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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas
[Sugar Reg. 813, Amdt. 7]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

1952 DETERMINATION AND PRORATION OF AREA DEFICIT

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 for the purpose of prorating an additional deficit which is hereby determined in the quota for Hawaii for sugar to be brought into the continental United States in 1952. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to Hawaii, the quotas for other domestic areas and Cuba are required to be revised by prorating to such areas an amount of sugar equal to any deficit so determined on the basis of their existing quotas.

The Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit and makes the proration of any such deficit to areas able to supply the additional sugar a mere mathematical computation. The Domestic Beet Sugar area is excluded from the proration because it will not be able to utilize its statutory quota in 1952 and a deficit for this area was prorated earlier. The mainland cane area and the Virgin Islands are not expected to be able now to utilize additional quota in 1952 and are therefore not included in the proration of the 10,000 ton additional deficit prorated by this action although these areas did participate in the proration of the initial Hawaiian deficit of 70,000 tons.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that com-

pliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed with the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup., 1100) and the Administrative Procedure Act (60 Stat. 237) paragraphs (g) and (h) of Sugar Regulation 813, as amended, (16 F. R. 13032, 17 F. R. 5691, 6758, 8449, 9617, 10498, 10801) are hereby amended to read as follows:

§ 813.33 Determination and proration of area deficits. * * *

(g) *Deficit in quota for Hawaii.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1952 Hawaii will be unable by an amount of 80,000 short tons of sugar, raw value, to market the quota established for that area in § 813.32.

(h) *Proration of deficit in quota for Hawaii.* An amount of sugar equal to the deficit determined in paragraph (g) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	Additional quota in terms of short tons, raw value
Mainland cane sugar.....	8,486
Puerto Rico.....	17,896
Virgin Islands.....	102
Cuba.....	53,516

STATEMENT OF BASES AND CONSIDERATIONS

A recent strike of stevedores in Hawaii makes it impossible for more than about 972,000 short tons, raw value, of Hawaiian sugar to reach the continental United States in 1952. This amounts to an additional quota deficit for this area of 10,000 tons, which is prorated to Puerto Rico and Cuba by this action.

Exclusion of other domestic areas from the proration of deficit. A deficit in the Domestic Beet Sugar Area quota amounting to 200,000 short tons, raw value, was declared and prorated to other areas by Amendment 2 to this part. The adjusted quota of 1,600,000 tons is not likely to be exceeded. Accordingly, the beet area is excluded from both prora-

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tions of Hawaiian deficit. The Mainland Cane Area and the Virgin Islands are not expected to be able to utilize additional 1952 quota and are excluded from the proration of the additional 10,000 tons of Hawaiian deficit.

(Sec. 204, 61 Stat. 925; 7 U. S. C. Sup. 1114)

Done at Washington, D. C., this 30th day of December 1952. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 52-13797; Filed, Dec. 30, 1952; 2:07 p. m.]

[Sugar Reg. 814.7, Amdt. 5]

**PART 814—ALLOTMENT OF SUGAR QUOTAS
PUERTO RICO, 1952**

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the

"act"), for the purpose of rescinding § 814.7 (17 F. R. 2477, 6759, 7008, 7366, 10644) which allots the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1952 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

As a result of a strike in Hawaii an additional deficit in the 1952 sugar quota for that area is being prorated to Puerto Rico and Cuba. Since so little time remains in 1952 only sugar already in mainland ports when this order becomes effective can be made available to fill the proration. As a result, amendment of the allotments in the normal manner would defeat the purpose of prorating the deficit. Accordingly, it is hereby found that allotment of the quotas is no longer necessary and § 814.7 referred to above is hereby rescinded. It is hereby further determined and found that compliance with the notice and procedure requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest. This amendment shall become effective when filed with the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act § 814.7, as amended, is hereby rescinded.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 30th day of December 1952. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 52-13798; Filed, Dec. 30, 1952; 2:07 p. m.]

TITLE 19—CUSTOMS DUTIES

**Chapter I—Bureau of Customs,
Department of the Treasury**

[T. D. 53164]

**PART 8—LIABILITY FOR DUTIES, ENTRY OF
IMPORTED MERCHANDISE**

PLACE OF CERTIFICATION OF INVOICES

1. In order to incorporate in the regulations an interpretation of the term "the consular district in which the merchandise was * * * purchased," as used in section 482 (a) of the Tariff Act of 1930, footnote 16 appended to § 8.14, Customs Regulations of 1943 (19 CFR 8.14) is amended by adding the following paragraph:

The term "the consular district in which the merchandise was * * * purchased" is defined as embracing the district where

the seller or purchaser, or the agent of either, maintains an office in which the full transaction is recorded.

2. "C. I. E. 132/47" is inserted as a marginal reference opposite § 8.14 (a).

(Secs. 482, 624, 46 Stat. 720, 759; 19 U. S. C. 1482, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: December 19, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13773; Filed, Dec. 31, 1952; 8:52 a. m.]

**TITLE 20—EMPLOYEES'
BENEFITS**

**Chapter II—Railroad Retirement
Board**

**PART 325—REGISTRATION AND CLAIMS FOR
BENEFITS**

**APPLICATIONS FOR UNEMPLOYMENT BENEFITS
AND EMPLOYMENT SERVICE**

Pursuant to the general authority contained in section 12 of the act of June 24, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362), § 325.13 of the regulations of the Railroad Retirement Board under such act (7 F. R. 7989; 9 F. R. 3192) is amended by Board Order 52-416, dated December 11, 1952, to read as follows:

§ 325.13 *Applications for unemployment benefits and employment service.* Upon making his first registration in a benefit year, an employee shall, on the form provided by the Board for making application for unemployment benefits, furnish the information required by such form, and shall deliver such form to an unemployment claims agent or mail it to an office of the Board. Within two business days after such first registration, the employee shall, on the form provided by the Board for making application for employment service, furnish the information required by such form, and shall deliver such form to an unemployment claims agent or mail it to an office of the Board. No benefits shall be paid the employee on the basis of registrations in such benefit year until the application for unemployment benefits, and the information required thereby, shall have been received in the office of the Board in which the claims of such employee are being adjudicated, and until there shall have been received in such office either the application for employment service and the information required thereby, or notification that such application and information have been received in another office of the Board.

(Sec. 12, 52 Stat. 1094, 1107; 45 U. S. C. 362)

By authority of the Board.

Dated: December 11, 1952.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 52-13757; Filed, Dec. 31, 1952; 8:49 a. m.]

RULES AND REGULATIONS

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation
[CGFR 52-15]

REVISION OF SUBCHAPTER

By virtue of the authority contained in 14 U. S. C. 81, 83, 84, 85, 86, 87, 93, 633, 641 and 642, all the regulations in Subchapter C, Title 33, Chapter I, are canceled and the following regulations are hereby promulgated and shall be effective upon publication in the FEDERAL REGISTER.

- Part
60 General.
62 United States Aids to Navigation System.
64 Marking of Wrecks.
66 Private Aids to Navigation.
68 Lighting of Bridges.
70 Interference with or Damage to Aids to Navigation.
72 Marine Information.
74 Costs and Charges.
76 Sale and Transfer of Aids to Navigation Equipment.

CROSS REFERENCE: Corps of Engineers, Department of the Army, see Title 33, Chapter II.

PART 60—GENERAL

SUBPART 60.01—GENERAL PROVISIONS

- Sec.
60.01-1 Basis and purpose.
60.01-5 Definition of terms.

AUTHORITY: §§ 60.01-1 and 60.01-5 Issued under sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply sec. 1, 63 Stat. 500, as amended; 14 U. S. C. 81.

§ 60.01-1 *Basis and purpose.* The aids to navigation system of the United States is for the purpose of aiding navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft. It is administered by the Coast Guard to serve the needs of the armed forces or of the commerce of the United States. This subchapter contains the rules, regulations, and procedures related thereto.

§ 60.01-5 *Definition of terms.* Certain terms as used in this subchapter are defined as follows:

(a) *Aid to navigation.* The term aid to navigation means any device external to a vessel or aircraft intended to assist a navigator to determine his position or safe course, or to warn him of dangers or obstructions to navigation. Unless otherwise specified, the term aid to navigation as used in this subchapter means aid to marine navigation.

(b) *Armed forces.* The term armed forces as used in this subchapter means the Army, Navy, Air Force, and Marine Corps of the United States.

(c) *Commerce.* The term commerce or marine commerce as used in this subchapter means commerce of the United States and includes trade and travel by seasonal passenger craft, yachts, house boats, fishing boats, motor boats, and other water craft whether or not operated for hire or profit.

(d) *Commandant.* The term Commandant means the Commandant of the Coast Guard.

(e) *Corps of Engineers.* The term Corps of Engineers means the Corps of Engineers, Department of the Army.

(f) *District Commander.* The term District Commander means the Commander of a Coast Guard District.

(g) *District Engineer.* The term District Engineer means the District Engineer, Corps of Engineers, Department of the Army.

(h) *Light station.* The term light station means a lighted aid to navigation on a fixed structure to which personnel are assigned for the purpose of watching the light.

(i) *Navigable water.* The term navigable water, singular or plural, means water navigable in fact which by itself, or by uniting with other waters, navigable in fact, forms a continuous highway over which interstate or international commerce may be conducted in the customary mode of trade and travel on water.

(j) *Person.* The term person imports both singular or plural, as the case demands, and includes any Federal Agency, State, Territory, possession, or public subdivision thereof, the District of Columbia and any corporation, company, association, club, or other instrumentality.

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

SUBPART 62.01—ESTABLISHMENT OF AIDS TO NAVIGATION

- Sec.
62.01-1 Maritime commerce.
62.01-5 Armed forces.
62.01-10 Federal agencies.
62.01-15 Anchorage areas.
62.01-20 Quarantine areas.
62.01-25 Danger areas.
62.01-30 Marking piers on the northern and northwestern lakes.
62.01-35 Markings for marine parades and regattas.

SUBPART 62.05—DISCONTINUANCE OF AIDS TO NAVIGATION

- 62.05-1 Aids to navigation.

SUBPART 62.10—RECOMMENDATIONS AND REQUESTS

- 62.10-1 Marine commerce.
62.10-5 Armed forces.
62.10-10 Federal agencies.

SUBPART 62.15—REPORTING DEFECTS

- 62.15-1 Procedure.

SUBPART 62.20—FIXED STRUCTURES

- 62.20-1 General.

SUBPART 62.25—BUOYS

- 62.25-1 General.
62.25-5 Colors.
62.25-10 Shapes.
62.25-15 Numbers.
62.25-20 Light color characteristics.
62.25-25 Light phase characteristics.
62.25-30 Intracoastal Waterway identification.
62.25-35 Special purpose buoys.
62.20-40 Buoys marking wrecks.
62.25-45 Minor lights and daybeacons.
62.25-50 Reflectors.
62.25-55 Caution.

SUBPART 62.30—LIGHTSHIPS

- 62.30-1 General.
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62.30-10 Color and name.
62.30-15 Identification.
62.30-20 Caution.

SUBPART 62.35—MARINE RADIOBEACONS

- Sec.
62.35-1 General.
62.35-5 Carrier type operation.
62.35-10 Calibration service.
62.35-15 Distance finding.
62.35-20 Caution.

SUBPART 62.40—LORAN

- 62.40-1 General.
62.40-5 Rate designation.
62.40-10 Charts, tables, and instruction books.
62.40-15 Signal warning.
62.40-20 Caution.

SUBPART 62.45—FOG SIGNALS

- 62.45-1 General.
62.45-5 Identification.
62.45-10 Periods of operation.
62.45-15 Caution.

AUTHORITY: §§ 62.01-1 to 62.45-15 Issued under sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply sec. 1, 63 Stat. 500, 501, 504, as amended; 14 U. S. C. 81, 87, 93. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART 62.01—ESTABLISHMENT OF AIDS TO NAVIGATION

§ 62.01-1 *Maritime commerce.* (a) The establishment, maintenance and operation of aids to navigation to serve the needs of marine commerce of the United States, other than loran stations, may be authorized by the Commandant to mark only the navigable waters of the United States, its territories and possessions, the Trust Territory of the Pacific Islands or those waters on which aids to navigation have been established by the Coast Guard prior to June 26, 1948.

(b) The establishment, maintenance and operation of loran stations to serve the needs of marine and air commerce of the United States may be authorized by the Commandant, providing the need for loran stations required to serve air commerce of the United States is determined by the Administrator of Civil Aeronautics.

(c) Any aid to navigation to be established, maintained and operated by the Coast Guard to serve the needs of commerce must be necessary for the safety of navigation, useful for commerce of a substantial and permanent character, and must be justified in terms of public benefit to be derived therefrom. (See § 62.10-1).

§ 62.01-5 *Armed forces.* (a) Upon request of the military authority having jurisdiction of the area, the Coast Guard may establish, maintain and operate aids to marine navigation, other than loran stations, in order to meet the needs of the armed forces. (See paragraph (c) of this section and § 62.10-5).

(b) Upon request of the Secretary of the appropriate Department within the Department of Defense, the Coast Guard may establish, maintain and operate aids to air navigation and loran stations in order to meet the needs of the armed forces. (See paragraph (c) of this section and § 62.10-5).

(c) Establishment, maintenance and operation of aids to marine or air navigation, other than loran stations, as covered in paragraphs (a) and (b) of this section shall be limited to the United States, its territories and possessions, the Trust Territory of the Pacific Islands, or

beyond the territorial jurisdiction of the United States at places where naval or military bases are located, and at other places where aids to navigation have been established by the Coast Guard prior to June 26, 1948.

§ 62.01-10 *Federal agencies.* The Coast Guard may establish, maintain and operate aids to navigation to serve the needs of federal agencies, other than the armed forces, as follows:

(a) Any aid to navigation which is necessary for the safety of navigation, useful for commerce of a substantial and permanent character, and which can be justified in terms of the general public benefit derived therefrom may be established and maintained from Coast Guard appropriations.

(b) Any aid to navigation which is for the primary benefit of a federal agency will be established and maintained by the Coast Guard on a reimbursable basis. The charges will be determined in accordance with Part 74 of this subchapter.

(c) Any federal agency other than the armed forces desiring to establish and maintain its own aids to navigation shall follow the procedure described in Part 66 of this subchapter.

§ 62.01-15 *Anchorage areas.* Anchorage areas in the waters of the United States which have been defined and established by the Secretary of the Army are marked by the U. S. Coast Guard.

(42 Stat. 844; 33 U. S. C. 472)

§ 62.01-20 *Quarantine areas.* Upon request of the District Director, U. S. Public Health Service, the Coast Guard will mark quarantine anchorage areas designated by the Surgeon General, U. S. Public Health Service.

(42 Stat. 844; 33 U. S. C. 472)

§ 62.01-25 *Danger areas.* The Coast Guard will appropriately mark, at the request of the cognizant District Engineer, special danger areas which have been so designated by the Secretary of the Army.

§ 62.01-30 *Marking pierheads on the northern and northwestern lakes.* The Coast Guard will mark all pierheads belonging to the United States situated on the northern and northwestern lakes whenever the District Commander is notified by the District Engineer that the construction of any such pierhead has been completed.

(R. S. 4677, as amended; 33 U. S. C. 735)

§ 62.01-35 *Markings for marine parades and regattas.* (a) For the purpose of protecting life and property the Commandant may authorize the establishment of aids to navigation to mark marine parades and regattas which are regulated by the Coast Guard. For marine parade and regatta regulations, see Part 100 of this chapter.

(Secs. 1-4, 35 Stat. 69, as amended; 46 U. S. C. 454-457)

(b) Any aids to navigation authorized in accordance with paragraph (a) of this section will consist of standard type Coast Guard aids to navigation, except, however, the Coast Guard will place spe-

cial type markings in lieu of Coast Guard aids to navigation: *Provided*, The sponsors of the regatta or marine parade furnish and deliver the markers they desire together with any special appurtenances to a mutually agreed upon location at no expense to the federal government. The Coast Guard, in placing and maintaining such special type markings will assume no responsibility for them, nor will it expend funds or perform other than minor repair services to maintain their condition.

(c) The maintenance of any aids to navigation established in accordance with the foregoing paragraphs will be limited to the period of the marine parade or regatta.

(d) The locating of such markings will be made by the methods commonly employed by the Coast Guard. Any special surveys required must be arranged for by the sponsors of the marine parade or regatta at no expense to the Coast Guard.

(e) All aids to navigation established to mark race courses, regattas, marine parades, or other water events, other than those established by the Coast Guard as provided for in paragraphs (a) and (b) of this section shall be considered private aids to navigation, and shall be regulated as prescribed in Part 66 of this subchapter.

SUBPART 62.05—DISCONTINUANCE OF AIDS TO NAVIGATION

§ 62.05-1 *Aids to navigation.* The Commandant may change or discontinue any Coast Guard aid to navigation when in his opinion the conditions for which the aid was established have changed, or the aid has become useless or unnecessary.

