscriminatory and nonpreferential rates, charges, classifications, rules, regulations or contracts to be thereafter observed and in force.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9447; Filed, Nov. 30, 1954; 8:46 a. m.]

[Docket No. G-3053]

J. M. KESSLER

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that J. M. Kessler (Applicant), an individual with his principal office in Oklahoma City, Oklahoma, filed on September 24, 1954, his application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Guymon-Hugoton Field, Texas County, Oklahoma, which he sells to Southwestern Public Service Company and Cities Service Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 15, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9446; Filed, Nov. 30, 1954; 8:45 a. m.]

[Docket Nos. G-3135, G-3137, G-3138, G-3139]

JOHNSTON OIL AND GAS CO.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING AND FIXING DATE OF HEARING

Take notice that Johnston Oil and Gas Company (Applicant), a Delaware corporation with its principal office in Houston, Tex., filed applications on September 27, 1954, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its applications filed herein.

Applicant produces natural gas in the Blanco and Southern Blanco Fields in

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[1] In the Matter of Phillips Petroleum Company, Docket No. G-1148, Opinion No. 217 and accompanying order, 10 F. P. C. 246, 283.

[2] State of Wisconsin v. F. P. C., 92 U. S. App. D. C. 284, 205 F. 2d 706.

[3] Phillips Petroleum Co. v. Wisconsin, et al., 347 U. S. 672.

the State of New Mexico, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The applications are on file with the Commission for public inspection.

These matters should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing, and (b) that notice of applications and order consolidating and fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G-3135, G-3137, G-3138, and G-3139 be and the same are hereby consolidated for the purpose of hearing and that a hearing be held on December 15, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9451; Filed, Nov. 30, 1954; 8:46 a. m.]

[Docket No. G-3150]

LYNN DRILLING CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Lynn Drilling Company (Applicant), a Delaware corporation with its principal office in Tulsa, Oklahoma, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Grayson County, Texas (Big Mineral Creek Field—Oil Creek Sand), which it sells to Lone Star Gas Company under contract dated September 1, 1952, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 11:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9452; Filed, Nov. 30, 1954; 8:46 a. m.]

[Docket No. G-3184]

JOHN T. HEMENWAY

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that John T. Hemenway for himself and as agent for Leland Powers, Richard H. Overholt, Esther B. Fischer, Sumner Smith, John B. Howard, Helen E. Knight, Charles A. Radway, Louis Levine, Harry Levine, Joseph Levine, Ben Kirschenbaum, Aaron Krock, and Manuel K. Berman (hereinafter called "Applicant"), with principal office in Lovell, Wyoming, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in South Byron Field, Big Horn County, Wyoming, which it sells to Montana-Dakota Utilities Co. for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 14, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9453; Filed, Nov. 30, 1954; 8:46 a. m.]

[Docket No. G-3195]

W. A. HEWELL, TRUSTEE, ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that W. A. Hewell, Trustee, Individually and as Agent for James K. Bivins, Ben H. Cook, Robert E. Cook, Tom Cook, Tom Cook, Jr., John George, Julian Hurst, J. K. Maxwell, Fae Myers, John E. Prothro, Bluford Stinchbomb and Harold Williams, Applicants, each with a principal office in Longview Texas, except Tom and Ben Cook with an office in Paris, Texas, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in an application filed herein.

Applicants produce natural gas in Carthage Field, Panola County, Texas, which they sell to Arkansas Louisiana Gas Company under contract dated Feb-

ruary 2, 1954, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 10:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9454; Filed, Nov. 30, 1954; 8:46 a. m.]

[Docket No. G-3572]

WESTATES PETROLEUM CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF ORDER

Take notice that Westates Petroleum Corporation (Applicant), a Nevada corporation with its principal office in San Francisco, California, filed on September 28, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Langie Mattux Field in Lea County, New Mexico, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may by filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) or or before the 8th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 15, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9455; Filed, Nov. 30, 1954; 8:47 a. m.]

[Docket No. G-3706]

ROBERT P. WILSON, ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Robert P. Wilson, G. Inman Henderson, Executor of Estate of Myrtle B. Henderson, Goaldia B. Schwab and Grace W. Bernsen (Applicants), individuals with a principal office in Chicago, Illinois, filed on September 29, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in an application filed herein.

Applicants produce natural gas from five wells (R. K. Wilson Five Well Unit) in Grant County, Kansas (Hugoton Field), which they sell to Panhandle Eastern Pipe Line Company at the wellhead under contract dated July 7, 1937, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing be held on December 16, 1954, at 10:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission:

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

[F. R. Doc. 54-9456; Filed, Nov. 30, 1954; 8:47 a. m.]

[Docket No. G-3710]

NATURAL GASOLINE CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Natural Gasoline Corporation (Applicant), a Texas corporation with its principal office in Houston, Texas, filed on September 30, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Willow Springs Field, Gregg and Harrison Counties, Texas, which it sells to Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order

fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9457; Filed, Nov. 30, 1954; 8:47 a. m.]

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF APPLICATION FOR AMENDMENT OF PLANS

NOVEMBER 23, 1954.

Public notice is hereby given that Power Authority of the State of New York, of New York, New York, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of plans for water-power Project No. 2000 to be located in the International Rapids Section of the St. Lawrence River to relocate the proposed Iroquois Dam, a portion of which is to be located in the United States, about 3,000 feet downstream and to change the design of the dam because of foundation and discharge conditions.

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 of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is December 29, 1954. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 54-9445; Filed, Nov. 30, 1954; 8:45 a. m.]

[Docket No. G-2063]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 24, 1954.

Notice is hereby given that on November 5, 1954, the Federal Power Commission issued its order adopted November 3, 1954, amending order of March 11, 1954 (19 F. R. 1524), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9471; Filed, Nov. 30, 1954; 8:48 a. m.]

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER REQUIRING ACCOUNTING DISPOSITION OF AMOUNTS ASSOCIATED WITH FINANCING

NOVEMBER 24, 1954.