SUBPART 62.10—RECOMMENDATIONS AND REQUESTS

§ 62.10-1 *Marine commerce.* Requests and recommendation pertaining to the aids to navigation system, or reports of aids to navigation no longer needed should be mailed to the District Commander concerned, or to the Commandant, U. S. Coast Guard, Washington 25, D. C. Requests or recommendations for improvements should be supported with information on the following in order to justify the action proposed:

(a) Quantity, type, capacity and value of vessels involved, and the extent that these vessels traverse the area under consideration seasonally, by day, and by night.

(b) Where practicable, the type of navigating devices, such as compasses, radio direction finders, radar, loran, and searchlights, with which such vessels are equipped.

(c) The number of passengers, and type, quantity, and value of cargo involved.

(d) A chart section or sketch showing the action proposed when necessary to clearly describe the recommended improvement.

§ 62.10-5 *Armed forces.* (a) Requests for the establishment of aids to air navigation and loran service should be addressed to the Secretary of the Treasury. (See § 62.01-5 (b)). Requests for the establishment of other aids to navi-

gation should be addressed to the appropriate District Commander. (See § 62.01-5 (a)).

(b) Requests and recommendations concerning the operation of any aid to navigation maintained by the Coast Guard should be addressed to the appropriate District Commander.

(c) Requests and recommendations should be made as far in advance as possible of the time of actual need in order that the funds required may be considered in preparing Coast Guard budget estimates. When such requests and recommendations require work not normally covered by or specifically included in the Coast Guard budget estimates, the Coast Guard will proceed with the work if funds available to the requesting agency for the purpose are transferred to the Coast Guard. Custody of the material and equipment acquired with such funds must remain with the Coast Guard.

§ 62.10-10 *Federal agencies.* Requests and recommendations from federal agencies other than the armed forces for the establishment or improvement of aids to navigation should be addressed to the appropriate District Commander.

SUBPART 62.15—REPORTING DEFECTS

§ 62.15-1 *Procedure.* Mariners are requested to notify immediately the nearest District Commander of any defects observed in an aid to navigation. Radio messages should be prefixed "Coast Guard" and transmitted directly to one of the United States Government shore radio stations listed under "Communications" in the "Navy Hydrographic Bulletin" or under section 400 B of "Radio Aids to Navigation" (HO-205) for relay to the District Commander. If the radio call sign of the nearest United States Government radio station is not known, radio-telegraph communication may be established by the use of the general call "NCG" on the frequency of 500 kilocycles. Merchant ships may send messages relating to defects noted in aids to navigation through commercial facilities only when they are unable to contact a United States Government shore radio station. Charges for these messages will be accepted "collect" by the Coast Guard.

SUBPART 62.20—LIGHTS ON FIXED STRUCTURES

§ 62.20-1 *General.* Lights on fixed structures are aids to navigation placed on shore or on marine sites to assist a navigator to determine his position or safe course, to mark channels and to warn him of dangers or obstructions to navigation. They are identified by their light color and flashing characteristics at night, and by the color and construction of the structure during day time. The location, description and characteristic of lights on fixed structures are published in the Light Lists.

SUBPART 62.25—BUOYS

§ 62.25-1 *General.* (a) The waters of the United States are marked for safe navigation by the lateral system of buoyage. This system employs a simple arrangement of colors, shapes, numbers, and light characteristics to show the side on which a buoy should be passed when

proceeding in a given direction. The characteristics are determined by the position of the buoy with respect to the navigable channels as the channels are entered from seaward toward the head of navigation. As all channels do not lead from seaward, arbitrary assumptions must at times be made in order that the system may be consistently applied. The characteristics of buoys are based on the assumption that proceeding in a southerly direction along the Atlantic coast, in a northerly and westerly direction along the Gulf Coast, in a northerly direction on the Pacific Coast, and in a northerly and westerly direction on the Great Lakes is proceeding from seaward.

(b) On the Intracoastal Waterway proceeding in a general southerly direction along the Atlantic coast, and in a general westerly direction along the Gulf coast, is considered as proceeding from seaward. On the Mississippi and Ohio Rivers and their tributaries the aids to navigation characteristics are determined as proceeding from sea toward the head of navigation although local terminology describes "left bank" and "right bank" as proceeding with the flow of the river.

§ 62.25-5 *Colors*. When proceeding from seaward:

(a) Black buoys mark the port (left) sides of channels, or the location of wrecks or obstructions which must be passed by keeping the buoy on the port (left) hand.

(b) Red buoys mark the starboard (right) sides of channels, or the location of wrecks or obstructions which must be passed by keeping the buoy on the starboard (right) hand.

(c) Red and black horizontally banded buoys mark junctions or bifurcations in the channel, or wrecks or obstructions which may be passed on either side. If the topmost band is black, the preferred channel will be followed by keeping the buoy on the port (left) hand. If the topmost band is red, the preferred channel will be followed by keeping the buoy on the starboard (right) hand.

NOTE: When proceeding toward seaward, it may not be possible to pass on either side of these buoys, and the chart should always be consulted.

(d) Black and white vertically striped buoys mark the fairway or midchannel and should be passed close to, on either side.

§ 62.25-10 *Shapes*. In order to provide ready identification certain unlighted buoys are differentiated by shape.

(a) Red buoys, or red and black horizontally banded buoys with the topmost band red are conical shaped and called nun buoys.

(b) Black buoys, or black and red horizontally banded buoys with the topmost band black are cylindrical shaped and called can buoys.

(c) Black and white vertically striped buoys may be either nun or can buoys. The shape has no significance in this case. Lighted buoys, sound buoys, and spar buoys are not differentiated by shape to indicate the side on which they

should be passed. No special significance is attached to the shapes of these buoys, their purpose being indicated only by the coloring, numbering, or light characteristics.

§ 62.25-15 *Numbers*. (a) All solid red and solid black buoys are numbered, the red buoys bearing even numbers and the black buoys bearing odd numbers, the numbers for each increasing from seaward. The numbers are kept in approximate sequence on both sides of a channel by omitting numbers where required.

(b) No other color buoys are numbered; however, any color buoy may be lettered for the purpose of identification.

§ 62.25-20 *Light color characteristics*. Red lights on buoys are used only on red buoys or red and black horizontally banded buoys with the topmost band red. Green lights on buoys are used only on the black buoys or red and black horizontally banded buoys with the topmost band black. White lights on buoys are used on any color buoy. No special significance is attached to a white light on a buoy, the purpose of the buoy being indicated by its color, number, or its light phase characteristic.

§ 62.25-25 *Light phase characteristics*. (a) Lights on red buoys or black buoys, if not fixed, will always be regularly flashing or regularly occulting. For ordinary purposes the frequency of flashes will be not more than 30 per minute (slow flashing). For purposes when it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel, or to mark wrecks or dangerous obstructions, the frequency of flashes will be not less than 60 per minute (quick flashing).

(b) Lights on red and black horizontally banded buoys will always show a series of quick flashes interrupted by eclipses about 8 times per minute (interrupted quick flashing).

(c) Lights on black and white vertically striped buoys will always show a white short-long flash, this combination recurring at the rate of about 8 times per minute.

§ 62.25-30 *Intracoastal Waterway identification*. (a) Intracoastal Waterway aids to navigation have characteristic yellow markings which distinguish them from aids to navigation marking other waters. Buoys and single piles have a yellow band at the top; daymarks have a yellow border.

(b) When the Intracoastal Waterway route coincides with another waterway, such as a river on which the aids to navigation are marked from the sea to the head of navigation according to the lateral system of buoyage, special markings are used consisting of yellow squares or yellow triangles painted on a conspicuous part of such dual-purpose aids to navigation. A yellow triangle on an aid to navigation indicates that the aid must be left on the starboard side, and a yellow square on an aid indicates that it must be left on the port side, regardless of the color or number of the aid, when traversing the Intracoastal Waterway

route from north to south on the Atlantic coast and from east to west along the Gulf Coast.

§ 62.25-35 *Special purpose buoys*. (a) Buoys for special purposes which have no lateral significance are colored as follows. White buoys mark anchorage areas. Yellow buoys mark quarantine anchorage areas. White buoys with green tops are used in connection with dredging and survey operations. White and black alternate horizontally banded buoys mark fish net areas. White and international orange buoys alternately banded, either horizontally or vertically, are for special purposes to which neither the lateral system colors nor the other special purpose colors apply. Yellow and black vertically striped buoys are used for seadrome markings and have no marine significance.

(b) The shape of special purpose buoys has no significance. They are not numbered, but may be lettered. They may display any color light except red or green. Only fixed, occulting, or slow flashing characteristics are used. This section does not apply to aids to navigation marking floating plant moorings which shall be lighted as prescribed by the Secretary of the Army.

§ 62.25-40 *Buoys marking wrecks*. Buoys established by the Coast Guard to mark wrecks are generally placed on the seaward or channel side of the wreck and as near to the wreck as conditions will permit.

§ 62.25-45 *Minor lights and daybeacons*. Minor lights and daybeacons used to mark the sides of channels are given numbers and characteristics in accordance with the lateral system of buoyage.

§ 62.25-50 *Reflectors*. (a) Certain aids to navigation are fitted with light reflecting material (reflectors) to assist in their location in darkness. The colors of such reflectors have the same lateral significance as the colors of lights.

(b) Certain aids to navigation may be fitted with or have incorporated in their design, special fixtures (radar reflectors) designed to enhance their ability to reflect radar energy. In general, these fixtures will materially improve the aids for use by vessels equipped with radar.

§ 62.25-55 *Caution*. (a) Buoys are liable to be carried away, shifted, capsized, sunk, etc.; lighted buoys may be extinguished or sound buoys may not function as the result of storm, the accumulation of ice, running ice or other natural causes, collision or other accident.

(b) For the foregoing reasons, mariners should not rely completely upon the position or operation of floating aids to navigation, but should also utilize bearings from fixed objects and aids to navigation on shore.

(c) Station buoys are sometimes placed in close proximity to a major aid to mark the station in case the regular aid is accidentally shifted from station. Station buoys are colored and numbered the same as the regular aid to navigation. Lightship station buoys bear the letters "LS" above the initials of the station.

SUBPART 62.30—LIGHTSHIPS

§ 62.30-1 *General.* Lightships are aids to navigation placed in exposed locations where it is impractical to construct fixed aids to navigation. They provide light, fog, and radiobeacon signals, and are distinguished from each other by the characteristics of their signals in the same manner as any other aid to navigation. The characteristics of the various lightships are given in the Light Lists.

§ 62.30-5 *Relief lightships.* Relief lightships may be placed at any of the lightship stations, and, when practicable, exhibit light, sound and radiobeacon signals having the same characteristic of the station.

§ 62.30-10 *Color and name.* All lightships, except Lake Huron Lightship, are painted red with the name of the station in white on both sides; Lake Huron Lightship is painted black with the name of the station painted in white on both sides. Relief lightships are painted the same color as the regular station ships, with the word "RELIEF" in white letters on both sides.

§ 62.30-15 *Identification.* Lightships, especially relief lightships, will display the international code signal of the station whenever a vessel is approaching or is in the vicinity and there are any indications that such a vessel is in strange waters or fails to recognize the station, or whenever a vessel asks for the information.

§ 62.30-20 *Caution.* Because of casualties and near casualties to lightships, all mariners are cautioned that courses should invariably be set to pass lightships with sufficient clearance to avoid possibility of collision from any cause. Experience shows that lightships cannot be safely used as leading marks to be passed close aboard, but should invariably be left broad off the course wherever searoom permits. When approaching a lightship on radio bearings, the risk of collision will be avoided by insuring that the radio bearing does not remain constant.

SUBPART 62.35—MARINE RADIOBEACONS

§ 62.35-1 *General.* Marine radiobeacons operate during periods of fog or low visibility and in clear weather during specific intervals as published in Coast Guard Light Lists. For station identification simple characteristics consisting of combinations of dots and dashes are used. Certain low-power marine radiobeacons use combinations of high and low-tone dashes to provide additional distinction in their characteristic. The characteristics of marker radiobeacons are composed of groups or series of dashes or by a continuous signal for part of a 30 second cycle which is followed by a silent period to complete the 30 second cycle. Marine radiobeacons are divided into classes depending on their transmitting power. Class A radiobeacons give reliable average range of 200 miles; Class B give reliable average range of 100 miles; Class C give reliable average range of 20 miles; and Class D give reliable average range of 10 miles. All Coast Guard marine radiobeacons

operate within the frequency band 285-315 kilocycles.

§ 62.35-5 *Carrier type operation.* Certain radiobeacons have been modified to transmit with the station characteristic code superimposed on a carrier which is on 60 seconds, off 120 seconds or on continuously. Those types of operation are for the purpose of extending the usefulness of these radiobeacons to aircraft and ships employing automatic direction finders.

§ 62.35-10 *Calibration service.* Radiobeacon stations and calibration stations, as listed in the current editions of the Coast Guard Light Lists, will broadcast for the purpose of enabling vessels to calibrate their direction finders upon request either to the cognizant District Commander or, if time does not permit, directly to the radiobeacon or calibration station. Signals for requesting calibration service are described in the current editions of the Coast Guard Light Lists. In the case of radiobeacon stations, transmission for calibration purposes will be continuous without the two minute silent interval unless another station in the same frequency group is in operation at the time, in which case calibration operation will be "1 minute on, 2 minutes off." Transmission from calibration stations for calibration purposes will always be continuous.

§ 62.35-15 *Distance finding.* At certain radiobeacon stations the radiobeacon signal and sound signal are synchronized for distance finding. Distance finding from these stations is based on the principle of determining the time difference in receipt of the radiobeacon signal and the sound signal which are transmitted from the station simultaneously. Distance finding stations are listed in the current editions of the Coast Guard Light Lists. These publications also describe the method of using distance finding stations.

§ 62.35-20 *Caution.* Caution must be used in approaching radiobeacons on radio bearings, and care must be taken to set courses to pass safely clear. The risk of collision will be avoided by insuring that the radio bearing does not remain constant. This caution is applicable to those lightships and stations on submarine sites which are passed close to.

SUBPART 62.40—LORAN

§ 62.40-1 *General.* Standard loran is an electronic aid to navigation by means of which navigators on or over the ocean can determine their position accurately and quickly, day or night, and under practically any condition of weather and sea. A loran line of position is determined by measuring the time difference in receipt of synchronized electromagnetic wave pulses from two transmitting stations. A position fix may be determined by crossing a loran line of position with another loran line, sun line, star line, or other normal line of position. The reliable average daytime range of loran is 700 miles using ground waves and 1,400 miles nighttime range using sky waves. Loran is usable only by vessels or aircraft equipped with a loran

receiver-indicator and loran charts or tables.

§ 62.40-5 *Rate designation.* The loran signals transmitted from two paired transmitting stations determine a loran rate. Loran rates are given designators consisting of a single digit number followed by either the letter "L", "H" or "S" followed by another single digit number. The first digit indicates the frequency channel of the rate and the letter and final digit designate the pulse recurrence rate, i. e., the number of pulses per second transmitted.

§ 62.40-10 *Charts, tables, and instruction books.* Loran charts, tables and operating instruction books are published by the Hydrographic Office, Navy Department, Washington 25, D. C., and may be obtained upon request at nominal cost. These instructions, tables and charts contain complete descriptions of the loran system and service available. General coast charts of the United States with loran lines printed on the reverse side are published by the U. S. Coast and Geodetic Survey.

§ 62.40-15 *Signal warning.* When loran signals are not synchronized or for any other reason are not satisfactory for navigation, one of the two signals on the unsatisfactory rate will "blink," i. e., the signal will appear and disappear alternately. Under no circumstances should a loran rate which is blinking be used for navigation purposes.

§ 62.40-20 *Caution.* Caution must be used in matching loran signals to insure that the ground wave signal of one station is not matched with a sky wave signal of the other station of the rate. Tables and charts are computed for determination of position from matching ground waves with ground waves or sky waves with sky waves.

SUBPART 62.45—FOG SIGNALS

§ 62.45-1 *General.* The function of a fog signal in the system of aids to navigation is to warn of danger, and to provide the mariner with a practical means of determining his position with relation to the fog signal at such times as the station or any visual signal which it displays is obscured from view by fog, snow, rain, smoke or thick weather. Among the devices in common use as fog signals are diaphones, diaphragm horns, reed horns, sirens, whistles, bells and gongs. (Radiobeacons are treated separately under Subpart 62.35.)

§ 62.45-5 *Identification.* Fog signals are distinguished by their characteristics as specified in the Light Lists. The characteristic of a fog signal is described by its tone and signal characteristics. Its tone is determined by the device used to create the sound, such as diaphone, siren, bell, etc. The signal characteristic is the phase relationship of the recurring sound emissions. Fog signals on fixed stations and lightships produce a specific number of blasts and silent periods each minute, when operating, to provide positive identification; fog signals on buoys are generally actuated by the motion of the sea and, therefore, do not emit regular signal characteris-

tics, and when the sea is calm, may emit no sound signals.

§ 62.45-10 *Periods of operation.* (a) Fog signals at stations where a continuous watch is maintained are sounded when the visibility decreases to 5 miles, and also whenever the fog whistle of a passing vessel is heard. Fog signals at certain stations which also operate radiobeacons are synchronized with the radiobeacon for distance finding. (See § 62.35-15.

(b) Fog signals at locations where no watch is maintained are operated continuously unless otherwise stated in the Light List for any particular aid to navigation.