Notice is hereby given that on November 9, 1954, the Federal Power Commission issued its order adopted November 3, 1954, requiring accounting disposition of amounts associated with financing in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9472; Filed, Nov. 30, 1954; 8:48 a. m.]

[Docket Nos. G-2312, G-2440]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER MODIFYING ORDER ACCEPTING GAS TARIFF FOR FILING AND TERMINATING PROCEEDING

NOVEMBER 24, 1954.

Notice is hereby given that on November 4, 1954, the Federal Power Commission issued its order adopted November 3, 1954, in the above-entitled matters, modifying order accepting gas tariff for filing in Docket No. G-2312, and terminating proceeding in Docket No. G-2440.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 54-9473; Filed, Nov. 30, 1954; 8:48 a. m.]

[Docket No. G-2410]

CITIES SERVICE GAS CO.

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 23, 1954.

Upon consideration of the request, filed November 22, 1954, by counsel for The Gas Service Company for postponement of the hearing in the above-designated matter now scheduled for December 1, 1954;

Notice is hereby given that said hearing is postponed to 10:00 a. m., e. s. t., December 6, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

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

[F. R. Doc. 54-9476; Filed, Nov. 30, 1954; 8:48 a. m.]

[Docket No. G-2539]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER GRANTING MOTION FOR PERMISSION TO WITHDRAW APPLICATION AND TERMINATING PROCEEDINGS

NOVEMBER 24, 1954.

Notice is hereby given that on November 8, 1954, the Federal Power Commission issued its order adopted November 3, 1954, granting motion for permission to withdraw application and terminating proceedings in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9474; Filed, Nov. 30, 1954; 8:48 a. m.]

[Docket No. G-2556]

SAM J. RECILE

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Sam J. Recile (Applicant), an independent producer with his principal place of business in New Orleans, Louisiana, filed on August 19, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acts or operations hereinafter described.

Applicant produces natural gas from acreage located in the Vinton Field, Calcasieu Parish, Louisiana, and proposes to sell such gas to Transcontinental Gas Pipe Line Corporation (Transcontinental) at the latter's existing pipe line in the Vinton Field at an initial base price of 8.79715 cents per Mcf in accordance with the terms of a contract dated July 19, 1954. Said contract is for a primary term of 5 years with minimum deliveries of 1,000 Mcf a day, and requires Applicant to install and operate measuring equipment. Transcontinental was authorized in Docket No. G-704, to construct and operate facilities required to enable it to receive gas from the Vinton Field.

Applicant was issued temporary authorization on September 9, 1954, to perform the acts or operations described herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 14, 1954,

at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9448; Filed, Nov. 30, 1954; 8:46 a. m.]

[Docket No. G-2715]

ETHYLE MOORHEAD ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Ethyle Moorhead, R. Dean Moorhead, Joan Oakson and A. C. Moorhead (Applicants), individuals with a principal office in Hugoton, Kansas, filed on September 9, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing applicants to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their application filed herein.

Applicants produce natural gas in the Hugoton Field of Kansas which they sell to Northern Natural Gas Company under contract dated April 23, 1945, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 16, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9449; Filed, Nov. 30, 1954; 8:46 a. m.]

[Docket No. G-3022]

RAY STEPHENS, INC.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Ray Stephens, Inc. (Applicant), a Delaware corporation with its principal office in Oklahoma City, Oklahoma, filed on September 18, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the West Cement Field, Caddo County, Oklahoma, and purchases natural gas produced in the same Field from Stephens Petroleum Company, which it sells to Cities Service Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 13, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 22, 1954.

By the Commission.

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

[F. R. Doc. 54-9450; Filed, Nov. 30, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 36]

MOTOR CARRIER APPLICATIONS

NOVEMBER 26, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1007 Sub 12, A. W. McCARTER AND P. E. McCARTER, doing business as McCARTER TRUCK LINE, 702 East 10th Street, Topeka, Kans. Applicant's attorney: J. Wm. Townsend, 204-206 Central Building, Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Meats, meat products* and *meat byproducts, dairy products,* and *articles*

distributed by meat-packing houses, as defined by the Commission in Ex Parte No. MC 38, in rail pool-car and truck distribution, between Topeka, Kans., on the one hand, and, on the other, all points in Kansas, except Wichita, and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, from all points in Kansas, except Wichita, to Topeka, Kans. (Applicant is presently authorized under Permit No. MC 1007 Sub 10 dated May 7, 1954, to transport *Packing house products* as defined by the Commission, in refrigerated equipment, limited to service for the distribution of rail pool-car traffic, between Topeka, Kans., on the one hand, and, on the other, all points in Kansas, (except Wichita.) Applicant is authorized to conduct operations in Colorado and Kansas.

No. MC 1494 Sub 13, GROSS COMMON CARRIER, INC., West Grand, Wisconsin Rapids, Wis. Applicant's attorney: Claude J. Jasper, One West Main St., Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *express, Class A and B explosives, commodities of unusual value*, and *those requiring special equipment*, but excluding household goods as defined by the Commission, and commodities in bulk, from, to and between all points now authorized to be served in the performance of regular route operations in and through Minnesota, and Wisconsin, as described in Certificates Nos. MC 1494 Sub 2, MC 1494 Sub 3, and MC 1494 Sub 4, issued June 30, 1942, March 24, 1943, and January 18, 1946, respectively, subject (1) insofar as Sub 4 is concerned to the following conditions (a) the service to be performed shall be limited to service which is auxiliary to, or supplemental of, rail service of the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., (b) carrier shall not serve any point not a station on the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., (c) carrier shall not make store-door pick-ups or deliveries, and (d) such further specific conditions as the Commission in the future may find necessary to impose in order to restrict said carrier's operations to service which is auxiliary to or supplemental of, Minneapolis, St. Paul & Sault Ste. Marie Railway Co., and (2) insofar as Subs 2 and 3 are concerned to all of the above specified conditions plus the condition that no shipments shall be transported between any of the following points, or through or to or from more than one of said points: Minneapolis, St. Paul, and Duluth, Minn., Ladysmith, Stevens Point, Neenah, and Fond du Lac, Wis., except that carrier shall be permitted to transport shipments between Stevens Point and Neenah, and between Stevens Point and Ladysmith. The application in this proceeding No. MC 1494 Sub 13 is filed for the sole purpose of acquiring authority to delete the restriction specified under (1) (c) above so that carrier may make store-door pick-ups or deliveries in connection with the above described presently authorized regular route operations. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

No. MC 1550 Sub 11, CHARLES HILDENBRAND AND ELIASA HILDENBRAND, doing business as ADVANCE EXPRESS CO., 217 W. National Ave., Milwaukee, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Milwaukee, Wis., and Oshkosh, Wis., via U. S. Highway 41, serving no intermediate points as an alternate route in connection with applicant's regular-route operations between Chicago, Ill., and Minneapolis, Minn. Applicant is authorized to conduct operations in Illinois, Minnesota, and Wisconsin.