(c) Fog signals on buoys are generally operated by the motion of the sea.

§ 62.45-15 *Caution.* Mariners are cautioned that the hearing of fog signals cannot be implicitly relied upon. Experience indicates:

(a) That distance must not be judged only by the intensity of the sound.

(b) That occasionally there may be areas close to a fog signal in which it is not heard, and, that the mariner must not assume that a fog signal is not operating because he does not hear it.

(c) That fog may exist not far from a station, and yet not be seen from it, and that, therefore, the signal may not be in operation.

PART 64—MARKING OF WRECKS

SUBPART 64.01—DUTY OF OWNER

- Sec.
64.01-1 Markings required.
64.01-5 When effective.
64.01-10 Report required.

SUBPART 64.05—ACTION BY COAST GUARD

- 64.05-1 Marking of wreck by Coast Guard.
64.05-5 Responsibility of the Federal Government.
64.05-10 Marking of wreck after abandonment.

SUBPART 64.10—COMMUNICATIONS

- 64.10-1 Communication with owner.
64.10-5 Notice of abandonment.

SUBPART 64.15—CHARGES FOR MARKING WRECKS

- 64.15-1 Charges invoiced to owner.
64.15-5 Charges invoiced to U. S. Corps of Engineers.

AUTHORITY: §§ 64.01-1 to 64.01-5 issued under sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply sec. 15, 30 Stat. 1152, sec. 1, 63 Stat. 501; 33 U. S. C. 409, 14 U. S. C. 86. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART 64.01—DUTY OF OWNER

§ 64.01-1 *Markings required.* When a vessel, raft, or other craft is wrecked and sunk, accidentally or otherwise, in the navigable waters of the United States, the owner thereof has a non-delegable statutory duty to mark immediately such sunken wreck with a buoy or daymark during the day and a lighted lantern at night, and to maintain these required markings until the sunken craft is removed or abandoned, or abandonment is otherwise determined by the Corps of Engineers. Such markings shall conform to the lateral system of buoyage characteristics (see Subpart 62.25 of this subchapter): *Provided,*

That until the owner has the opportunity to establish such standard markings he shall maintain the most suitable markings available under the circumstances which will warn the navigator of the sunken wreck.

§ 64.01-5 *When effective.* The duty of the owner of a sunken wreck to immediately mark the obstruction shall be effective when he has actual or constructive knowledge that his vessel, raft or other craft has been sunk.

§ 64.01-10 *Report required.* In accordance with 46 CFR 136.05, the owner, agent, master, or person in charge of such vessel shall notify the nearest U. S. Coast Guard Marine Inspection Office of the casualty as soon as possible, and in addition, shall advise of the action he is taking to comply with § 64.01-1, giving the following information:

- (a) Name and description of sunken wreck.
(b) Accurate location of wreck.
(c) Depth of water over wreck.
(d) Location and type of marking established including color and shape of daymark or buoy, and color and characteristic of light.

(R. S. 4450, as amended; 46 U. S. C. 239)

SUBPART 64.05—ACTION BY COAST GUARD

§ 64.05-1 *Marking of wreck by Coast Guard.* Upon receipt of information of the existence of a sunken wreck the Officer in Charge, Marine Inspection, shall immediately notify the District Commander and the District Engineer within whose jurisdiction the sunken wreck is located. The District Commander shall determine whether the sunken wreck is marked in accordance with § 64.01-1, and if such wreck is not marked, or if in his judgment not suitably marked for the protection of navigation, he may suitably mark the same for the protection of navigation until such time as the wreck has been removed or its abandonment established; the cost of such marking shall be borne by the owner.

§ 64.05-5 *Responsibility of the Federal Government.* The United States of America by or through the Coast Guard will not, directly or indirectly, assume any responsibility or accountability for the marking a wreck sunk in the navigable waters of the United States, or elsewhere, regardless of whether such wreck is or is not abandoned by the owner thereof, until (a) an accurate and authentic description and location of the sunken wreck is furnished to the District Commander in whose jurisdiction the wreck is located and (b) an appropriate marker has been established by the Coast Guard.

§ 64.05-10 *Marking of wreck after abandonment.* When the abandonment of a sunken wreck has been established the District Engineer will notify the District Commander in whose jurisdiction the wreck is located of the exact time when the United States assumes charge of a wreck, and whether he desires the Coast Guard to mark or to continue to mark it for the Department of the Army. The District Commander will mark or continue to mark any such sunken wreck

at the request of the District Engineer, and will maintain such markings until requested to discontinue them by the District Engineer. The cost of such markings from the time the United States assumes charge of the wreck shall be borne by the Department of the Army.

SUBPART 64.10—COMMUNICATIONS

§ 64.10-1 *Communication with owner.* Communications with the owner of the obstruction pursuant to this section shall be addressed to his usual or last known place of business or to his local representative, if any. If the wreck is owned by other than an American citizen, communications shall be addressed to the owner's agent or representative in the United States and to the consular representative of the nation of which the owner is a citizen. Communications shall be by the method considered appropriate for the circumstances.

§ 64.10-5 *Notice of abandonment.* Notice of abandonment of a sunken wreck should be addressed to the District Engineer in whose jurisdiction the wreck is located, with a copy of such notice being sent to the District Commander of the same area. Notice of abandonment addressed only to the District Commander in whose jurisdiction the wreck is located does not constitute proper address of the notice, and is ineffective as notice of abandonment until the District Commander to whom it is addressed delivers the notice to the proper District Engineer.

SUBPART 64.15—CHARGES FOR MARKING WRECKS

§ 64.15-1 *Charges invoiced to owner.* Charges for the marking of a sunken wreck by the Coast Guard shall be determined according to Part 74 of this subchapter. These charges will be invoiced to the owner and shall begin with the date of marking and continue until notice is received by the District Commander from the District Engineer that the wreck has been removed and no longer constitutes a menace to navigation, or that its abandonment has been established. Charges for the removal of any aids to navigation established by the Coast Guard shall be invoiced to the owner unless the District Engineer requests the continued marking of the sunken wreck in accordance with § 64.05-10.

§ 64.15-5 *Charges invoiced to U. S. Corps of Engineers.* Charges for the marking of sunken wrecks by the Coast Guard for the Department of the Army in accordance with § 64.05-10 shall be invoiced to the District Engineer. Charges shall be determined in accordance with Part 74 of this subchapter.

PART 66—PRIVATE AIDS TO NAVIGATION

SUBPART 66.01—GENERAL

- Sec.
66.01-1 Basic provisions.
66.01-5 Application procedure.
66.01-10 Characteristics.
66.01-15 Classification.
66.01-20 Inspection.
66.01-25 Removal when required by the Coast Guard.
66.01-30 Permit.
66.01-35 Marking of structures.

- Sec.
66.01-40 Exemptions.
66.01-45 Penalty.
66.01-50 Protection of private aids to navigation.

AUTHORITY: §§ 66.01-1 to 66.01-45 issued under sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply sec. 1, 63 Stat. 500; 14 U. S. C. 83. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 66.01-1 Basic provisions. (a) No person, public body, or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, shall establish, erect, or maintain in the navigable waters of the United States any aid to maritime navigation, without first obtaining permission to do so from the Commandant, nor shall any person, public body, or instrumentality change, move, or discontinue any private aid to navigation so authorized without first obtaining permission to do so from the Commandant.

(b) Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State, or local laws or regulations. It is an instrument of record which concerns the public rights and benefits derived from the aids to navigation system of the United States.

§ 66.01-5 Application procedure. Application to establish, maintain, move, change, or discontinue a private aid to navigation shall be made to the Commandant of the Coast Guard District in which the private aid to navigation is or will be located on forms which will be provided upon request. The applicant shall complete all parts of the form applicable to the aid to navigation concerned, and shall forward the application in quadruplicate to the District Commander. The following information is required:

(a) The proposed position of the aid to navigation by two or more horizontal angles, or bearings and distance from charted landmarks. A section of chart showing the proposed location of the aid to navigation should be included.

(b) The name and address of the person at whose expense the aid will be maintained.

(c) The name and address of the person who will have direct charge of the aid to navigation.

(d) The time and dates during which it is proposed to operate the aid.

(e) The necessity for the aid.

(f) For lights: The color, characteristic, height above water and illuminating apparatus.

(g) For fog signals: Type (whistle, horn, bell, etc.), and characteristic.

(h) For buoys or daybeacons: Shape, color, number or letter, depth of water in which located or height above water.

§ 66.01-10 Characteristics. The characteristics of a private aid to navigation shall conform to the standard United States system of aids to navigation characteristics described in subpart 62.25 of this subchapter.

§ 66.01-15 Classification. The District Commander receiving the application will forward it to the Commandant with a recommendation, and will assign the aid one of the following classifications:

Class I: Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain and operate as prescribed by the Coast Guard.

Class II: Aids to navigation exclusive of Class I located in waters used by general navigation.

Class III: Aids to navigation exclusive of Class I located in waters not ordinarily used by general navigation.

§ 66.01-20 Inspection. All classes of private aids to navigation shall be maintained in proper condition. They are subject to inspection by the Coast Guard at any time and without prior notice to the maintainer. Class I and II private aids to navigation will be inspected at least once each year. Class III private aids to navigation will be inspected at least once every 3 years.

§ 66.01-25 Removal when required by the Coast Guard. Private aids to navigation which may have been authorized by the Commandant shall be removed without expense to the United States by the person, public body, or instrumentality establishing or maintaining such aids when so directed by the Commandant.

§ 66.01-30 Permit. Before any private aid to navigation consisting of a fixed structure is placed in the navigable waters of the United States, authorization to erect such structure shall first be obtained from the Corps of Engineers. The application to establish any private aid to navigation coming within the purview of this section shall show evidence of the required permit having been issued by the Corps of Engineers.

§ 66.01-35 Marking of structures. Whenever any permit for the placing of structures, including mooring buoys, in the navigable waters of the United States, or excavating or depositing material therein, issued by the Corps of Engineers, prescribes that if the display of such lights and other signals on any work authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the Coast Guard shall be installed and maintained by and at the expense of the owner, the permittee shall apply to the District Commander having jurisdiction over the waters in which the work is or will be executed for determination of the lights and other signals to be displayed. No regulations describing the lights or other signals required to mark any such work or obstruction, except bridges, floating plant moorings, and fishing structures, are published. Each case is considered individually by the District Commander who will prescribe such lights and signals as he may consider necessary for the safety of navigation. The characteristics of such lights and signals shall comply as nearly as possible to the United States lateral system described in Part 62

of this subchapter. Upon being advised of the lights and other signals required the permittee shall prepare and submit an application in accordance with § 66.01-5.

§ 66.01-40 Exemptions. (a) Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the lighting of bridges over navigable waters of the United States (Part 68 of this subchapter), aids to navigation marking floating plant moorings or fishing structures as prescribed by the Secretary of the Army, or aids to navigation marking wrecks sunk in the navigable waters of the United States (Part 64 of this subchapter).

(b) Persons establishing and maintaining aids to navigation in compliance with any of the aforementioned regulations are exempted from the provisions of §§ 66.01-5 and 66.01-35.

§ 66.01-45 Penalty. Any person violating the provisions of this part shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding \$100 for each offense. Each day during which such violation shall continue shall be considered as a new offense.

§ 66.01-50 Protection of private aids to navigation. Private aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstructions as is afforded by law to Coast Guard aids to navigation (see Subpart 68.01 of this subchapter). If interference or obstruction occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are situated, or to the Commandant.

(Sec. 1, 63 Stat. 500; 14 U. S. C. 84)

PART 68—LIGHTING OF BRIDGES

SUBPART 68.01—BASIC PROVISIONS

- Sec.
68.01-1 General requirement.
68.01-5 Penalty for failure to maintain.
68.01-10 Interference or obstruction prohibited.
68.01-15 Penalty for interference or obstruction.

SUBPART 68.05—PROCEDURE

- 68.05-1 Obtaining information.
68.05-5 Application procedure.
68.05-10 Action by Coast Guard.

SUBPART 68.10—GENERAL CONDITIONS

- 68.10-1 Signals pertaining to the operation of bridges.
68.10-5 Lighting during bridge construction.
68.10-10 Lighting for the protection of aerial navigation.
68.10-15 Inspection.
68.10-20 Period of operation.
68.10-25 Visibility of lights.

SUBPART 68.15—MARKING REQUIREMENTS

- 68.15-1 Lights on fixed bridges.
68.15-5 Lights on swing bridges.
68.15-10 Lights on single-opening drawbridges.
68.15-15 Lights on bascule bridges.
68.15-20 Lights on vertical lift bridges.

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SUBPART 68.20—SPECIAL CONDITIONS

Sec.

- 68.20-1 Bridges crossing channels obliquely.
 68.20-5 Lights on sheer booms.
 68.20-10 Modification of requirements.
 68.20-15 Bridges infrequently used and unusual cases.

AUTHORITY: §§ 68.01-1 to 68.20-15 issued under sec. 4, 34 Stat. 85, sec. 1, 63 Stat. 503, as amended; 33 U. S. C. 494, 14 U. S. C. 92. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART 68.01—BASIC PROVISIONS

§ 68.01-1 *General requirement.* All persons owning, occupying, or operating bridges over the navigable waters of the United States shall maintain at their own expense such lights required for the safety of marine navigation as may be prescribed by the Commandant, and, on bridges constructed between March 23, 1906, and August 2, 1946, or any international bridge constructed after March 23, 1906, such additional signals as may be prescribed by the Commandant.

§ 68.01-5 *Penalty for failure to maintain.* Any such person required to maintain lights upon any bridge or abutments over or in the navigable waters of the United States who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same, shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding the sum of \$100 for each offense. Each day during which such violation shall continue shall be considered as a new offense.

(Sec. 1, 63 Stat. 501; 14 U. S. C. 85)

§ 68.01-10 *Interference or obstruction prohibited.* No person shall obstruct or interfere with any lights or signals maintained in accordance with the regulations prescribed in this part.

(Sec. 1, 63 Stat. 500; 14 U. S. C. 84)

§ 68.01-15 *Penalty for interference or obstruction.* Any person violating the provisions of § 68.01-10 of this chapter shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding \$500 for each offense. Each day during which such violation shall continue shall be considered a new offense.

(Sec. 1, 63 Stat. 500; 14 U. S. C. 84)

SUBPART 68.05—PROCEDURE

§ 68.05-1 *Obtaining information.* Persons desiring information concerning the lighting of bridges shall address their inquiry to the District Commander having jurisdiction over the area concerned, or to the Commandant.

§ 68.05-5 *Application procedure.* Approval of lights and other signals required shall be obtained, prior to construction, from the District Commander of the area in which the structure will be situated. Application shall be by letter accompanied by duplicate sets of drawings showing (a) plan and elevation of the structure showing lights and signals proposed, and (b) small scale vicinity chart showing proposed bridge and all other bridges within 1,000 feet above or below the proposed bridge.

§ 68.05-10 *Action by Coast Guard.* (a) The District Commander receiving the application will approve the lights proposed or mark on the drawings the lights required, and cite the applicable section of this chapter which prescribes the lights required for the particular type bridge.

(b) When the permit issued by the Secretary of the Army for the erection of a bridge after August 2, 1946, provides "that if the display of any lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the U. S. Coast Guard shall be installed and maintained by and at the expense of the owner," the District Commander will prescribe any additional signals which he may consider necessary for the protection of navigation.

(c) Upon approval, one set of drawings will be returned to the applicant with the notation "Navigational lights approved as shown," date, and name and title of the District Commander.

SUBPART 68.10—GENERAL CONDITIONS

§ 68.10-1 *Signals pertaining to the operation of bridges.* Lights and signals necessary for the execution of rules and regulations pertaining to the operation of bridges issued by the Secretary of the Army will be prescribed by the District Engineer.

§ 68.10-5 *Lighting during bridge construction.* (a) While a bridge is under construction the District Engineer having jurisdiction over the work will prescribe the lights and other signals to be displayed for the protection of navigation.

(b) When unusual conditions exist the District Engineer will confer with the District Commander to determine the lights and signals necessary for the protection of navigation.

(c) When the construction of a bridge is completed the lights and other signals approved by the District Commander shall be displayed.

§ 68.10-10 *Lighting for the protection of aerial navigation.* The owner of a bridge which constitutes a hazard to aerial navigation should maintain, in addition to the lights prescribed in this part, such lights as may be prescribed by the Administrator of Civil Aeronautics.

§ 68.10-15 *Inspection.* Lights and signals maintained as required by the provisions of this chapter are subject to inspection at any time by the Coast Guard or such agent as may be appointed by the Commandant.

§ 68.10-20 *Periods of operation.* (a) Lights shall be displayed from sunset to sunrise and at other times when the visibility is less than one mile.

(b) Operators shall not be required to exhibit the prescribed lights during seasons when vessels are unable to navigate in the vicinity of the bridge.

§ 68.10-25 *Visibility of lights.* All lights required by the regulations in this part shall be securely attached to the structure, and shall be of sufficient intensity to be visible against the back-

ground lighting for a distance of 2,000 yards on a dark night under the prevailing conditions of atmosphere. They shall be located as prescribed by the Commandant, with colors and arcs of visibility as specified.