No. MC 2510 Sub 22, ZIFFRIN TRUCK LINES, INC., 1120 Division Street, Indianapolis, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Bldg., 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *Class A and B explosives*, between Milwaukee, Wis., and Charlestown, Ind., operating from Milwaukee over U. S. Highway 41, via Kentland, Ind., to junction U. S. Highway 52, thence over U. S. Highway 52 to junction U. S. Highway 31 (Indianapolis, Ind.), thence over U. S. Highway 31 to junction U. S. Highway 31E, thence over U. S. Highway 31E to junction Indiana Highway 62, thence over Indiana Highway 62 to Charlestown, and return over the same route, serving the intermediate points of Old Watson, and New Watson, Ind., and points within five (5) miles of each and Jeffersonville, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

No. MC 7228 Sub 18, HOME TRANSFER & STORAGE CO., a corporation, 408 Main Street, Mount Vernon, Wash. Applicant's attorney: J. M. Hickson, 725 Yeon Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, including but not limited to fresh and frozen fruits and vegetables, fruit juices and concentrates, foods partially processed preparatory to freezing or canning and all commodities requiring refrigeration, and *empty containers*, used in shipping the above-described commodities, between points in Washington, on the one hand, and, on the other, ports of entry on the International Boundary Line between the United States and Canada at Blaine, Sumas, Oroville, Northport and Laurier, Wash., and Porthill and Eastport, Idaho. RESTRICTION: Authority applied for herein to be restricted to movements to and from points in Canada. Applicant is authorized to conduct operations in California, Oregon and Washington.

No. MC 9325 Sub 5, K LINES, INC., P. O. Box 577, Coos Bay, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement* in bulk, and packages, from Gold Hill, Oreg., to points in Modoc, Siskiyou, Del Norte and Shasta Counties, Calif. Applicant is authorized to conduct operations in Oregon.

No. MC 20793 Sub 14, WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's attorney: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from Gloucester County, N. J. to points in Delaware (except those in New Castle County, Del.), Maryland (except those in Cecil County, Md.), New York, Pennsylvania (except those in Philadelphia, Montgomery, Bucks, and Chester Counties, Pa.), Virginia and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia.

No. MC 22229 Sub 19, TERMINAL TRANSPORT COMPANY, INC., 180 Harriett Street, S. E., Atlanta 1, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Palatka, Fla., as an off-route point in connection with regular route operations to and from Jacksonville, Fla., over U. S. Highway 1, U. S. Highway 90 and Florida Highway 21. RESTRICTION: The authority applied for to be restricted against the transportation of shipments destined to or originating at points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana and Kentucky.

No. MC 30605 Sub 82, THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, Broadway and English, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: (1) *Class A and B explosives*, excepting liquid nitroglycerin, and (2) *general commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (other than those requiring refrigeration), and those injurious or contaminating to other lading, between Houston, Tex., and Longview, Tex., over U. S. Highway 90 from Houston to Beaumont, Tex., thence over U. S. Highway 96 to Carthage, Tex., thence over Texas Highway 149 to Longview, and return over the same route, serving all intermediate points located in the

Houston, Tex. Commercial Zone or Terminal Area, as defined by the Commission, and those located between Longview and Beaumont including Beaumont, restricted to service which is auxiliary to or supplemental of the rail service of The Atchison, Topeka and Santa Fe Railway System. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

No. MC 30657 Sub 6, DIXIE HAULING COMPANY, a corporation, 717 Memorial Drive S. E., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern Nat'l Bank Bldg., Atlanta 3, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Galvanized ware*, restricted to garbage cans, tubs, pails and empty oil containers, from Atlanta, Ga., to all points in Arkansas, and *damaged shipments* on return. Applicant is authorized to conduct common carrier operations in Georgia, Louisiana, North Carolina and South Carolina.

No. MC 30844 Sub 25, HEUER TRUCK LINES, INCORPORATED, 306 May Street, Marshalltown, Iowa. Applicant's attorney: Dale C. Dillon, 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh meats*, from points in Iowa, to points in Oklahoma, Missouri, Kansas, Colorado, Nebraska, Arkansas, Texas, Ohio, Indiana and those in Illinois on and south of U. S. Highway 36. Applicant is authorized to conduct operations in Colorado, Iowa, Kansas, Michigan, Missouri, New York, Ohio, Oklahoma, and Pennsylvania.

No. MC 30851 Sub 4, CARROLL R. SMITH, Canton, Pa. Applicant's attorney: M. Leonard Epstein, Towanda, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Canton, Pa., and points within twenty-five (25) miles of the Borough of Canton, on the one hand, and, on the other, Pekin and Chicago, Ill., Jeffersonville, Ind., Cleveland, Cincinnati, Youngstown, and Akron, Ohio, Baltimore, Westminster, and Hagerstown, Md., Richmond and Norfolk, Va., Poughkeepsie, Peekskill and Buffalo, N. Y., Quincy, Boston, and Fall River, Mass., and the District of Columbia. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 43654 Sub 32, DIXIE OHIO EXPRESS, INC., 2100 N. 18th Street, Birmingham, Ala. Applicant's attorney: Clarence A. Kelley, 237 Fountain Street, Akron 4, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, perishables, livestock, petroleum and petroleum products, in bulk, in tank trucks, coal, sand, gravel, grain, household goods as defined by the Commission, and articles requiring special equipment, (1) between Harriman, Tenn., and Rockwood, Tenn., over Tennessee Highway 61, serving no intermediate points, as an alternate route in connection with regular route operations between Cincinnati, Ohio, and Chattanooga, Tenn., (2) between Wartburg, Tenn., and Clinton, Tenn., operating from Wartburg over Tennessee Highway 62 to Oliver Springs, Tenn., thence over Tennessee Highway 61 to Clinton, and return over the same route, serving no intermediate points, as an alternate route in connection with regular route operations between Cincinnati, Ohio, and Knoxville, Tenn., (3) between Stanford, Ky., and Bardstown, Ky., over U. S. Highway 150, serving no intermediate points, as an alternate route in connection with regular route operations between Akron, Ohio, and Atlanta, Ga., and Birmingham, Ala., (a) over U. S. Highway 27 and (b) over U. S. Highway 62, and (4) between Ripley, Ohio, and Cincinnati, Ohio, over U. S. Highway 52, serving no intermediate points, as an alternate route in connection with regular route operations between Akron, Ohio, and Atlanta, Ga., and Birmingham, Ala., (a) over U. S. Highway 22 and (b) over U. S. Highway 62. Applicant is authorized to conduct operations in Alabama, Georgia, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

No. MC 44447 Sub 10, SUBURBAN MOTOR FREIGHT, INC., 1100 King Ave., Columbus, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, serving Willow Grove, W. Va., and points in West Virginia within five (5) miles thereof, as off-route points in connection with applicant's regular route operations (1) between Charleston, W. Va., and Parkersburg, W. Va., and (2) between Charleston, W. Va., and Kanauga, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, and West Virginia.

No. MC 57392 Sub 1, GUSTAF A. JOHNSON, doing business as HOLLAND'S EXPRESS, 10 Fair Street, Uxbridge, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Worcester, Mass., and Providence, R. I., (1) from Worcester over Massachusetts Highway 122 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 122 to Providence, and return over the same route, serving all intermediate points, and (2) from Worcester over Massachusetts Highway 122–A to junction Massachusetts Highway 146 in Millbury, thence over Massachusetts Highway 146 to the Massachusetts-Rhode Island State Line, thence over Rhode Island Highway 146 to Providence, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Massachusetts under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 60253 Sub 17, AGNES METZ, doing business as ARLINGTON TRUCK COMPANY, 940 Toronto Ave., Toledo, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies used in connection with the manufacture, processing and transportation of plate glass, laminated glass and glass building materials and fittings therefor*, between Toledo, Ohio, and points within five miles thereof, on the one hand, and, on the other, Ottawa, Ill., and points within five miles thereof. Applicant is authorized to conduct operations in Ohio, Illinois, Indiana, Iowa, West Virginia, and Wisconsin.

No. MC 73618 Sub 4, WILBERT P. BIVINS, doing business as WILBERT P. BIVINS FREIGHT SERVICE, Rd. #1, 1001 S. Second Street, Millville, N. J. Applicant's attorney: Matthew Aaron, Feinstein Building, Bridgeton, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand and gravel*, viz, silex, silica, glass, foundry, mould wash, and blasting, in bags or in bulk, from points in Cumberland County, N. J., to points in Connecticut, Delaware, District of Columbia, Massachusetts, Maryland, New York, Pennsylvania and Rhode Island. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, and Pennsylvania.

NO. MC 74361 Sub 3, A. C. BENNETT, doing business as SALLISAW TRANSFER, P. O. Box 26, 221 West Choctaw St., Sallisaw, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Warner, Okla., and Muskogee, Okla., from Warner over U. S. Highway 64 to Muskogee, and return over the same route, serving all intermediate points, and (2) between Muskogee, Okla., and Checotah, Okla., from Muskogee over U. S. Highway 69 to Checotah, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Oklahoma.

No. MC 76032 Sub 86, NAVAJO FREIGHT LINES, INC., P. O. Box 5364, 381 South Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco St., Southwest Corner Plaza (P. O. Box 1437), Santa Fe, N. Mex. For authority to operate as a *common carrier*, over an alternate route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and those injurious or contaminating to other lading, between junction U. S. Highways 85 and 160 at or

near Walsenburg, Colo., and junction U. S. Highways 84 and 85 at Santa Fe, N. Mex., over U. S. Highway 160 from junction U. S. Highway 85 to junction Colorado Highway 159 at or near Ft. Garland, Colo., thence over Colorado Highway 159 to the Colorado-New Mexico State line, thence over New Mexico Highway 3 to junction U. S. Highway 64 at or near Taos, N. Mex., thence over U. S. Highway 64 to junction U. S. Highway 84 at or near Riverside, N. Mex., thence over U. S. Highway 84 to junction U. S. Highway 85, and return over the same route, serving no intermediate points, for operating convenience only, in connection with regular route operations between Denver, Colo., and Albuquerque, N. Mex. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Mexico, and Texas.

No. MC 78039 Sub 9, ANTHONY BALIO, LOUIS BALIO AND PHILIP RUGGIERO, doing business as B. & R. TRUCKING CO., 131 E. Broad St., Frankfort, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing* and *building materials*, from East Rutherford, N. J., to Massena, Brushton, Norfolk, Pottsdam, and Canton, N. Y.

No. MC 103378 Sub 32, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tall oil*, in bulk, in tank vehicles, from points in Georgia, to points in Florida. Applicant is authorized to conduct operations in Florida and South Carolina.

No. MC 104004 Sub 134, ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Empty equipment*, (1) between Chattanooga, Tenn., and Nashville, Tenn., over U. S. Highway 41, serving no intermediate points, for operating convenience only, as an alternate or connecting route, in connection with regular route operations between (a) Knoxville, Tenn., and Chattanooga, Tenn., and (b) Nashville, Tenn., and Knoxville, Tenn., and (2) between Atlanta, Ga., and Chattanooga, Tenn., over U. S. Highway 41, serving no intermediate points, for operating convenience only, as an alternate or connecting route, in connection with regular route operations between (a) Rome, Ga., and New York, N. Y., (b) Atlanta, Ga., and Salisbury, N. C., (c) Knoxville, Tenn., and Chattanooga, Tenn., (d) Atlanta, Ga., and junction U. S. Highway 23 and Georgia Highway 20 at or near Buford, Ga., and (e) Atlanta, Ga., and junction U. S. Highways 29 and 78. Applicant is authorized to conduct operations in Delaware, District of Columbia, Georgia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee and Virginia.