SUBPART 68.15—MARKING REQUIREMENTS

§ 68.15-1 *Lights on fixed bridges.* (a) Each fixed bridge span over a navigable channel shall be lighted so that the center of the navigable channel under each span will be marked by a range of two green lights, and each margin of each navigable channel will be marked by a red light: *Provided*, That when a margin of a channel is limited by a pier, only those lights prescribed in paragraph (b) of this section shall be required to mark such channel margin. The green lights shall each show through a horizontal arc of 360°; they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180°, and shall be securely mounted just below the outermost edge of the bridge span structure to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacements of existing fixed span navigation lights colored green are made, it is permitted that only one of these lights marking the centerline of the same channel under a span shall be visible to an approaching vessel. When major repairs to or replacement of such existing green lights are made they shall conform with this paragraph.

(b) *Pier lights.* When the navigable channel extends from pier to pier or when piers are located within the navigable channel, each end of such piers shall be lighted with a red light. Each such light shall show through a horizontal arc of 180°, and shall be securely fastened at the end of the pier as low as practicable but not lower than 2 feet above navigable high water to show 90° on either side of line parallel to the axis of the channel so as to be visible from an approaching vessel.

(c) *Main channel.* When necessary, the District Commander may prescribe that fixed bridges having two or more spans over a navigable channel shall have the main channel span marked with a set of three white lights arranged in a vertical line directly above each green light on the main channel span. Each white light shall show through a horizontal arc of 180°, and shall be mounted so that $\frac{1}{2}$ of the horizontal arc will show on either side of a line parallel to the axis of the channel. These three white lights shall be securely mounted on the bridge structure and spaced as nearly 15 feet apart as the structure of the bridge will permit, with a minimum spacing of 7 feet. The lowest white light in the line of three lights shall be placed not less than 10 nor more than 15 feet above each green light on the main channel span.

NOTE: Until such time that major repairs to or replacements of existing main channel lights showing white are made, it is permitted that these lights show through a

horizontal arc of not less than 60° nor more than 180° with $\frac{1}{2}$ of such arc showing either side of a line parallel to the axis of the main channel. When major repairs or replacement of such existing white lights are made, they shall conform with this paragraph.

§ 68.15-5 Lights on swing bridges—

(a) *Swing span lights on through bridges.* Each swing span of every through swing bridge shall be lighted with three lanterns so that when viewed from an approaching vessel the swing span when closed will display three red lights on top of the span structure, one at each end of the span on the same level and one at the center of the span no less than 10 feet above the other two lights, and when open for navigation will display three green lights on top of the span structure in a line parallel to and directly above the long axis of the span, one at each end of the span on the same level, and one at the center of the span no less than 10 feet above the other two lights. Each lantern shall show through alternate red and green horizontal arcs of 60° each, the axis of adjacent arcs to be 90° from each other; each light shall be securely mounted with the axis of the green arcs parallel to the long axis of the swing span.

(b) *Swing span lights on deck and half-through bridges.* Each swing span of every deck, half-through, girder, or similar type swing bridge shall be lighted with four lanterns so that when viewed from an approaching vessel the swing span when closed will display one red light at each end, and when open to navigation will display two green lights from each end. Each lantern shall show through one red and two green horizontal arcs of 60° each, the axis of each green arc to be 90° from the axis of the red arc; each light shall be securely mounted at the floor level of the span as near to the side of the span as practicable with the axis of the red light normal to the long axis of the swing span and so that the red light will be visible from an approaching vessel when the span is closed.

(c) *Pier lights.* Every swing bridge shall be lighted so that each end of the piers adjacent to the navigable channel (draw piers) or each end of their protection piers (draw pier protection piers) and each end of the piers protecting the pivot pier (pivot protection pier) will be marked by a red light. Each of these lights shall show through a horizontal arc of 180° and shall be mounted as low as practicable below the floor level of the swing span to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

(d) *Axis lights.* Every swing bridge shall be lighted so that the intersection of the bridge axis with each side of the pivot pier and the channel side of each draw pier which has a protection pier will be marked by a red light. *Provided,* That if the draw and draw protection piers are straight along their channel faces these lights shall not be required. Each such light shall show through a horizontal arc of 180°, and shall be mounted on the navigable channel face of the pier as low as practicable below the floor level of the swing span to show

90° either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

(e) *Omission of lights.* Where the permanent navigable channel passes on only one side of the pivot pier of any swing span, the District Commander may authorize the omission of lighting of the unused channel.

§ 68.15-10 Lights on single-opening drawbridges.—(a) Bridges in this class. Bridges of the folding, pontoon and similar type single opening drawbridges are included in this class.

(b) *Draw span lights.* Each draw span of every single opening drawbridge shall be lighted with two lanterns so that when viewed from an approaching vessel the draw span when closed will display two red lights, one at each end of the span and when open to navigation will display two green lights, one at each end of the span. Each lantern shall show alternate red and green horizontal arcs of 60° each, the axis of adjacent arcs to be located 90° from each other; each lantern shall be securely mounted 15 feet above the roadway with the axis of the green arcs parallel to the long axis of the swing span.

(c) *Pier or abutment lights.* Every swing bridge shall be lighted so that the end of each pier, abutment or fixed portion of the bridge adjacent to the navigable channel through the draw or each end of the protection piers for such piers, abutments, or fixed portions of the bridge will be marked by a red light. Each red light shall show through an arc of 180°, and shall be securely mounted on the pier, abutment or fixed portion of the bridge as low as practicable to show 90° on either side of a line normal to the axis of the channel so as to be visible from an approaching vessel.

§ 68.15-15 Lights on bascule bridges.—(a) Lift span lights. Each lift span of every bascule bridge shall be lighted so that the free end of the span will be marked on each side by a green light which shows only when the span is fully open for the passage of a vessel and by a red light which shows for all other positions of the lift span. Each red and each green light shall show through a horizontal arc of not less than 60° nor more than 180°. The lighting apparatus shall be securely mounted to the side of the span so that the lights will show equally on either side of a line parallel to the axis of the channel, and so that they will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, it is permitted that these lights show through a horizontal arc of not more than 60°. When major repairs to or replacement of such existing lights are made they shall conform with this paragraph.

(b) *Multiple parallel lift span lights.* The outermost side of each outer span of every bascule bridge with parallel multiple lifts shall be lighted as prescribed in paragraph (a) of this section; the lights shall be controlled so that the green lights will be displayed only when all spans are open for navigation. The inner sides of each outer lift span and both sides of each inner lift

span of such bascule bridge shall be lighted by red lights for all positions of the lift span. These lights shall have the same arcs of illumination and shall be mounted as described in paragraph (a) of this section.

(c) *Pier lights.* Every bascule bridge shall be lighted so that each end of every pier, or protection pier where provided, in or adjacent to the navigable channels under the lift span or spans will be marked by a red light. Each such red light shall show through a horizontal arc of 180°, and shall be securely mounted as low as practicable on the end of the pier, or protection pier, to show 90° either side of a line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

(d) *Axis lights.* Every bascule bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the long axis of the lift span with the channel side of each pier, or protection pier, will be marked by a red light. *Provided,* That if all such piers and protection piers are straight along their channel faces these lights shall not be required. Each such red light shall show through a horizontal arc of 180° and shall be securely mounted on the navigable channel face of the pier as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

§ 68.15-20 Lights on vertical lift bridges.—(a) Lift span lights. The vertical lift span of every vertical lift bridge shall be lighted so that the center of the navigable channel under the span will be marked by a range of two green lights when the vertical lift span is open for navigation, and by one red light on each side for all other positions of the lift span. The green lights shall each show through a horizontal arc of 360°; they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180°, and shall be securely mounted just below the outermost edge of the lift span to show 90° on either side of the line parallel to the axis of the channel so that only one such light will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, it is permitted that these lights show through a horizontal arc of not more than 60°. When major repairs to or replacement of such existing lights are made they shall conform with this paragraph.

(b) *Pier lights.* Every vertical lift bridge shall be lighted so that each end of every pier in or adjacent to navigable channels under the lift span, or each end of every protection pier when provided, will be marked by a red light. Each such light shall show through a horizontal arc of 180°, and shall be securely mounted as low as practicable on the end of the pier, or the protection pier, to show 90° on either side of line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

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(c) *Axis lights.* Every lift bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the lift span axis with the channel side of each pier adjacent to the navigable channel will be marked by a red light: *Provided*, That if every such pier, or protection pier, is straight along its channel face these lights shall not be required. Each such light shall show through a horizontal arc of 180°, and shall be securely mounted on the navigable channel face of the pier as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

SUBPART 68.20—SPECIAL CONDITIONS

§ 68.20-1 *Bridges crossing channel obliquely.* Bridges crossing a body of water at an angle other than 90° with the axis of the channel shall be lighted in accordance with the regulations in this part with such modifications as are necessary in each particular case.

§ 68.20-5 *Lights on sheer booms.* The lights on sheer booms, isolated piers, and obstructions not part of the bridge or bridge approach structure come under the purview of § 66.01-35 of this subchapter and shall show a white or green light if kept on the left of vessels approaching from seaward, and shall show a white or red light if kept on the right of vessels approaching from seaward. For rivers the same rule shall apply, white or green lights shall be shown from the right descending bank; white or red lights to be shown from the left descending bank. The color of the light and its characteristics (fixed, flashing, occulting, etc.) shall be determined by the District Commander.

§ 68.20-10 *Modification of requirements.* The District Commander may modify or change the requirements for the display of lights and signals on any bridge within the purview of the regulations in this part when a change in local conditions warrant such modification.

§ 68.20-15 *Bridges infrequently used and unusual cases.* Movable span bridges over minor streams which are not opened more frequently than four times between sunset and sunrise in any one week, and fixed bridges over such streams, may, on recommendation of the District Commander, with the approval of the Commandant, be exempted from the other provisions of the regulations in this part: *Provided*, That all persons owning, occupying, or operating any such bridge shall maintain such lights on their bridges as may, in the opinion of the District Commander be necessary for the security of navigation. The manner of lighting structures not covered by the rules in this part shall be referred to the Commandant through the proper District Commander. In special or unusual cases the Commandant, in his discretion, if satisfied that the safety of navigation is adequately protected, may waive or modify the regulations in this part, or exempt bridges from the operation of navigation lights.

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

SUBPART 70.01—INTERFERENCE WITH AIDS TO NAVIGATION

Sec.
70.01-1 General provisions.
70.01-5 Penalty.

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

70.05-1 General provisions.
70.05-5 Penalty.
70.05-10 Revocation of license.
70.05-15 Liability for damages.
70.05-20 Report required.
70.05-25 Deposit of payment in special account.
70.05-30 Claim for damage or destruction.
70.05-35 Computation of repair costs.
70.05-40 Computation of replacement costs.
70.05-45 Incidental expenses.
70.05-50 Charges for performance of work by Coast Guard.

AUTHORITY: §§ 70.01-1 to 70.05-50 issued under sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply secs. 14, 16, 30, 30 Stat. 1152, 1153; 33 U. S. C. 408, 411, 412. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART 70.01—INTERFERENCE WITH AIDS TO NAVIGATION

§ 70.01-1 *General provisions.* No person, excluding the armed forces, shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard, or any private aid to navigation established and maintained in accordance with Parts 64, 66, or 68 of this subchapter.

(Sec. 1, 63 Stat. 500; 14 U. S. C. 84)

§ 70.01-5 *Penalty.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$500 for each offense, and each day during which such violation shall continue shall be considered a new offense.

(Sec. 1, 63 Stat. 500; 14 U. S. C. 84)

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

§ 70.05-1 *General provisions.* No person shall take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any aid to navigation established and maintained by the United States.

§ 70.05-5 *Penalty.* Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of § 70.05-1 shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$2,500 or less than \$500, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or both, one half of such fine to be paid to the person or persons giving information which shall lead to conviction.

§ 70.05-10 *Revocation of license.* Every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board any boat or

vessel who shall willfully injure or destroy an aid to navigation established and maintained by the United States shall be deemed guilty of violating the provisions of § 70.05-1 and shall upon conviction be punished as provided in § 70.05-5 and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

§ 70.05-15 *Liability for damages.* Any boat, vessel, scow, raft or other craft used or employed in violating any of the provisions of § 70.05-1 shall be liable for the pecuniary penalties specified in § 70.05-5, and in addition thereto for the amount of damage done by said boat, vessel, scow, raft or other craft, which may be proceeded against summarily by way of liable in any district court of the United States having jurisdiction thereof.

§ 70.05-20 *Report required.* Whenever any vessel collides with an aid to navigation established and maintained by the United States or any private aid to navigation established or maintained in accordance with Parts 64, 66, or 68 of this subchapter, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection, in accordance with 46 CFR 136.05.

§ 70.05-25 *Deposit of payment in special account.* Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, and such person shall pay to the satisfaction of the Coast Guard the cost of repair or replacement of such property, the Coast Guard will accept and deposit such payments in a special account in the Treasury for payment therefrom of the cost of repairing or replacing the damaged property. Funds collected in excess of the cost to make repairs or replacements shall be refunded.

(Sec. 1, 63 Stat. 547; 14 U. S. C. 642)

§ 70.05-30 *Claim for damage or destruction.* When an aid to navigation, fixed or floating, is damaged and can be repaired or is destroyed, claim shall be made upon the party responsible for the damage or destruction for the full cost to the government to make repairs to the aid or for the cost to make replacement with an identical aid, whichever is applicable, and for all other costs to the government incident to and directly caused by reason of the damage or destruction. Claim for cost of replacement with an identical aid shall be made regardless of whether the destroyed aid is actually replaced and whether or not the replacement, if made, is with an identical or different kind of aid located at the same or different location as that of the aid being replaced.

§ 70.05-35 *Computation of repair costs.* The cost to make repairs shall be the cost to restore the damaged aid to operating condition. This shall include the cost of all repair work, material and equipment involved whether furnished by private contract or by the government. Incidental expenses, covered in

§ 70.05-45, when not included in this heading shall be added to and made part of the total claim.

§ 70.05-40 *Computation of replacement costs.* The cost to make replacement shall be the present day cost to reproduce an aid identical with that which was destroyed. Incidental expenses covered in § 70.05-45 when not included in this heading shall be added to and made part of the total claim.

§ 70.05-45 *Incidental expenses.* Expenses incident to and directly caused by reason of the damage or destruction shall include costs of the following whichever are applicable. These expenses are in addition to those of § 70.05-35 or § 70.05-40 and shall be included as part of the total claim on the responsible party.

(a) Cost of placing a replacement aid in operation on station, whether as a permanent substitute or to serve as a temporary or auxiliary aid for that which was damaged or destroyed.

(b) Cost of removing a replacement aid which was placed in operation on station to serve as a temporary or auxiliary aid for that which was damaged or destroyed.

(c) Cost of temporary or auxiliary aid for the period of time actually devoted to making repairs to damage or actually devoted to reconstruction.

(d) Cost of searching for, recovering and removing or attempting to recover and remove the damaged or destroyed aid or any of its component parts which may require recovery and removal.

(e) Value of time consumed in work, travel and services of government personnel and vessels which are furnished by reason of and directly attributed to the damage or destruction: *Provided*, That no charge for Coast Guard vessels and crew shall be made for time of travel of Coast Guard vessels and personnel to and from the site and laytime en route when such travel is part of regularly scheduled Coast Guard duties.

(f) Full cost to the government for the value of all aids to navigation equipment and material lost in connection with the placing, maintaining and removing a temporary or auxiliary aid utilized because of the damage or destruction.

§ 70.05-50 *Charges for performance of work by Coast Guard.* Charges for the cost of aids to navigation equipment and for services of Coast Guard tenders shall be determined in accordance with Part 74 of this subchapter.

PART 72—MARINE INFORMATION

SUBPART 72.01—NOTICES TO MARINERS

Sec.	Purpose.
72.01-1	Local Notices to Mariners.
72.01-10	Weekly Notices to Mariners (Part I, Western Hemisphere Edition).
72.01-15	Weekly Notices to Mariners (Great Lakes Edition).
72.01-20	Weekly Notices to Mariners (Part II, Eastern Hemisphere Edition).
72.01-25	Marine broadcasts.
72.01-30	Temporary deficiencies.
72.01-35	Change of address.
72.01-40	Obtaining single copies of Notices to Mariners.

SUBPART 72.05—LIGHT LISTS

Sec.	Purpose.
72.05-1	Sales agencies.
72.05-5	Free distribution.

AUTHORITY: §§ 72.01-1 to 72.05-10 issued under sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply sec. 1, 63 Stat. 504, as amended; 14 U. S. C. 93. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART 72.01—NOTICES TO MARINERS

§ 72.01-1 *Purpose.* Through the means of Notices to Mariners, the Coast Guard disseminates information concerning establishments, changes, discontinuances, and certain deficiencies in operation of aids to navigation maintained by and under the authority of the Commandant.

§ 72.01-5 *Local Notices to Mariners.* Local Notices to Mariners are issued by each District Commander. They include changes and deficiencies in aids to navigation maintained by and under the authority of the Commandant within the area of each Coast Guard District. These notices are published as required, which in most districts is daily. If only local information is required, the notices issued by the various District Commanders will serve the needs of local navigators. They may be obtained, free of charge, by making application to the appropriate District Commander.