No. MC 109637 Sub 25, GASOLINE TRANSPORT CO., a Corporation, 4500 Bells Lane, Louisville, Ky. Applicant's attorney: Charles W. Dobbins, 310 West Liberty Street, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between all points in Kentucky. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky and Tennessee.

No. MC 110045 Sub 4 (amended) published on page 6463, issue October 6, 1954. FRANK MARCELLO, doing business as MARCELLO'S SERVICE, 230 Park Avenue, Quakertown, Pa. Applicant's representative: Jacob Polin, 257 Ellis Road, Havertown, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Shirts*, in boxes, from Masontown, Pa., to New York, N. Y., and (2) *empty boxes, buttons*, and *processed piece goods*, from New York, N. Y., to Masontown, Pa. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 111231 Sub 22, JONES TRUCK LINES, INC., 1514 East Emma Ave., Springdale, Ark. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except livestock, grain, petroleum products in bulk, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Conway, Ark., and junction U. S. Highways 64 and 61, near Marion, Ark. over U. S. Highway 64, serving no intermediate points, as an alternate route, in connection with carrier's regular-route operations (1) between Alma, Ark., and Little Rock, Ark., and (2) between Memphis, Tenn., and Little Rock, Ark. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 111231 Sub 23, JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, grain, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between junction U. S. Highway 64 and Arkansas Highway 21 (near Clarksville, Ark.) and Fayetteville, Ark., from junction of said highways over Arkansas Highway 21 to Junction Arkansas Highway 16, and thence over Arkansas Highway 16 to Fayetteville, and return, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Missouri, Oklahoma, Tennessee and Texas.

No. MC 113651 Sub 7, INDIANA REFRIGERATOR LINES, INC., 13th and North Elm Street, Muncie, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products* and *meat byproducts*, as defined by the Commission, from Muncie, Ind., to points in Delaware, New Hampshire and Vermont, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Alabama, Connecticut, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia and West Virginia.

No. MC 113832 Sub 4, SCHWERMAN TRUCKING CO., a corporation, 620 South 29th St., Milwaukee, Wis. Applicant's representative: Adolph E. Solie, Solie and Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Gasoline*, natural or blended, in bulk, in tank vehicles, from Blue Island, Ill., to points in Wisconsin located within 190 miles of the corporate limits of Chicago, Ill., for delivery at filling stations.

No. MC 114644 Sub 3, ORVILLE DUNLAP AND HAROLD ROSS DUNLAP, doing business as ORVILLE DUNLAP & SON, 122 No. Cascade Ave., Montrose, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except articles of unusual value and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Grand Junction, Colo., and Paradox, Colo., from Grand Junction over U. S. Highway 50 to Montrose, Colo., thence over U. S. Highway 550 to Ridgway, Colo., thence over Colorado Highway 62 to Placerville, thence over Colorado Highway 145 to junction Colorado Highway 90, and thence over Colorado Highway 90 to Paradox, and return over the same route (also from Grand Junction over U. S. Highway 50 to junction Colorado Highway 141, thence over Colorado Highway 141 to junction Colorado Highway 90, and thence over Colorado Highway 90 to Paradox), and return over the same route, serving all intermediate points on Colorado Highways 62, 145, 141, and 90 and the off-route point of Nucla, Colo., and (2) between Montrose, Colo., and Naturita, Colo., from Montrose over U. S. Highway 550 to Ridgway Colo., thence over Colorado Highway 62 to Placerville, Colo., thence over Colorado Highway 145 to Naturita, and return over the same route, serving all intermediate points on Colorado Highways 145 and 62 and the intermediate point of Nucla, Colo.

No. MC 114912 Sub 1, CHARLES J. KOTWICA, doing business as ROME EXPRESS, 714 West Court Street, Rome, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Strip steel*, from Rome, N. Y. to points in Connecticut, Massachusetts and Rhode Island.

No. MC 114994, BERKLEY SOUTH, doing business as SOUTHLAN EXPRESS, 546 East Grand, Decatur, Ill. Applicant's representative: H. Lew Dillman, P. O. Box 1254, Decatur, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, including *commodities in*

bulk, such as *edible oils*, in bulk, *syrup, groceries, animal feed and poultry feed; finished wood and unfinished wood, steel products*, and *plastic products, alcoholic beverages, fresh meats and cured meats*, and *live poultry and dressed poultry*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between points in North Dakota, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Kentucky, Tennessee, Arkansas, South Dakota, Nebraska, Kansas, and Oklahoma.

No. MC 115009 (amended) Published on page 7146 of issue of November 3, 1954. JACK L. NEAL and ROY M. CLIFTON, doing business as ARMORED MOTOR SERVICE OF IDAHO, 825 Grove St., Boise, Idaho. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin*, and *bullion*, between points in Colorado, Utah, Idaho, Oregon, Washington, California, and Montana.

No. MC 115038, CLARENCE J. ASCHE, doing business as ASCHE TRANSFER, Route 2, Shannon, Ill. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, (1) from Dubuque, Iowa, to points in Illinois, and (2) from Madison, Prairie du Chien and Whitewater, Wis., to points in Illinois on and north of Illinois Highway 9. Applicant is authorized to conduct contract carrier operations in Illinois, Minnesota and Wisconsin.

No. MC 115041, J. C. FOUTZ, doing business as ORAVAN TRUCKING COMPANY, 704 Orchard Homes Drive, Farmington, N. Mex. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uranium* and *vanadium ores*, from points in Navajo County, Ariz. and San Juan County, Utah to Monticello, Utah and Farmington, N. Mex.