§ 72.01-10 *Weekly Notices to Mariners (Part I, Western Hemisphere Edition).* Weekly Notices to Mariners (Part I, Western Hemisphere Edition) are prepared jointly by the Coast Guard and the Hydrographic Office, Navy Department, and published weekly by the Hydrographic Office. They include changes in aids to navigation in assembled form for all Coast Guard districts, except the Ninth Coast Guard District (Great Lakes), and the Second Coast Guard District (Mississippi River system). Foreign marine information in the Western Hemisphere area is also included in these notices. These notices are intended for mariners and others who have a definite need for them in connection with extended seagoing activities or those operating in several Coast Guard Districts. These notices may be obtained, free of charge, by making application to the Commandant (OAN), U. S. Coast Guard, Washington 25, D. C.

§ 72.01-15 *Weekly Notices to Mariners (Great Lakes Edition).* Weekly Notices to Mariners of the Great Lakes are prepared jointly by the Coast Guard and the Hydrographic Office, and published weekly at the Branch Hydrographic Office, Cleveland, Ohio. These notices may be obtained, free of charge, by making application to the Branch Hydrographic Office, Cleveland, Ohio.

§ 72.01-20 *Weekly Notices to Mariners (Part II, Eastern Hemisphere Edition).* Weekly Notices to Mariners (Part II, Eastern Hemisphere Edition) are published weekly by the Hydrographic Office and contain marine information for waters in the Eastern Hemisphere area. Requests for these notices should be addressed to the Hydrographic Office, Department of the Navy, Washington 25, D. C.

partment of the Navy, Washington 25, D. C.

§ 72.01-25 *Marine broadcasts.* Marine broadcast Notices to Mariners are made by the Coast Guard through Coast Guard or Naval radio stations to report deficiencies and changes in aids to navigation of importance. Radio stations broadcasting marine information are listed in "Radio Aids to Navigation (HO-205)" and "Hydrographic Bulletins" published by the Hydrographic Office.

§ 72.01-30 *Temporary deficiencies.* Temporary deficiencies in aids to navigation are not published in Notices to Mariners when it is known that the defects will be corrected promptly.

§ 72.01-35 *Change of address.* Persons receiving Notices to Mariners are requested to notify the appropriate agency of any change in address, giving both old and new addresses, or when Notices to Mariners are no longer required.

§ 72.01-40 *Obtaining single copies of Notices to Mariners.* Single copies of Notices to Mariners may be obtained or consulted at the offices of the District Commanders, the Coast and Geodetic Survey District Offices, the Branch Hydrographic Offices, or other agencies distributing marine information.

SUBPART 72.05—LIGHT LISTS

§ 72.05-1 *Purpose.* (a) The Coast Guard publishes annually the following five Light Lists covering the waters of the United States, its territories and possessions:

Atlantic and Gulf Coasts.
Intracoastal Waterway (includes aids to navigation on Intracoastal Waterway and inside waters from Norfolk, Va., to Rio Grande).

Mississippi and Ohio Rivers and their tributaries.

Great Lakes.
Pacific Coast and Islands. (Local light lists are also published for each of the five Coast Guard districts on the Pacific Coast.)

(b) These Light Lists give the official name, location, characteristic and general description of all aids to navigation maintained by or under authority of the U. S. Coast Guard.

§ 72.05-5 *Sales agencies.* Coast Guard Light Lists are for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C., and through his sales agents whose names are published quarterly in the Weekly Notice to Mariners. Announcements of new editions and prices are published in the Weekly Notice to Mariners each year as soon as they are available for distribution.

(Sec. 1, 42 Stat. 541, sec. 307, 47 Stat. 409; 44 U. S. C. 72, 72a)

§ 72.05-10 *Free distribution.* Official copies are distributed free of charge to Federal, State, and foreign governments, municipalities, libraries and other public institutions.

(R. S. 501, as amended, sec. 5, 38 Stat. 75; 44 U. S. C. 82, 84)

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PART 74—COSTS AND CHARGES

SUBPART 74.01—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

- Sec.
74.01-1 Charges; general.
74.01-5 Table of charges.
74.01-10 Extra charges.
74.01-15 Charges for lost or destroyed equipment.

AUTHORITY: §§ 74.01-1 to 74.01-15 issued under sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply sec. 1, 53 Stat. 501, 545, 547; 14 U. S. C. 86, 633, 642.

SUBPART 74.01—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

§ 74.01-1 *Charges; general.* Charges for authorized work performed under the provisions of §§ 62.01-10 (b), 64.15-1, 64.15-5 and Subpart 70.05 of this subchapter shall be the actual cost to the Coast Guard when performed by contract and/or according to the charges set forth in this part for services of Coast Guard vessels and the use of Coast Guard equipment.

§ 74.01-5 *Table of charges.* Charges for the use of certain Coast Guard equipment and for the services of vessels shall be in accordance with Tables A and B below: *Provided*, That no charge for Coast Guard vessels and crew shall be made for time of travel of such vessels and their personnel to and from the site of the work and lay time enroute when such travel is part of regularly scheduled Coast Guard duties.

TABLE A—CHARGES FOR BUOYS, ETC.

Type of marking (Buoy includes mooring and sinker)	Preparation for establishment	Depreciation and routine maintenance charge per month or major fraction thereof
1. Lighted buoy for exposed station, with or without sound.	\$176.00	\$50.25
2. Bell, gong or whistle buoys, unlighted.	65.00	14.57
3. Lighted buoy for sheltered station, with or without sound.	49.00	17.78
4. Can or nun buoys (except river type).	29.00	5.26
5. Wooden spar buoy, any class.	8.00	1.65
6. River type buoy.	3.31	2.27
7. Lighting apparatus (only).	20.00	12.52

TABLE B—CHARGES FOR VESSELS, ETC.

Type of vessel	Maintenance charge per hour	Operating personnel charge per hour
1. Cutters 150 feet and longer.	\$21.68	\$17.41
2. Cutters less than 150 feet and over 100 feet long.	8.07	6.44
3. Cutters 100 feet long or less.	7.02	5.16
4. Buoy boats.	1.27	1.93

§ 74.01-10 *Extra charges.* For equipment, materials, or supplies not included in the foregoing tables charge shall be made for the full cost in the case of expendable items, and for 1 percent of the cost of non-expendable items for each month or fraction thereof that such items are in use.

§ 74.01-15 *Charges for lost or destroyed equipment.* Charges for any lost

or destroyed equipment shall be the replacement cost thereof.

PART 76—SALE AND TRANSFER OF AIDS TO NAVIGATION EQUIPMENT

SUBPART 76.01—SALE OF EQUIPMENT

- Sec.
76.01-1 Sale of equipment not readily procurable.
76.01-5 Sale of condemned equipment.

SUBPART 76.10—FEDERAL AGENCIES

76.10-1 Exemption.

AUTHORITY: §§ 76.01-1 to 76.10-1 issued under sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply sec. 1, 63 Stat. 547, as amended; 14 U. S. C. 641.

SUBPART 76.01—SALE OF EQUIPMENT

§ 76.01-1 *Sale of equipment not readily procurable.* The Commandant is authorized to sell aids to navigation apparatus or equipment to foreign, state, or municipal governments or departments thereof; parties required to maintain private aids to navigation to mark wrecks, piers, or other obstructions; contractors engaged on public works; and in other cases in which in the judgment of the Commandant the public interest may be served: *Provided*, (a) Such equipment has not been reported by the Coast Guard to the General Services Administration as excess (if the equipment has been reported to the General Services Administration as excess, the Commandant will submit the request to that administration for further action); and (b), such equipment is not readily procurable in the open market. Requests to purchase such apparatus or equipment shall give sufficient reasons why the article or articles cannot be readily procured in the open market. If the Commandant considers that an article can be readily procured in the open market the prospective purchaser will be so informed, and given the names of dealers or manufacturers. Sales shall be invoiced at cost plus 25 percent for overhead. Proceeds of such sales shall be deposited in the Treasury to the credit of the current appropriation for operating expenses, Coast Guard.

§ 76.01-5 *Sale of condemned equipment.* When any condemned supplies, materials, or equipment cannot be profitably used in work of the Coast Guard, they will be disposed of under appropriate regulations of the General Services Administration. Applications for purchase of such materials may be submitted to the Commandant who will process them for further action under the applicable regulations.

SUBPART 76.10—FEDERAL AGENCIES

§ 76.10-1 *Exemption.* Nothing in this part shall be construed to affect the regulations concerning the transfer of supplies, materials, equipment, or land between other federal agencies.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

DECEMBER 18, 1952.

[F. R. Doc. 52-13795; Filed, Dec. 31, 1952; 8:55 a. m.]

Chapter II—Corps of Engineers,
Department of the Army

PART 202—ANCHORAGE REGULATIONS

LITTLE NARRAGANSETT BAY, RHODE ISLAND

Correction

In F. R. Doc. 52-13548, appearing on page 11720 of the issue for Wednesday, December 24, 1952, the following change should be made:

In § 202.47, the phrase "and running 40° 30' true" should read "and running 41° 30' true".

TITLE 32A—NATIONAL DEFENSE,
APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46A, Directions 1 and 2, Revocation]

M-46A—PRIORITIES ASSISTANCE FOR FOREIGN PETROLEUM OPERATORS

DIR. 1—AUTHORIZATIONS FOR OIL COUNTRY TUBULAR GOODS

DIR. 2—THIRD QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS FOR OIL COUNTRY TUBULAR GOODS

REVOCATION

Direction 1 (16 F. R. 10605) and Direction 2 (17 F. R. 7854) under NPA Order M-46A are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Directions 1 and 2 of NPA Order M-46A as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said directions prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective January 1, 1953.

Issued December 31, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13806; Filed, Dec. 31, 1952; 11:48 a. m.]

[NPA Order M-46, Directions 1 and 4, Revocation]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 1—AUTHORIZATIONS FOR OIL COUNTRY TUBULAR GOODS

DIR. 4—THIRD QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS FOR OIL COUNTRY TUBULAR GOODS

REVOCATION

Direction 1 (16 F. R. 10604) and Direction 4 (17 F. R. 7854) under NPA Order M-46 are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Directions 1 and 4 of NPA Order M-46 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said directions prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective January 1, 1953.

Issued December 31, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13805; Filed, Dec. 31, 1952;
11:47 a. m.]

[NPA Order M-25, Directions 2, 3, and 5—
Revocation]

M-25—CANS

DIR. 2—DISTRIBUTION OF CANS BY CAN
MANUFACTURERS

DIR. 3—DETERMINATIONS OF ADJUSTMENT
FOR 1952

DIR. 5—TEMPORARY AUTHORITY FOR MAN-
UFACTURE AND USE OF CANS MADE FROM
EMERGENCY PURCHASES OF TIN PLATE

REVOCATION

Directions 2 (16 F. R. 12556), 3 (17 F. R. 25), and 5 (17 F. R. 8153) to NPA Order M-25 are hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 2, 3, or 5, nor deprive any person of any liability received or accrued under Direction 2, 3, or 5 prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective January 1, 1953.

Issued December 31, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13804; Filed, Dec. 31, 1952;
11:47 a. m.]

[NPA Order M-8, as Amended Dec. 31, 1952]

M-8—TIN

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, consultation with industry representatives has not been practicable because the order affects a large number of different trades and industries.

EXPLANATORY

This amended order affects NPA Order M-8 as amended July 21, 1952, and

as further amended by Amendment 1 of August 1, 1952, and by Amendment 2 of September 23, 1952, in the following respects:

The provisions for allocation of pig tin are removed; the provisions for certification are clarified; and certain entries in Schedules III, IV, V, VI, VII, and VIII are amended to liberalize various permitted uses of tin.

This amended order embodies and in some respects revises the substance of Amendment 1 of August 1, 1952, and Amendment 2 of September 23, 1952.

REGULATORY PROVISIONS

Sec.

1. What this order does.
2. Definitions.
3. Application of order.
4. Restrictions on use of pig tin and alloys and other materials containing tin.
5. Limitations on use of pig tin.
6. Maintenance, repair, and operating supplies.
7. Certification.
8. Defense orders.
9. Exemption.
10. Inventories.
11. Export certificates.
12. Records and reports.
13. Request for adjustment or exception.
14. Communications.
15. Violations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing, and construction. It prohibits all uses of pig tin, secondary tin, and certain tin-bearing products not expressly set forth in the attached Schedules I through VIII. The order also sets forth limitations on inventories of pig tin and alloys and other materials containing tin, and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It is the intent of this order that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible.

SEC. 2. *Definitions.* As used in this order:

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

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast,

roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such as "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in section IV of report Form NPAF-7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purpose of the reporting requirements relating to imports stated in section 12 (b) of this order, "tin" means pig tin and tin in any raw, semifinished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semifinished, or scrap form. This includes, but is not limited to, the following:

RULES AND REGULATIONS

Babbitt metal and solder-----	6506. 100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)-----	6506. 900
Type metal-----	6507. 000
Tin bars, blocks, pigs, grained or granulated-----	6551. 300
Tin metallic scrap (except alloyed scrap)-----	6551. 500
Tin alloys, chief value tin, n. s. p. f. (including alloyed scrap)---	6551. 900
Tin dross, skimmings, and residues--	6740. 170
Tin foil less than 0.006 inch thick--	6790. 710
Tin powder, flitters, and metallics--	6790. 720
Tin bichloride, tin tetrachloride, and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)-----	8380. 920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(j) "Copper-base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for obsolescence, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(l) "Soldering" means joining with solder. This term does not include dipping or solder-coating in which the joining operation is not performed simultaneously with such dipping or coating. (For dipping or coating see Schedule IV.)

(m) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles, and radio and radar equipment), and any parts, assemblies, or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

(n) "NPA" means the National Production Authority.

SEC. 3. *Application of order.* Subject to the exemption stated in section 9, this order applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in section 12 of this order apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

SEC. 4. *Restrictions on use of pig tin and alloys and other materials containing tin.* Subject to the exemption in section 9 of this order, or unless specifically directed by the National Production Authority:

(a) No person shall use pig tin for any purpose where secondary tin can be used.

(b) No person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy, or other alloy containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin, in the manufacture, treatment, installation, or construction of any item or product, or in any process, or for any purpose, except those set forth in the attached schedules and to the extent permitted thereby. Uses not expressly authorized by said schedules are prohibited.

(c) In addition to the restrictions set forth in the attached schedules, no person shall use: (1) In the manufacture of any product or for any purpose as to which the attached schedules limit tin content, any alloys or other materials having a tin content greater than that being used by such person in such manufacture or for such purpose on January 27, 1951; (2) in the coating of any item, a heavier coating in terms of tin content than that being used by such person for such purpose on January 27, 1951; or (3) any metal to which pig tin has been added to produce any product or perform any process for which the use of pig tin is not permitted in the schedules.

SEC. 5. *Limitations on use of pig tin.* Subject to the restrictions in section 4 of this order, or unless specifically directed by the National Production Authority, during the calendar quarter commencing July 1, 1951, or any calendar quarter thereafter, no person shall use in the manufacture, processing, installation, construction, or treating of any item or product a total quantity by weight of pig tin in excess of 90 percent of his average quarterly use of pig tin for such purposes during the base period except as modified in Schedule IV, Schedule VI-B, and Schedule VIII of this order: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use.

SEC. 6. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, no person shall use for maintenance, repair, and operating supplies during the calendar quarter commencing July 1, 1951, or any calendar quarter thereafter, a quantity by weight of pig tin in excess of 100 percent of his average quarterly use of pig tin for such purposes during the base period: *Provided, however,* That his use of pig tin for such purposes shall be in accordance with, and only to the extent permitted in, the attached schedules, and that no pig tin shall be used for such purposes where secondary tin can be used.

SEC. 7. *Certification.* (a) No person shall sell or deliver any pig tin, secondary tin, solder, babbitt, or any other alloy or material containing 1.5 percent or more tin (excluding ores and concentrates) until the purchaser has furnished a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the receipt of the tin or tin product herein ordered will not be in violation of the inventory provisions of sec-

tion 10 of NPA Order M-8 and that the tin or tin product herein ordered will be used only for authorized purposes and within permitted quantities as provided in sections 4, 5, and 6 and related schedules of NPA Order M-8, or as permitted by special authorization by the National Production Authority as follows:¹

(Specify (1) intended end use and (2) schedule and item number or NPA authorization case number as applicable)

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for a purpose or purposes set forth in this order and the attached schedules, or for "implement of war," or for resale without change in form (other than packaging); that such use is not prohibited by other applicable orders or regulations of the National Production Authority; and that receipt of the tin or tin-bearing products or materials delivered is authorized under this and other applicable orders or regulations of the National Production Authority.