No. MC 115047, WILLIAM N. STANLEY, doing business as STANLEY BROTHERS, P. O. Box 666, Greybull, Wyo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building materials, construction machinery, farm machinery, clay products, iron and pipe, butane and propane tanks* and *farm products*, between points in Wyoming and Montana.

No. MC 115051, JOHN T. EDWARDS, doing business as TOM EDWARDS, Box 145, Station "C", Toledo, Ohio. Applicant's attorney: Allan J. Conkle, Suite 2001, Toledo Trust Building, Toledo 4, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Cinder blocks, cement, casement windows*, and *all building materials purchased, manufactured, sold or distributed by National Cement Products Company, Toledo, Ohio*, from Toledo, Ohio, to points in Monroe, Lenawee, Hillsdale, Branch, Wayne, Washtenaw, Jackson and Calhoun Counties, Mich., and Steuben, De Kalb and Allen Counties, Ind.; and (2) *building materials and raw materials used in the manufacturing operations of National Cement Products Company, Toledo, Ohio*, from points in the above-specified counties in Michigan and Indiana, to Toledo, Ohio.

No. MC 115053, PETER ALONGE, 2099 Fulton Street, Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, between New York, N. Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut and Pennsylvania.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3210 Sub 2, JEWELL BROOKS HEMPERLY AND ROBERT F. HEMPERLY, JR., DOROTHY DEAN HEMPERLY, JEWELL BROOKS HEMPERLY, TUTRIX, doing business as ST. LOUIS-CAPE BUS LINE, 401 Broadway, Room 218, H & H Building, P. O. Box 129, Cape Girardeau, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Cape Girardeau, Mo., and East Prairie, Mo., operating from Cape Girardeau over U. S. Highway 61 to junction Missouri Highway 74, thence over Missouri Highway 74 to junction Missouri Highway 25, near Dutchtown, Mo., thence over Missouri Highway 25 to junction Missouri Highway 55, near Blomeyer, Mo., thence over Missouri Highway 55 to junction Scott County Road "A", thence over Scott County Road "A" to Chaffee, Mo., and return over said Scott County Road "A" to Missouri Highway 55, thence over Missouri Highway 55 to junction U. S. Highway 61, thence over U. S. Highway 61 to junction Missouri Highway 91, thence over Missouri Highway 91 to Morley, Mo., and return over said Missouri Highway 91 to U. S. Highway 61, thence over U. S. Highway 61 to Sikeston, Mo., thence over U. S. Highway 60 to Charleston, Mo., thence over Missouri Highway 55 to Anniston, Mo., thence return over Missouri Highway 55 to junction Missouri Highway 105, thence over Missouri Highway 105 to East Prairie, and return over the same route, serving all intermediate points. RESTRICTION: No service is to be rendered or passengers carried between Charleston, Bertrand and Sikeston, Mo., and baggage of passengers is not to be transported in separate vehicles. Applicant is authorized to conduct operations in Missouri.

No. MC 85635 Sub 2, WESTERN INDIANA COACH, INC., 421 Cherry Street, Terre Haute, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, between Casey, Ill., and Effingham, Ill., from Casey over U. S. Highway 40 to Effingham, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Illinois and Indiana.

APPLICATIONS UNDER SECTION 5 AND 210 (a) (b)

No. MC-F-5835. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo., of the operating rights and property of MERVYN M. COMSTOCK, doing business as SMITH TRANSFER, 229 Yosemite St., Manteca, Calif., and for acquisition by LAURENCE COHEN, also of Denver, Colo., of control of the operating rights and property through the purchase. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over a regular route, between Manteca and Stockton, Calif., with no service at intermediate points. Vendee is authorized to operate in California, New Mexico, Arizona, Texas, Nebraska, Missouri, Colorado, Iowa, and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5837. Authority sought for purchase by M. C. M. TRANSPORTATION COMPANY, INC., 39 Chapel St., Newport, R. I., of the operating rights of ARTHUR TOUCHETTE, doing business as TOUCHETTE'S EXPRESS, 15 Gendron St., West Warwick, R. I., for acquisition by JAMES L. MAHER, also of Newport, R. I., of control of the operating rights through the purchase. Person to whom the correspondence is addressed: James L. Maher, 39 Chapel St., Newport, R. I. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between Coventry, West Warwick, and Warwick, R. I., on the one hand, and, on the other, Cranston and Providence, R. I. Vendee is authorized to operate in Rhode Island, Massachusetts, Connecticut, Virginia, Georgia, New York, Maryland, Kansas, Pennsylvania, North Carolina, Illinois, New Jersey, Kentucky, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5838. Authority sought for purchase by RODGERS MOTOR LINES, INC., Gilligan St., and South Ave., Scranton, Pa., of the operating rights and certain property of L. S. FILBERT, INC., 3647 Ludlow St., Philadelphia, Pa., and for acquisition by JOHN P. BARRETT, MARGARET R. BARRETT, HUGH J. RODGERS, MAURICE E. TREXLER and TED RODGERS, Jr., all of Scranton, Pa., of control of said operating rights through the purchase. Applicants' attorney: Robert H. Shertz, Rm. 801-226 South 15th St., Philadelphia 2, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Philadelphia, Pa., and New York, N. Y., serving all intermediate points and certain off-route points. Vendee is authorized to operate in New York, Pennsylvania, New Jersey, Maryland and Delaware. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5839. Authority sought for control by TRANSCON LINES, 1206

South Maple Blvd., Los Angeles, Calif., of the operating rights and property of KEYSTONE FREIGHT LINES, 1522 East 5th Court, Tulsa, Okla. Applicants' attorneys: Lee Reeder and Wentworth E. Griffin, 1012 Baltimore Ave., Kansas City 5, Mo. Operating rights sought to be controlled: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over numerous regular routes, including routes between Wichita, Kans., and Tulsa, Okla., between Little Rock, Ark., and Fort Smith, Ark., between Boynton, Okla., and Checotah, Okla., and between Memphis, Tenn., and Pine Bluff, Ark., serving certain intermediate points; *general commodities*, without exceptions, between Tulsa, Okla., and Fort Smith, Ark., and Boynton, Okla., and between Coweta, Okla., and Muskogee, Okla., serving certain intermediate points. Vendee is authorized to operate in Missouri, Illinois, Kansas, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5840. Authority sought for purchase by VIRGINIA STAGE LINES, INCORPORATED, 114 4th St., S. E., Charlottesville, Va., of a portion of the operating rights and certain property of TRAILWAYS OF NEW ENGLAND, INC., 218 Memorial Ave., West Springfield, Mass. Applicant's attorney: William C. Battle, P. O. Box 1110, Charlottesville, Va. Operating rights sought to be transferred: *Passengers and their baggage*, as a *common carrier*, over regular routes, between Boston, Mass., and New York, N. Y., via Worcester, Mass., Hartford, New Haven and Bridgeport, Conn., excluding therefrom any routes between Sturbridge and Springfield, Mass., serving no intermediate points. Vendee is authorized to operate in North Carolina, Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5841. Authority sought for purchase by SERVICE TRANSFER & STORAGE, INC., Third and Cass Sts., La Crosse, Wis., of the operating rights and property of EARL F. SCHULTZ, doing business as SERVICE TRANSFER & STORAGE COMPANY, Third and Cass Sts., La Crosse, Wis., and for acquisition by DAVID H. RATNER and PAUL L. SHRIVER, of Springfield, Ill., of control of the operating rights and property through the purchase: Applicants' attorney: Glenn W. Stephens, 121 West Doty St., Madison 3, Wis. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, including routes between Minneapolis, Minn., and La Crosse, Wis., between La Crosse, Wis., and Chicago, Ill., between Wisconsin Dells, Wis., and Madison, Wis., between West Salem, Wis., and Medary, Wis., between Cashton, Wis., and La Crosse, Wis., between La Crosse, Wis., and Milwaukee, Wis., between Viroqua, Wis., and Steuben, Wis., between Prairie du Chien, Wis., and Madison, Wis., and between Lone Rock, Wis., and Richland Center, Wis., serving certain intermediate and off-route points; *General commodities*, with certain exceptions, not including household goods, between certain points in Wisconsin; *general commodities*, with certain exceptions, including household goods, over irregular routes, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant, Mounds View Township, Ramsey County, Minn.; *household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Minnesota, South Dakota, Illinois, Ohio, Michigan, and Indiana; between points in Minnesota, on the one hand, and, on the other, points in Illinois and Michigan. Vendee holds no interstate authority from the Commission, however, David H. Ratner, majority stockholder of vendee controls Hayes Freight Lines, Inc., which is authorized to operate in Missouri, Illinois, Indiana, Ohio, Kentucky, Iowa, Michigan, Tennessee and Pennsylvania. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5842. Authority sought for purchase by MIDWEST MOTOR EXPRESS, INC., 1205 Front Ave., Bismarck, N. Dak., of a portion of the operating rights of E. E. CULP and THERESA A. CULP, doing business as CULP TRUCK LINES, 637 First Ave., East, and for acquisition by J. A. ROSWICK and JOE GREENSTEIN, of Bismarck, N. Dak., of control of said operating rights through the purchase. Person to whom correspondence is to be addressed: E. J. Roswick, Vice President, Midwest Motor Express, Inc., 1205 Front Ave., Bismarck, N. Dak. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Williston and Bowman and Hettinger, N. Dak., between Amidon and Regent, N. Dak., between Killdeer and Dunn Center, N. Dak., and between Dickinson and Becah, N. Dak., serving certain intermediate and off-route points. Vendee is authorized to operate in Minnesota, North Dakota, South Dakota, Montana and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5843. Authority sought for purchase by EAST-WEST SYSTEM, INC., 1501 Exchange Ave., Oklahoma City, Okla., of the operating rights and property of W. O. Harrington, doing business as HARRINGTON TRANSPORT CO., 1501 Exchange Ave., Oklahoma City, Okla., and for acquisition by W. O. HARRINGTON, Oklahoma City, Okla., of control of the operating rights and property through the purchase. Applicants' attorney: W. T. Brunson, 820 Braniff Bldg., Oklahoma City, Okla. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, including routes between Enid, Okla., and Oklahoma City, Okla., between Perryton, Tex., and Wheeler, Tex., between Wheeler, Tex., and Oklahoma City, Okla., between Amarillo, Tex., and Wheeler, Tex., and between Sayre, Okla., and Amarillo, Tex., serving certain intermediate and off-route points. Vendee holds no authority from the Commission, but is in common control with C & H Transportation Co., Inc., which is authorized to operate in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, North Dakota, South Dakota, Nebraska, Colorado and Missouri. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9479; Filed, Nov. 30, 1954; 8:49 a. m.]

[Drouth Order 54, Amdt. 2]

TRANSPORTATION OF HAY TO CERTAIN STATES IN DISASTER AREA

REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

Upon consideration of a request by the Secretary of Agriculture dated November 24, 1954, to include the State of Virginia in the disaster area:

It is ordered, That the Order of September 28, 1954, as amended November 2, 1954, be, and it is hereby, further amended to include within its provisions the State of Virginia.

It is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 26th day of November 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9490; Filed, Nov. 30, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-127]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS IN ACCORDANCE WITH INTERNAL REVENUE CODE

NOVEMBER 23, 1954.

The Commission having heretofore approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Electric Bond and Share Company ("Bond and Share"), a registered holding company, providing, among other things, for a capital distribution of a portion of its hold-

ings of the common stock of United Gas Corporation ("United Gas"); and

Bond and Share having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations under the act of the declaration of a dividend on the common stock of Bond and Share payable December 28, 1954, to stockholders of record on November 26, 1954, in shares of the common stock of United Gas at the rate of 2.2 shares of United Gas stock for each 100 shares of Bond and Share stock, which will require an aggregate of 115,507 shares of United Gas stock.

No fractional shares of United Gas stock will be delivered. In lieu thereof Bond and Share's dividend agent, Bankers Trust Company, will be instructed to sell on behalf of stockholders that number of shares of United Gas stock which would otherwise be delivered as fractional shares and to pay to the stockholders entitled thereto the gross proceeds to be derived from such sales. Bond and Share will assume expenses of sales.