(b) This certification shall not be required in connection with the delivery of: (1) tin to the General Services Administration for the stockpile of strategic materials; (2) solder containing no more than 40 percent tin by weight (such solder may be used, however, only in accordance with the provisions of Schedule II of this order); (3) tin chemicals (excluding tin oxide) produced from secondary tin or scrap, provided that such secondary tin or scrap has an impurity content too high for use in the production of other items permitted in the attached schedules; (4) babbitt for bearing purposes containing 10 percent or less tin; (5) babbitt for bearing purposes of any specifications in lots of 5 pounds or less; (6) printing plates and type metal containing tin for use by the printing, publishing, and related services industries; (7) liquor-finished wire; or (8) copper-base alloy scrap containing not more than 6 percent tin by weight when delivered to a scrap dealer, brass mill, or smelter. Such scrap when delivered to any other person and all other scrap containing 1.5 percent or more tin by weight may be delivered only upon proper certification by the purchaser.

(c) No person giving a certification under this section may receive, use, or dispose of the materials obtained upon such certification contrary to its terms.

SEC. 8. *Defense orders.* Notwithstanding the provisions of NPA Reg. 2, which establishes a priority system, rated orders calling for pig tin or alloys or other materials containing tin are subject to the provisions of sections 4, 5, 6, and 7 of this order unless within the exemption provided in section 9 or unless otherwise directed by the National Production Authority.

¹In cases coming within the exemption stated in section 9, substitute the phrase "implements of war" for the reference to schedule and item. Where the tin or tin products are purchased for resale without change in form (other than packaging), substitute the phrase "for resale upon proper certification."

SEC. 9. Exemption. The restrictions of section 4 of this order shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, United States Coast Guard, and the National Advisory Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the latest applicable specifications or drawings, or by letter or contract issued by any such government agency for which the "implements of war" are being produced.

SEC. 10. Inventories. In addition to the inventory provisions of NPA Reg. 1, it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources, if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A	Column B
Pig tin for tin plate.....	120 days.
Pig tin for all other uses.....	60 days.
All other materials and alloys containing 1.5 percent or more tin.....	60 days.

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of that regulation will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in section 2 of this order, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

SEC. 11. Export certificates. Any purchaser of an item included in the attached schedules who intends to export such item from the United States, its territories or possessions, or from Canada, shall include in the certification required under section 7 of this order the words "for export" as well as the number of the export license applicable to such item. No item may be produced for export unless its manufacture is permitted under the provisions of section 4 of this order.

SEC. 12. Records and reports. (a) **Reports on pig tin.** (1) Any person

using 1,000 pounds or more of pig tin in any calendar month must complete and file report Form NPAF-7 with the National Production Authority on or before November 20, 1950, and on or before the twentieth day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on any day of any calendar month has in his possession or under his control 1,000 pounds or more of pig tin must complete and file report Form NPAF-7 with the National Production Authority on or before November 20, 1950, and on or before the twentieth day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report Form NPAF-7, or by letter in duplicate with the National Production Authority, on or before November 20, 1950, with respect to all such operations and transactions during October 1950, and on or before the tenth day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) **Reports on customs entry.** No tin, including without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Collectors of Customs, unless the person making the entry shall complete and file, with the Collector of Customs, Form NPAF-8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF-8 will be transmitted by the Collectors of Customs to the National Production Authority.

(c) **Records.** (1) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(2) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority at the usual place of business where maintained.

(3) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

(d) **Submission of reports.** All reports required by this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-8, together with such number of copies as may be specified in the report form.

SEC. 13. Request for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 14. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-8.

SEC. 15. Violations. Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order as amended shall take effect January 1, 1953.

Issued: December 31, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

SCHEDULES OF NPA ORDER M-8

(See section 4)

SCHEDULE I—BRASS AND BRONZE

Alloys containing 1.5 percent or more by weight of tin may be processed for the following purposes only

A. CAST COPPER-BASE ALLOYS

- | | |
|--|----------|
| (1) Piston rings for locomotives and for airbrake equipment | (1) 20. |
| (2) Bridge trunnion bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts. | (2) 18. |
| (3) Jack nuts, feed nuts, and elevating nuts. | (3) 14. |
| (4) High ratio worm gears, fire engine pump gears, thrust washers or discs, machine tool spindle bearings. | (4) 12. |
| (5) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings, bushings, and chemical process valves. | (5) 10. |
| (6) Bearings produced by the process of powder metallurgy. | (6) 10. |
| (7) Steam industrial and aircraft valves, fittings, and specialties. | (7) 6.5. |
| (8) Tablets, markers, and memorials. | (8) 4. |
| (9) All other castings. | (8) 6. |

B. WROUGHT ALLOYS

- | | |
|---|----------|
| (1) Condenser tubes, engine beater bars, Jordan bars, ductor blades, fourdrinier wire, and screen plates. | (1) 8. |
| (2) Manufacture of discs and diaphragms for industrial control instruments, bronze welding rods, and rifle nuts in air hammers. | (2) 10. |
| (3) For use as bearings, spectacle wire, and functional parts in all other items. | (3) 5.5. |
| (4) All other | (4) 2. |

C. COPPER NICKEL ALLOYS

- | | |
|--|---------|
| (1) Seats, discs, and bearing surfaces of steam and industrial valves. | (1) 13. |
|--|---------|

SCHEDULE II—SOLDERS

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV.)

- | | |
|---|----------------|
| (1) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock or lap seams. | (1) 5. |
| (2) For soldering end seams of all solder seam cans and for the sealing of milk cans. | (2) 30. |
| (3) For a filler or smoother for the production or repair of automobile or truck bodies or fenders or for similar purposes. | (3) 30. |
| (4) Radiators. | (4) |
| (1) Average per radiator. | (1) 30. |
| (11) Wire solder not over 5/32 inch in diameter for the hand repair of radiators. | (11) 40. |
| (5) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers; aircraft motors; Diesel and electric generators; electric-traction motors; generators for railroads, street cars, mine locomotives, railway locomotives, and busses (including the dipping of commutator segments). | (5) Unlimited. |

SCHEDULE II—SOLDERS—Continued

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV.)

- | | |
|---|---------|
| (6) Electrical precision instruments; meters, recording and indicating; dairy equipment; food processing equipment; and hospital and sterilizing equipment. | (6) 50. |
| (7) Tin-zinc solders for soldering aluminum foil condensers, and tin-lead solders for soldering printed circuits. | (7) 60. |
| (8) For soldering operations not specified above. | (8) 40. |

SCHEDULE III—BABBITT

Pig or secondary tin may be used to make babbitt metal or alloys used as babbitt, cast or plated, for the following purposes only:

- | | |
|--|----------------|
| (1) For manufacture, repair, maintenance, or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads, and for bonding of precision bearings and all bearings included under items (2) and (3) below. | (1) Unlimited. |
| (2) For manufacture, repair, maintenance, or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers, or busses. | (2) 90. |
| (3) For manufacture, repair, maintenance, or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines, generators, and motors; compressors; pumps; vessels or other ship facilities; electric locomotives; electric traction motor and generator bearings; stone crusher bearings; saw mill, planing mill, paper mill machinery; and roll-neck bearings 8 inches in diameter or larger; and heavy duty steel mill bearings. | (3) 90. |
| (4) For any other bearing purpose. | (4) 10. |

SCHEDULE IV—PLATING AND COATING

Pig tin, chemicals, or alloys containing tin may be used to Permitted use of pig tin, chemicals, or alloys containing tin plate or coat solely for protective or functional purposes in the following items only:

- | | |
|--|--|
| (1) Dairy equipment. | (1) Plate, coat, or retin. |
| (2) Equipment for preparing and handling food, including kitchen utensils, galley and mess equipment. | (2) Coat or retin only such parts as are designed to come in actual contact with food. |
| (3) Cutlery and flatware. | (3) Plate or coat. |
| (4) Copper or brass pipe and fittings: | (4) Coat. |
| (1) Tubing or fittings to dispense beverages or distilled water. | (11) Electrolytic or chemical tinning. |
| (11) Tubing or fittings used as refrigeration tubing or in contact with beverages or drinking water in beverage or drinking water equipment. | (5) Barrel plating or chemical plating. |
| (5) Snap fasteners and hooks and eyes. | (6) |
| (6) Copper and copper-base alloy wire and strip: | (1) Coat. |
| (1) Wire—0.032 inch nominal diameter or finer. | (11) Coat with alloy containing not more than 12 percent tin by weight. |
| (11) Wire—larger than 0.032 inch nominal diameter. | (111) Coat. Coating limited to 0.0004 inch in thickness. |
| (111) Strip—0.0270 inch thick or thinner where solderable coating is required for electrical connection. | |

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin, chemicals, or alloys containing tin may be used to **Permitted use of pig tin, chemicals, or alloys containing tin** plate or coat solely for protective or functional purposes **icals, or alloys containing tin** in the following items only

- | | |
|--|--|
| (8) Tin plate and terneplate----- | (8) Pig or secondary tin may be used to coat tin plate only when and to the extent specifically authorized in writing by NPA. |
| | Only secondary tin may be used to produce terne metal for coating terneplate. |
| | Terne metal containing not more than 15 percent tin may be used for coating short ternes and roofing ternes. |
| | Terne metal containing not more than 10 percent tin may be used for coating all other long ternes. All uses of tin plate and terneplate shall be in accordance with the specification limits stated in NPA Order M-24. |
| (9) Sheet (other than tin plate, terneplate, or tin mill black plate), tubing, wire, foundry chaplets, etc. | (9) Lead-base alloys containing not more than 12 percent of tin may be used to coat, if the alloys are derived from secondary tin only. |
| (10) Steel-bearing shells----- | (10) Electro-tinning to a thickness not exceeding 0.00006 inch. |
| (11) Electrotypes shells----- | (11) Electro-plating. |
| (12) Sterilizing equipment----- | (12) Plate or coat. |
| (13) Pistons and piston rings for internal combustion engines. | (13) Electrolytic or chemical tinning. |
| (14) Connectors and clamps for electric wire, cable, bus bars and tubing. | (14) Electrolytic or chemical tinning, only in those cases where copper is being connected to aluminum. |
| <p style="text-align: center;">SCHEDULE V—FOIL</p> <p><i>Pig or secondary tin may be used to make foil for the following purposes only</i></p> | |
| (1) Electrotypes' foil----- | Maximum permissible tin content of foil (percent by weight)
(1) 30. |
| (2) Soft babbitt for the preparation of industrial metallic packing. | (2) 1½. |
| (3) Condenser foil of thickness 0.00025 inch or less----- | (3) 83. |
| (4) Condenser foil of dimensions 0.00035 inch by 1 inch or less. | (3) 50. |
| (5) Condenser foil for all other condensers----- | (4) 15. |
| (6) Foil for aircraft magnets | (5) 50. |
| (7) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50 percent, and for which other types of liners cannot be used. | (6) Unlimited. |
| (8) Dental foil----- | (7) Unlimited. |
| (9) Lead-base foil for burglar alarm systems----- | (8) 4½. |

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE

Pig or secondary tin or scrap may be used for the production of chemicals as follows:

A. TIN CHEMICALS (OTHER THAN TIN OXIDE)

Types of tin chemicals

- (1) Tin chemicals (excluding tin oxide).
- (2) Tin chemicals (excluding tin oxide) produced from secondary tin or scrap, provided that such secondary tin or scrap has an impurity content too high for use in the production of other items permitted in the attached schedules.

Permitted use

- (1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other schedules).
- (2) May be used for any purpose without certification.

B. TIN OXIDE

Tin oxide may be produced only as specifically authorized in writing by NPA.

- (1) For the production of colors in amounts in any one quarter not in excess of 80 percent of the average quarterly use for such purposes during the base period.
- (2) For the production of earthenware plumbing fixtures.
- (3) Laboratory agents and medicinals.
- (4) For polishing or for any other purpose not included in (1), (2), or (3) above, provided that no person shall use for any such purpose in any calendar quarter more than 60 percent of his average quarterly use for that purpose during the base period.

SCHEDULE VII—MISCELLANEOUS

Except where otherwise stated, pig or secondary tin may be used to make the following items, for permitted uses as shown:

Items

- (1) Aluminum alloys containing not more than 7 percent tin by weight.
- (2) Tin pipe, sheet, and fittings.
- (3) Tin pipe or tubes.
- (4) Bolster metal.
- (5) Pipe organs.
- (6) Dental amalgam alloys.
- (7) Detonators and blasting caps (including electric blasting caps).

Permitted use

- (1) For any purpose.
- (2) To repair or maintain beverage dispensing units and their parts, including soda fountain carbon dioxide tanks. Where such repairs require the purchase of more than 50 pounds of tin, the purchaser must return to the supplier a quantity of scrap tin having the same tin content as the material supplied.
- (3) Where required, for conducting chemically pure distilled water.
- (4) In the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35 percent of tin by weight. For all other cutlery, if the tin content of the bolster metal does not exceed 10 percent of tin by weight and provided such bolster metal is produced from secondary tin only.
- (5) May be manufactured, rebuilt, or repaired with secondary tin.
- (6) No restriction on tin content.
- (7) Detonators, blasting caps, and all necessary parts and accessories.

SCHEDULE VII—MISCELLANEOUS—Continued

Except where otherwise stated, pig or secondary tin may be used to make the following items, for permitted uses as shown:

Items

Permitted use

- (8) Collapsible tubes.
- (9) Printing plates and type metal containing tin.
- (10) Terne metal.
- (11) Fusible alloys and dry pipe seat rings:
- (1) Dry pipe seat rings.
- (4) Fusible alloys for safety purposes only.
- (12) Linings for chromium plating tanks and lead anodes for chromium plating.
- (13) Bismuth alloys. Pig or secondary tin may be used for the production of bismuth alloys.
- (14) Clutch and brake facings when produced by the process of powder metallurgy.
- (15) Carbon brushes when produced by the process of powder metallurgy.
- (16) Hammer metal, die-proofing metal, and filling and sealing metal.
- (17) Zinc galvanizing.
- (8) In accordance with the specification limits stated in NPA Order M-27.
- (9) May be made for use by the printing, publishing, and related services industries without certification.
- (10) Terne metal containing not more than 15 percent of tin may be produced if made from secondary tin only.
- (11) (i) Pig or secondary tin may be used to the extent required to meet performance specifications.
- (ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
- (12) Lead-base alloys containing not more than 7 percent tin may be used if the alloys are derived from secondary tin only.
- (13) For items permitted elsewhere in these schedules or as specifically authorized in writing by the National Production Authority.
- (14) Not more than 10 percent by weight of tin powder.
- (15) Tin powder up to 12 percent of the cop-per content by weight.
- (16) Lead-base alloys containing not more than 5 percent tin may be used if the alloys are derived from secondary tin only.
- (17) For any purpose.

SCHEDULE VIII

Pig or secondary tin may be used by any person in the following processes or in the production of the following items, provided that such usage in any calendar quarter shall not exceed 60 percent of his average quarterly usage of tin (total weight of pig and secondary tin) for such purpose during the base period, and that no pig tin is used where secondary tin can be used. Solder for joining purposes may be used without limit in the production of these items. The usage of tin under this schedule is subject to the specification limitations set forth in any other applicable schedule and in section 4 (c) of this order.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin-bearing alloys.
4. Buckles.

5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: Book match clips and staples, paper clips, spiral binders for advertising purposes, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Hollow ware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game, and vending machines.
19. Toys and games.
20. All other ornamental or decorative purposes.

[F. E. Doc. 52-13808; Filed, Dec. 31, 1952; 11:49 a. m.]

[NPA Order M-6A, Direction 3—Revocation]

M-6A—STEEL DISTRIBUTORS

DIR. 3—SUPPLEMENTAL SHIPMENTS BY PRODUCERS; LIMITATIONS ON DISTRIBUTORS' DELIVERIES

REVOCATION

Direction 3 (17 F. R. 8119) to NPA Order M-6A is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 3 to NPA Order M-6A as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective January 1, 1953.

Issued December 31, 1952.

NATIONAL PRODUCTION AUTHORITY,

By GEORGE W. AUXIER,

Executive Secretary.

[F. R. Doc. 52-13802; Filed, Dec. 31, 1952; 11:47 a. m.]

[NPA Order M-25, as Amended December 31, 1952]

M-25—CANS

This amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by the issuance of this amended order has been rendered impracticable because the amended order affects a very substantial number of different trades and industries.

EXPLANATORY

This amended order affects NPA Order M-25 as amended October 2, 1952, in the following respects:

1. The definition of "can" in section 2 has been amended to include fibre-body cans, and a new paragraph has been added to exempt such cans from the can material specifications of Schedule I.

2. Those provisions of the order which established quota percentage limitations or were predicated on the existence of quota percentage limitations have been deleted, since such provisions were drawn to expire by their own terms with the year 1952.

Directions 1 and 4 to NPA Order M-25 have previously been revoked.

Directions 2, 3, and 5 to NPA Order M-25 are being revoked effective January 1, 1953.

REGULATORY PROVISIONS

Sec.

1. What this order does.
2. Definitions.

Sec.

3. Restrictions on use of cans.
4. Restrictions on manufacture, sale, and delivery of cans.
5. Restrictions on quantity of cans that may be accepted.
6. Manufacture and use of cans conforming to former specifications.
7. Preference in filling defense orders.
8. Exceptions.
9. Certification of delivery of cans.
10. Request for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. What this order does. This order places restrictions upon the acceptance of, the delivery of, and the uses of cans. Schedule I sets out required plate specifications which vary according to the products packed. NPA Order M-24 permits the use of tin plate and terneplate for cans in accordance with the terms of this order. NPA Order M-8 sets forth specifications for solder that may be used in the manufacture of cans. Under the Controlled Materials Plan (CMP), allotments of tin plate, terneplate, and black plate are made to can manufacturers for the production of cans.