The Commission having notified Bond and Share that no declaration need be filed with respect to this matter; and

Bond and Share having requested that the Commission enter an order containing recitals required by the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted:

It is ordered and recited, That the payment by Electric Bond and Share Company as a dividend to its stockholders of 115,507 shares of common stock of United Gas Corporation is necessary or appropriate to the integration of simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9460; Filed, Nov. 30, 1954; 8:47 a. m.]

[File No. 70-3294]

MISSISSIPPI POWER & LIGHT CO.

ORDER REGARDING ISSUANCE AND SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING PURSUANT TO RULE U-50 SUBJECT TO EXCHANGE OFFER

NOVEMBER 23, 1954.

A declaration having been filed by Mississippi Power & Light Company ("Mississippi"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, pursuant to sections 6 (a), 7, and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 promulgated thereunder regarding the issuance of 44,476 shares of New Preferred Stock to be offered in exchange for the outstanding $6 Preferred Stock of Mississippi and, to the extent that such shares are not exchanged, to be sold through underwriters at competitive bidding;

Fees and expenses (exclusive of underwriters' compensation and fees payable to soliciting dealers) having been estimated as follows:

Federal stamp tax	$4,692.36
Filing fee, Securities and Exchange Commission	471.45
Fees of Exchange Agents:	
First National Bank of Jackson	3,500.00
Irving Trust Co	1,500.00
Fees of Transfer Agent and Registrar:	
First National Bank of Jackson	1,000.00
Deposit Guaranty Bank & Trust Co	500.00
Fees of Company's counsel:	
Reid & Priest	9,500.00
Green, Green & Cheney	3,750.00
Auditors' fees (Haskins & Sells)	4,500.00
Printing, including Form S-1, prospectus, etc	20,000.00
Printing and engraving securities	600.00
Charges of Ebasco Services Incorporated	7,500.00
Miscellaneous expense (including Blue Sky expenses)	5,286.19
Total	63,000.00

It appearing that a fee of $5,000.00 and out-of-pocket expenses will be paid by the successful bidder to Winthrop, Stimson, Putnam & Roberts, counsel to the underwriters;

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under the act and no hearing having been requested or ordered by the Commission; and

The Commission having this day issued its Memorandum Opinion finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied; and that the declaration, as amended, should be permitted to become effective forthwith; and

It appearing that the fees and expenses, if they do not exceed the amounts estimated, are not unreasonable;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50, and subject to the further condition that the exchange and sale of the New Preferred Stock shall not be consummated until the dividend rate, the initial public offering price, and the results of competitive bidding have been filed with this Commission and a further order has been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9462; Filed, Nov. 30, 1954; 8:47 a. m.]

[File No. 70-3317]

COLUMBIA GAS SYSTEM, INC., AND OHIO FUEL GAS CO.

NOTICE REGARDING PROPOSED SALE OF COMMON STOCK BY SUBSIDIARY COMPANY TO ITS PARENT

NOVEMBER 23, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its public utility subsidiary company, The Ohio Fuel Gas Company ("Ohio Fuel"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, and 12 (f) of the act and Rule U-43 thereunder as applicable to the proposed transactions which are summarized as follows:

Columbia, which owns all of the outstanding securities of Ohio Fuel, proposes to purchase and Ohio Fuel, proposes to issue and sell, at par, 140,000 shares of common stock, $45 par value, for an aggregate consideration of $6,300,000. The stock will be sold as funds are required up to March 31, 1955.

It is stated that the proposed transactions are to be consummated in order to complete financing commenced earlier in 1954 to provide Ohio Fuel with the needed funds for its 1954 construction program involving expenditures of $32,877,785 for gas wells, underground gas storage and production facilities, transmission and distribution lines, and other facilities. The program requires new money of $24,800,000 and Ohio Fuel has thus far raised $18,500,000 for this purpose of which $5,850,000 is represented by 130,000 shares of $45 par value common stock and $12,650,000 is represented by 3½ percent installment promissory notes, all of which were sold by Ohio Fuel and purchased by Columbia pursuant to the Commission's order dated June 16, 1954. (Holding Company Act Release No. 12550.)

The estimated fees and expenses aggregate $150 for Columbia and $3,430 for Ohio Fuel. Included in the latter amount is $6,930 for Federal Original Issue Tax.

Ohio Fuel has applied to the Public Utilities Commission of Ohio for approval of the proposed issuance and sale of common stock.

Applicants-declarants request that this Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than December 9, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in

Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9461; Filed, Nov. 30, 1954; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

PEANUTS

SUPPLEMENTAL INVESTIGATION INSTITUTED AND PUBLIC HEARING ORDERED

The United States Tariff Commission, on the 26th day of November 1954, under the provisions of section 22 (d) of the Agricultural Adjustment Act, as amended, instituted an investigation supplemental to its investigation No. 6 under section 22 of the Agricultural Adjustment Act, as amended, with respect to: Peanuts, whether shelled, not shelled, blanched, salted, prepared, or preserved (including roasted peanuts, but not including peanut butter).

Purpose of supplemental investigation. Existing quota restrictions limit the amount of such peanuts which may be entered, or withdrawn from warehouse, for consumption in any year to 1,709,000 pounds. Each quota year begins on July 1. These quota restrictions were imposed by proclamation of the President dated June 8, 1953, on the basis of a report and recommendation of the Tariff Commission in connection with its investigation No. 6 under section 22. The Commission has received information indicating that the entry of an additional quantity of peanuts during the current quota year may be necessary to meet essential requirements of domestic peanut users. The purpose of this supplemental investigation is to determine whether there is such need for an additional quantity of imported peanuts, and, if so, what additional quantity might be permitted to be entered during the current quota year without materially interfering with or rendering ineffective the peanut program of the Department of Agriculture.

Hearing. A public hearing in this supplemental investigation will be held beginning at 10 a. m., e. s. t., on January 4, 1955, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least three days in advance of the date set for the hearing.

Issued: November 26, 1954.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54-9480; Filed, Nov. 30, 1954; 8:49 a. m.]