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

(a) "NPA" means the National Production Authority.

(b) "Can" means any unused container made in whole or in part of tin plate, terneplate, or black plate, which is suitable for packing any product. The term includes any container, other than a glass container, which has a closure or fitting made in whole or in part of tin plate, terneplate, or black plate, but does not include fluid milk shipping containers nor crown closures for cone-topped cans.

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

(d) "Packer" means any person who either (1) purchases or manufactures empty cans and fills such cans in packing any product, or (2) purchases empty cans and has them filled for his account by another party, but who controls sale and distribution of the finished product after packing.

(e) "Tin plate" means steel sheets coated with tin, and includes electrolytic tin plate, hot-dipped tin plate, primes, seconds, unassorted, tin plate waste-waste, menders, unmended menders, and unassorted temper tin plate. Tin plate (except waste-waste) is furnished as "specification production plate" or "mill accumulation plate," and each such

class includes primes, seconds, and unassorted. Specification production plate is plate produced against orders for specific end uses. Mill accumulation plate is plate arising in the production of specification production plate not applicable against such orders.

(f) "Terneplate" means steel sheets coated with terne metal, and includes special coated manufacturing ternes (SCMT), manufacturing ternes, primes, seconds, unassorted, and terneplate waste-waste.

(g) "Waste-waste" means hot-dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes, seconds, or unassorted.

(h) "Unmended menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted.

(i) "Menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted, and mended either into coke tin plate primes, seconds, or unassorted by hot-dipping in tin; or into primes, seconds, or unassorted terneplate by hot-dipping in terne metal.

(j) "Unassorted temper tin plate" means primes, seconds, or unassorted tin plate, arising in the production of hot-dipped or electrolytic tin plate, which has been packaged without regard to temper.

(k) "Waste" means protective sheets and lacquered or lithographed misprint sheets of tin plate, terneplate, or black-plate, and includes scrap such as strips and circles produced in the ordinary course of manufacturing cans, and tin plate strips, terneplate strips, or black plate strips, produced in the ordinary course of manufacturing tin plate, terneplate, or black plate. The term also includes tin plate, terneplate, or black plate parts recovered from used cans.

(l) "Black plate" means steel sheets (other than tin plate or terneplate) 29-gage (128 pounds) or lighter. The term includes can manufacturing quality black plate (CMQ), chemically treated black plate (CTB), primes, seconds, and unassorted.

(m) "Black plate rejects" means black plate 29-gage (128 pounds) or lighter, which has been rejected during processing by the producer because of imperfections which disqualify such black plate from sale as primes, seconds, or unassorted, and which has been segregated as to gage and size.

(n) "Black plate wasters" means black plate 29-gage (128 pounds) or lighter, which has been rejected during processing by the producer because of imperfections which disqualify such black plate from sale as primes, seconds,

or unassorted, and which has been segregated as to gage but not as to size.

(o) "Black plate waste-waste" means black plate 29-gage (128 pounds) or lighter, which has been rejected during processing by the producer because of imperfections which disqualify such black plate from sale as primes, seconds, or unassorted, and which has not been segregated as to either gage or size.

SEC. 3. Restrictions on use of cans. Subject to the exceptions set forth in section 8 of this order, no person shall use cans for any purpose other than for packing a product listed in Schedule I, which appears at the end of this order, in accordance with the can material specifications set out in Schedule I.

SEC. 4. Restrictions on manufacture, sale, and delivery of cans. No person shall manufacture, sell, or deliver cans which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of NPA. No person shall sell or deliver empty cans which he knows or has reason to believe will be exported outside of the continental limits of the United States, its territories and possessions (unless such export is to Canada) except as permitted under section 8 (g) of this order.

SEC. 5. Restrictions on quantity of cans that may be accepted. No person shall accept delivery of any cans at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, a practicable minimum working inventory of cans, as defined in NPA Reg. 1, as now in force or as hereafter amended.

SEC. 6. Manufacture and use of cans conforming to former specifications. Schedule I of this order as from time to time hereafter amended may establish can material specifications for packing a certain product or products differing from those theretofore established. Whenever the can material specifications respecting the packing of any product are amended, a can manufacturer shall continue to make, sell, and deliver cans and/or parts of cans conforming to the specifications for packing that product which were in force immediately prior to the effective date of the particular amendment, and shall not make any cans and/or parts of cans conforming to the specifications established by that amendment, so long as there is available to him specification production tin plate, terneplate, or black plate which was intended for his use in making cans for packing that product in accordance with the specifications in force immediately prior to the effective date of that particular amendment, and which, on the effective date of that particular amendment, was in process of manufacture for his account and cannot be converted to the specifications established by that particular amendment, or was held for his account by the manufacturer, or was held in his own inventory. Moreover,

whenever the can material specifications for the packing of any product are amended, no packer shall use for packing that product any cans and/or parts of cans conforming to the specifications established by that amendment so long as any plate, cans, and/or parts of cans conforming to the specifications for packing that product which were in force immediately prior to the effective date of that amendment are available to him, whether in process of manufacture for his account, or held for his account by the manufacturer, or held in his own inventory.

SEC. 7. Preference in filling defense orders. So far as practicable, every can manufacturer shall schedule his operations (including his ordering of tin plate, terneplate, and black plate) so as to insure delivery of all rated orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B-5 where it appears as a suffix), and any other orders under NPA directives.

SEC. 8. Exceptions. (a) The can material specifications in Schedule I do not apply to cans used to pack any product in home canning, community canning, or institutional (meaning such institutions as prisons, vocational schools, and mental hospitals) canning where the product is not to be sold. This exception also applies to cans for packing laboratory samples and control samples, but not to cans for packing samples distributed for the purpose of advertising or for promoting the sale of a product, or to any cans used for packing products which are later repacked and sold.

(b) The can material specifications in Schedule I do not apply to cans or parts of cans made entirely of any of the following materials or entirely of any combination thereof:

Mill accumulation plate.
Unassorted temper tin plate.
Unmended menders.
Tin plate waste-waste.
Tin plate waste.
Terneplate.
Terneplate waste-waste.
Terneplate waste.
Black plate.
Black plate rejects.
Black plate waste-waste.
Black plate wasters.
Black plate waste.

(c) The can material specifications in Schedule I do not apply to fibre-body cans having other parts made of any material or materials defined in section 2.

(d) Rated orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B-5 where it appears as a suffix), are exempt from the restrictions in section 5 of this order on the quantity of cans that may be accepted.

(e) The can material specifications set out in Schedule I of this order shall not apply to rated orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (includ-

ing the program identification B-5 where it appears as a suffix), and requiring the packing of products in accordance with military or Federal specifications for the Department of Defense for use outside the 48 States of the United States and the District of Columbia by the Armed Forces of the United States, including the United States Coast Guard.

(f) The restrictions of this order shall not apply to military requirements for cans of a special design or style not normally produced or used commercially, or to cans for emergency rations and supplies for lifeboats.

(g) The provisions of this order shall not apply to the sale or delivery of empty cans where the person selling or delivering the same has received a validated export license therefor from the Office of International Trade, or has received from another person a certificate signed manually. This certificate shall be by letter in substantially the following form (the inapplicable words stricken therefrom), shall constitute a representation to the seller and to NPA, and shall be filed with each purchase order with the person selling or delivering to such other person cans for export:

To ----- seller:
The undersigned purchaser certifies, subject to criminal penalties, that (he has received a certification from another person that) the Office of International Trade has issued to (him) (such other person) validated export license No. ----- for export shipment of all of the items included in the attached purchase order, and that all purchases from you of items included in the said purchase order and the acceptance of the same will be in compliance with the said validated export license.

In cases of export to those countries where the Office of International Trade does not require an export license, no certificate shall be required until such time as an export license is required by the Office of International Trade.

SEC. 9. Certification of delivery of cans. No manufacturer, jobber, or distributor shall sell or deliver cans unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form, shall constitute a representation to the seller and to NPA, and, once filed by a purchaser with a manufacturer, jobber, or distributor, shall cover all future deliveries of cans from the manufacturer, jobber, or distributor to that purchaser:

To -----, manufacturer, jobber, or distributor: The undersigned purchaser certifies, subject to criminal penalties, that he is familiar with Order M-25 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance and use of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 10. Request for adjustment or exception. Any person affected by any provision of this order may file a request

for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, submitted on Form NPAF-38, in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. Form NPAF-38 must be executed as therein required.

SEC. 11. Records and reports. (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 12. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-25.

SEC. 13. Violations. Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

Schedule I is hereto attached and made a part of this order.

This amended order shall take effect January 1, 1953.

**NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.**

**SCHEDULE I OF NPA ORDER M-25—CAN
SPECIFICATIONS**

The figures in columns (2) and/or (3) specify the maximum weight in pounds of coating per base box of tin plate which may be used for the parts of cans for the products listed in column (1). Any packer may substitute, for packing a listed product, a can

with a tin-coating lighter than that specified for that product.

EXCEPTIONS

1. Electrolytic 0.25 tin plate may be used for drawn fittings which are not required to be attached by soldering.

2. Electrolytic 0.50 tin plate may be used in place of electrolytic 0.25 tin plate or terneplate for all soldered parts of 5-gallon square cans and for drawn soldered fittings for any cans.

3. Hot-dipped 1.25 tin plate may be used for the body of a scored can to pack any of the meat products listed in this schedule.

4. Tin plate menders arising in the production of electrolytic tin plate may be used where either electrolytic or hot-dipped tin plate is permitted in this schedule.

Product (1)	Can materials	
	Soldered or welded parts (2)	Non-soldered parts (3)
<i>Fruit and fruit products</i>		
1. Apples, all types, quartered and sliced	1.25	0.50
2. Apples juices, all types, single strength		
Enameled cans	1.50	1.50
Plain bodies	1.25	.50
3. Apple cider		
Enameled cans	1.50	1.50
Plain bodies	1.25	.50
4. Apple sauce	1.25	.50
5. Apricots, whole or halves	1.25	.50
6. Bananas and banana pulp (except dehydrated)	1.25	.50
Enameled cans	1.25	1.25
Plain bodies	1.25	.50
7. Berries		
Blueberries and huckleberries:		
Enameled cans	1.50	1.50
Plain bodies	1.50	.50
Cranberries, whole or sauce	1.50	1.50
Gooseberries	1.25	.50
All other berries	1.50	1.50
8. Cherries, dark sweet	1.50	1.50
9. Cherries, light sweet	1.25	.50
10. Cherries, maraschino	1.50	1.50
11. Cherries, red sour	1.50	1.50
12. Currants, including juice:		
No. 10 cans and larger		
Smaller than No. 10 cans		
Enameled cans	1.50	1.50
Plain bodies	1.25	.50
13. Figs	1.25	.50
14. Fruitade-base concentrates		
Frozen	.25	.25
Processed	1.50	1.50
15. Fruitades, ready to drink		
Berryades	1.50	1.50
All others	1.25	1.25
16. Fruits, baked		
Enameled cans	1.50	1.50
Plain bodies	1.50	.50
17. Fruit cocktail and mixed fruits	1.25	.50
Direct pack (except that canned pineapple and canned maraschino cherries may be used)		
Repacked from metal cans where fruits other than canned pineapple and canned maraschino cherries are used		
18. Fruit butters:		
No. 10 cans and larger		
Smaller than No. 10 cans		
Apple butter:		
Enameled cans	1.50	1.50
Plain bodies	1.50	.50
All other fruit butters	1.50	1.50
19. Fruit concentrate		
Apricots	1.50	.50
Other fruits	1.25	.50
20. Fruits, dehydrated or dried (except prunes)		
5-gallon square cans	.50	.50
Other can sizes	.25	.25
21. Fruits, frozen, all varieties	.25	.25
22. Fruit jams, jellies, marmalades, and preserves:		
No. 10 cans and larger		
Smaller than No. 10 cans		
Light color	1.25	.50
Dark color	1.50	1.50
23. Fruit juices, concentrate		
Frozen, all varieties and blends	.25	.25
Processed grapefruit and grapefruit blends	1.25	1.25
All other fruit juice concentrates, processed	1.50	1.50
24. Fruit juices, single strength (except apple):		
Citrus, pineapples, and blends		
Frozen	.25	.25
Processed	1.25	1.25
Grape juice:		
5-gallon cans and larger	1.25	1.25
Smaller than 5-gallon cans	1.25	1.25
Prune juice	1.50	1.50
All other single-strength fruit juices	1.50	1.50
25. Fruit nectars:		
Direct pack		
Repacked from metal cans		
Light-colored fruits	1.25	.50
Dark-colored fruits	1.50	1.50
26. Fruit pulp and purees (except baby food)		
	Same as nonpureed fruits.	

RULES AND REGULATIONS

Product (1)	Can materials	
	Soldered or welded parts (2)	Non-soldered parts (3)
<i>Fruit and fruit products—Continued</i>		
27. Fruit salad.....	1.25	0.50
Direct pack (except that canned apricots, canned pineapple, and canned maraschino cherries may be used).....		
Repacked from metal cans, where fruits other than canned apricots, canned pineapple, and canned maraschino cherries are used.....		
28. Fruits, spiced:		
Crab apples.....		
Enameled cans.....	1.50	1.50
Plain bodies.....	1.50	.50
All others.....	1.50	.50
29. Grapes, processed:		
Colored—all can sizes.....	1.50	1.50
Thompson, seedless.....	1.25	.50
No. 10 cans and larger.....		
Smaller than No. 10 cans.....		
Spiced Thompson seedless.....	1.50	1.50
30. Grapefruit and orange segments.....	1.25	1.25
31. Grapefruit segments.....	1.25	1.25
32. Nectarines.....	1.25	.50
33. Olives, whole or chopped:		
Green ripe.....	1.25	1.25
Green.....	1.50	1.50
Ripe.....		
Enameled cans.....	1.50	1.50
Plain bodies.....	1.50	.50
34. Orange segments.....	1.25	1.25
35. Papayas and papaya products.....	1.25	1.25
36. Peaches, whole, halves, quarters, sliced, and diced.....	1.25	.50
37. Pears, whole, halves, quarters, sliced, and diced.....	1.25	1.50
38. Pectin, liquid.....	1.50	
39. Pie and pastry filler (fruit filling only):		
Direct pack (including frozen).....		
Repack from metal cans (one or more components).....		
Enameled cans.....	1.50	1.50
Plain bodies.....	1.25	.50
Other than fruit fillings.....	.25	.25
40. Pineapple.....	1.25	1.25
41. Plums.....		
Light-colored.....	1.25	.50
Dark-colored.....	1.50	1.50
42. Prunes, dehydrated or dried.....	1.25	.50
43. Prunes, dried in syrup.....	1.50	1.50
44. Prunes, fresh in syrup.....	1.50	1.50
45. Quinces.....	1.25	.50
<i>Vegetables and vegetable products</i>		
46. Artichokes.....	1.25	.50
47. Asparagus.....	1.25	1.25
48. Beans, dry, soaked, all varieties.....		
With sweetened sauce (Boston style).....	.25	.25
With chili sauce.....	1.25	.50
With plain sauce or brine.....	.25	.25
With tomato sauce.....	1.25	.25
49. Beans, fresh-shelled.....	.25	.25
50. Beans, green and wax.....	1.25	.25
51. Beets.....	1.25	1.25
52. Beet juice.....	1.25	1.25
53. Beets, pickled.....	1.50	1.50
54. Broccoli.....	1.25	.25
55. Brussels sprouts.....	1.25	.25
56. Carrots.....	1.25	.25
57. Carrots and peas.....	1.25	.25
Direct pack.....		
Repack (either component from metal cans).....		
58. Carrot juice.....	1.25	1.25
59. Cauliflower.....	1.25	.25
60. Celery.....	1.25	.25
61. Celery juice.....	1.25	1.25
62. Corn, cream style and whole grain.....	.25	.25
63. Corn, on the cob.....	.25	.25
64. Green leafy vegetables.....		
Leafy or chopped.....	1.25	.25
Pureed.....	1.25	1.25
65. Lentils, dried, soaked.....	.25	.25
66. Mushrooms.....		
Whole, sliced, stems, and pieces.....	1.25	.25
Broiled in butter.....	.25	.25
67. Okra, with or without tomatoes.....	1.25	.25
68. Onions.....	1.25	1.25
69. Parsnips.....	1.25	.25
70. Peas, all varieties, dry, soaked.....	.25	.25
71. Peas, fresh.....	.25	.25
72. Peppers and pimientos.....	1.25	.25
73. Pickles, pickled relishes, and chow-chow.....	1.50	1.50
No. 10 cans or larger.....		
Smaller than No. 10 cans.....		
74. Potato salad.....	1.25	1.25
75. Potatoes, sweet.....	1.25	.25
76. Potatoes, white.....	1.25	.25
77. Pumpkin and squash.....	1.25	1.25
78. Rhubarb.....	1.50	1.50
79. Rutabagas.....	1.25	.25
80. Sauerkraut.....	1.50	1.50
81. Sauerkraut juice and blends.....	1.50	1.50
82. Succotash.....	.25	.25
Direct pack.....		
Repack (one or more components from metal cans).....		
83. Tomatoes.....	1.25	.25

Product (1)	Can materials	
	Soldered or welded parts (2)	Non-soldered parts (3)
<i>Vegetable and vegetable products—Continued</i>		
84. Tomato products (from fresh tomatoes):		
Tomato catsup, chili sauce, and cocktail sauce:		
Enameled cans	1.25	1.25
Plain bodies	1.25	.25
Tomato juice, aspic, cocktail, and juice blends, containing 70 percent or more tomato juice:		
Enameled cans	1.25	1.25
Plain bodies	1.25	.25
Tomato juice concentrate, frozen:		
5-gallon square cans	.50	.50
Other can sizes	.25	.25
Tomato sauce (including spaghetti), paste, pulp, and puree:		
Enameled cans	1.25	1.25
Plain bodies	1.25	.25
Tomato products (repacked from metal cans):		
Tomato aspic	1.25	.25
Catsup, chili sauce, and cocktail sauce:		
Enameled cans	1.25	1.25
Plain bodies	1.25	.25
Tomato sauce (including spaghetti), paste, pulp, and puree:		
Enameled cans	1.25	1.25
Plain bodies	1.25	.25
85. Turnips	1.25	.25
86. Vegetables, dehydrated:		
5-gallon square cans	.50	CMQ
Other can sizes	.25	CMQ
87. Vegetables, frozen:		
30-pound and larger	.25	.25
Smaller than 30-pound	.25	.25
88. Vegetables, mixed:	1.25	.25
Containing 70 percent or more vegetables which are not limited to less than 100 percent quota:		
Direct pack from all fresh vegetables		
Repack (one or more components from metal cans)		
All other mixtures		
<i>Fish and shellfish</i>		
89. Caviar	.25	.25
90. Chowder, all varieties:		
Enameled cans	.25	.25
Plain bodies	1.25	.25
91. Clam juice:	.25	.25
1-gallon and larger cans		
Other sizes		
92. Clams, processed	.25	.25
93. Codfish, salted, dry	.25	.25
94. Crab and crabmeat:	.25	.25
Deviled		
Processed		
95. Crawfish	.25	.25
96. Eels	.25	.25
97. Finnan haddock:		
Round cans	.25	.25
Drawn cans	.50	.50
98. Fish and seafood, frozen or refrigerated	.25	.25
99. Fishballs and cakes	.25	.25
100. Fish flakes and ground fish for human consumption only, excluding tuna flakes	.25	.25
101. Fish frankfurters	.25	.25
102. Fish livers:		
In reusable 5-gallon square cans	1.25	1.25
In nonreusable 5-gallon square cans and smaller size cans	.50	.50
103. Fish oil	.50	.50
104. Fish paste	.25	.25
105. Fish, pickled	.25	.25
106. Fish roe:	1.50	1.50
In round double-seamed cans	.25	.25
In oval drawn cans	.50	.50
107. Halibut	.25	.25
108. Herring, sea and river, in oil, or brine (including alewives, anchovies, mackerel, pilchards, and sardines) (1.25 tin plate may be used for scored covers):		
Round cans	.25	.25
14 drawn cans	.25	.25
34 3-piece cans	.50	.50
Oval or oblong drawn (other than 14 drawn)	.50	.50
109. Herring, sea and river, in tomato or mustard sauce (including alewives, anchovies, mackerel, pilchards, and sardines in oval, round, oblong, or drawn cans) (1.25 tin plate may be used for scored covers):	.50	.50
110. Lobster, processed or Newburg	.25	.25
111. Menhaden	.25	.25
112. Mullet	.25	.25
113. Mussels, processed	.25	.25
114. Oysters, processed	.25	.25
115. Salmon:		
In round double-seamed cans	1.25	.25
In oval or drawn cans	.50	.50
116. Scallops, processed	.25	.25
117. Shad:		
In round double-seamed cans	.25	.25
In oval or drawn cans	.50	.50
118. Shrimp, processed	.25	.25
119. Squid:		
Enameled cans	.25	.25
Plain bodies	1.25	.25
120. Tuna, including tuna flakes	.25	.25
121. Turtle	.25	.25
<i>Dairy products</i>		
122. Butter and butter substitutes	.25	.25
123. Buttermilk, dry	.25	CMQ
124. Butter oil:		
5-gallon square cans	.50	.50
Other cans	.25	.25

RULES AND REGULATIONS

Product (1)	Can materials	
	Soldered or welded parts (2)	Non-soldered parts (3)
<i>Dairy products—Continued</i>		
125. Cheese, cottage, grated, or processed.....		
Reusable cans.....	1.25	1.25
Single trip cans.....	.25	.25
126. Chocolate and other flavored milk liquids.....	.25	.25
127. Cream:		
Fresh, frozen, or dry:		
5-gallon square cans.....	.50	.50
Pressure-propellant type cans.....		
Bodies.....	.25	
Bottoms.....		.25
Tops with soldered valves or with drawn cones or drawn fittings.....	.50	.50
Other can sizes.....	.25	.25
Sterilized:		
Pressure-propellant type cans.....		
Bodies.....	.25	
Bottoms.....		.25
Tops with soldered valves or with drawn cones or drawn fittings.....	.50	.50
Other cans.....	.25	.25
128. Goat milk.....	.25	.25
129. Ice cream.....	.25	.25
130. Ice cream mix, wet or dry.....	.25	.25
131. Malted and other-milk formulations, dry.....		
Domestic.....	.25	CMQ
Export.....	.25	.25
132. Milk, dry, nonfat solids:		
5-gallon, 50-pound and larger cans.....	.50	.50
Sizes smaller than 5-gallon.....		
Domestic (0.25 one end only, where solder tipping required).....	.25	CMQ
Export.....	.25	.25
133. Milk, dry, whole, including milk sugar and dietary dried milk-base products.....		
5-gallon, 50-pound and larger cans.....	.50	.50
Smaller sizes than 5-gallon.....	.25	.25
134. Milk, fresh, frozen, refrigerated, or processed.....		
5-gallon square cans.....	.50	.50
Other sizes.....	.25	.25
135. Milk, liquid, condensed, sweetened.....	.75	.75
136. Milk, liquid, evaporated, and modifications of evaporated milk.....		
14½-ounce or larger:		
Body.....	1.25	
Ends.....	.75	.75
Under 14½ ounce.....	.75	.75
<i>Poultry and poultry products</i>		
137. Chicken and noodles.....	.25	.25
138. Chicken fricassee.....	.25	.25
139. Chicken or turkey, à la king.....	.25	.25
140. Chicken or turkey, boned.....	.25	.25
141. Chicken or turkey, spread.....	.25	.25
142. Chicken or turkey, whole, half, or disjointed.....	.25	.25
143. Eggs:		
Frozen.....	.25	.25
Dry, powdered.....		
5-gallon square cans.....	.50	.50
Other can sizes.....	.25	OMQ
<i>Meat (beef, veal, mutton, or pork)</i>		
144. Bacon.....		
All seams soldered.....	1.25	1.25
Side seams only soldered.....	.25	.25
145. Barbecued meat.....		
Enameled cans.....	.50	.50
Plain bodies.....	1.25	1.25
146. Beef and other gravies.....	.50	.50
147. Beef, dried.....	.25	.25
148. Beef, veal, mutton, or pork (boiled, broiled, braised, corned, roasted).....		
All seams soldered.....	1.25	1.25
Side seams only soldered.....	.25	.25
149. Brains.....	.25	.25
150. Chili con carne, with or without beans.....	.50	.50
151. Frankfurters in brine.....	.25	.25
152. Frankfurters with barbecue sauce.....	1.25	1.25
153. Frankfurters with beans and tomato sauce.....	1.25	.25
154. Frankfurters with sauerkraut.....	1.50	1.50
155. Ham, deviled.....	1.25	1.25
156. Ham, spiced or chopped (including luncheon meat).....	1.25	.25
157. Hams (whole, halves, quarters, and sections) and pork loins, boned and smoked.....		
Round cans—side seam only soldered.....	1.25	.25
Oblong cans, 3-pound and larger.....	1.25	.25
All seams soldered.....	1.25	1.25
158. Hamburger, including meat balls, with or without onions.....		
With plain sauce.....	.25	.25
With tomato sauce.....	1.25	.25
159. Hash, meat (including corned beef hash).....	.25	.25
160. Meat and beans with tomato sauce.....	1.25	.25
161. Meat and gravy (including goulash).....	.25	.25
162. Meat in vinegar.....	1.50	1.50
163. Meat loaf.....	.25	.25
164. Meat, refrigerated (including fancy meats and/or edible organs).....	.25	.25
165. Meat spreads, with or without liver.....	.25	.25
166. Potted meat.....	.25	.25
167. Sausage (including bulk, casings, in oil, pork, or vienna).....	.25	.25
168. Scrapple.....	.25	.25
169. Spareribs and sauerkraut.....	1.50	1.50
170. Stew, meat type (including beef, kidney, and brunswick).....	.50	.50
171. Tamales.....	.50	.50
172. Tongue.....	.25	.25
173. Tripe.....	1.25	1.25
<i>Horsemeat</i>		
174. Horsemeat, with or without gravy and/or vegetables, federally inspected (for human consumption only).....	.25	.25

Product (1)	Can materials	
	Soldered or welded parts (2)	Non-soldered parts (3)
<i>Miscellaneous food products</i>		
175. Almond and poppy seed paste.....	0.25	0.25
176. Animal and pet food.....	.25	.25
177. Baby food.....		
Fruit.....	1.50	1.50
Vegetables.....	1.25	1.25
Meat, including poultry.....	.50	.50
Fish.....	.50	.50
Dry, powdered, carbohydrate.....	.25	.25
Milk-base.....	.25	.25
Vegetables with meat.....	1.25	1.25
Cereal, pudding, and custards, with fruit.....	1.50	1.50
Cereal, pudding, and custards, without fruit.....	.50	.50
178. Baking mixes, dry.....	.25	CMQ
179. Baking powder.....	.25	CMQ
180. Bakery products.....		
Over 15-percent moisture content.....	.25	.25
Less than 15-percent moisture content.....	.25	CMQ
181. Barbecue sauce.....	1.25	.25
182. Beer and ale.....	.25	.25
183. Bouillon cubes.....	.25	CMQ
184. Candied fruit.....	.50	.50
185. Candy and confectionery.....	.25	CMQ
186. Cereals and flour.....	.25	CMQ
187. Chinese food specialties.....	1.25	.25
Bamboo shoots.....		
Bean sprouts.....		
Chop suey.....		
Chop suey vegetables.....		
Chow mein.....		
Egg foo yong.....		
Mixed Chinese vegetables.....		
Water chestnuts.....		
188. Chocolate and cocoa.....	.25	.25
189. Chocolate pudding, dry.....	.25	.25
190. Chocolate syrup.....	.25	.25
191. Citrus peel, moist (5-gallon cans only).....	1.25	1.25
192. Coconut, moist.....	.50	.50
193. Coffee, dry.....		
10-pound and larger cans.....	.50	CMQ
5-pound and smaller cans.....	.25	CMQ
194. Coffee, liquid concentrate, frozen.....	.25	.25
195. Coffee, soluble.....	.25	CMQ
196. Coffee, substitutes, dry.....	.25	CMQ
197. Corned beef and cabbage.....	1.25	.25
198. Corn meal mush.....	.25	.25
199. Dessert powder.....	.25	CMQ
200. Dietary foods, special formula.....		
Dry.....	.25	CMQ
Wet.....	.50	.50
201. Dry foods specialties.....	.25	CMQ
Peanut and other edible nut meats, all can sizes.....		
Other items, including but not limited to the following:		
Popped corn.....		
Popcorn.....		
Potato chips.....		
Macaroni.....		
Noodles.....		
Pretzels.....		
202. Enchiladas.....	.25	.25
203. Food colors, certified.....	.50	.50
204. Food products packed in pressure-propellant type cans, except as listed under item 127, Cream.....	.50	.50
205. Food stabilizers.....	.25	CMQ
206. Fountain fruits and syrups.....		
Fruit and other acid syrups.....	1.25	1.25
Toppings, nonacid in character.....	.25	.25
Carbonated beverages, base syrups.....	1.50	1.50
No. 10 cans and larger.....		
Smaller than No. 10 cans.....		
207. Gelatin desserts, other than powder.....	1.25	.25
208. Hominy, processed, wet.....	.25	.25
209. Honey.....		
All seams soldered.....	1.25	1.25
Side seams only soldered.....	.25	.25
5-pound and larger cans.....		
Smaller than 5-pound cans.....		
210. Lard and shortening.....		
5-gallon square cans.....	.50	.50
All other sizes.....		
Hermetic cans:		
Tops, body and collars.....	.25	.25
Bottoms.....		CMQ
Non-hermetic cans.....	.25	CMQ
211. Macaroni, noodles, and spaghetti, wet pack.....	1.25	.25
212. Mayonnaise (including salad dressing and other related products).....	1.50	1.50
3-gallon cans and larger.....		
All other sizes.....		
213. Minced meat.....	1.50	1.50
No. 10 cans.....		
Smaller than No. 10 cans.....		
214. Mushroom sauce (from fresh mushrooms).....	1.25	.25
215. Oils, edible.....		
5-gallon square cans.....	.50	.50
No. 10, 1-gallon cans and up to 5-gallon cans.....	.25	.25
All other sizes.....	.25	.25
216. Onions, french fried.....	.25	CMQ
217. Peanut and other edible nut butters.....	.25	CMQ
218. Potatoes, french fried, shoestring, sticks.....	.25	CMQ
219. Puddings, fruit, including spiced pudding.....	1.25	1.25
220. Ravioli.....	1.25	.25
221. Rice, processed.....	.50	.50
222. Rice, Spanish (including rice dinner).....	1.25	.25

RULES AND REGULATIONS

Product (1)	Can materials	
	Soldered or welded parts (2)	Non-soldered parts (3)
<i>Miscellaneous food products—Continued</i>		
223. Sauces, including cream, Newburg and enchilada.....	0.25	0.25
224. Soups and soup bases, dehydrated, 9-ounce and larger cans only.....	.25	.25
225. Soups, liquid:		
Seasonal from fresh vegetables only:		
Asparagus, cream of celery, cream of mushroom, tomato, and vegetarian vegetable.....	1.25	.25
All other seasonal.....	.50	.50
Nonsensational:		
Black bean, bean with bacon, and beef.....	1.25	.25
Chicken broth and chicken with noodles or rice.....	.50	.50
All other nonsensational.....	.75	.50
226. Soybean milk (liquid, or dry powdered).....	.25	.25
227. Spices and condiments:		
Prepared.....	1.50	1.50
Dry.....	.25	CMQ
Dredges and sifter top.....		.50
228. Steak sauce with mushrooms (from fresh mushrooms).....	1.25	.25
229. Syrups (including the following syrups and blends—cane, corn, molasses, malt, maple, and sorghum):		
All seams soldered (No. 10 cans and larger).....	1.25	1.25
All seams soldered (smaller than No. 10 cans).....	1.25	1.25
Double-seamed oblong (1-gallon and larger).....	1.25	.25
Double-seamed oblong (smaller than 1-gallon).....	1.25	.25
Double-seamed round (No. 10 cans and larger).....	.25	.25
Double-seamed round (smaller than No. 10 cans).....	.25	.25
Irregular shaped.....	.25	.25
230. Spaghetti with meat balls.....		
Enameled cans.....	1.25	1.25
Plain bodies.....	1.25	.25
231. Tea, dry.....		CMQ
232. Tortillas.....	.25	.25
233. Welsh rarebit.....	.25	.25
234. Yeast, dry, edible.....	.25	CMQ
Nonactive.....		
Active.....		
235. All other nonprocessed foods.....	.25	CMQ
236. All other processed foods.....	.25	.25
<i>Nonfood products</i>		
237. Aerosol and other pressure-propelled nonfood products:		
Water- and/or alcohol-base products.....	.50	.50
Other products:		
Bodies.....	.25	CMQ
Bottoms.....		.50
Tops with soldered valves or with drawn cones or drawn fittings.....	.50	.25
238. Abrasives, grinding and buffing compounds, wet.....	.25	CMQ
239. Acid, nitro-hydrochloric (outer container).....	.25	
240. Aircraft supplies for aircraft use only:		
Hydraulic oil.....	1.25	1.25
Hydraulic preservative oil.....	1.25	1.25
Compass fluid.....	.25	.25
Grease, low temperature.....	.25	.25
Antisize compound for oxygen system.....	.25	.25
241. Aniline.....	1.25	1.25
242. Antifreeze (all types).....	.25	.25
Gallon cans.....		
All other sizes.....		
243. Artists' and school supplies (including water color boxes, trays, pans, cups, chalk and crayon boxes, and all other).....	.25	CMQ
244. Asphalt, pitch, and tar.....	.25	CMQ
245. Auto supplies:		
Liquid radiator antifrost compounds.....	.50	.50
Radiator stop leaks.....	.50	.50
Hydraulic brake fluid.....	.25	.25
Shock absorber fluid.....	.25	.25
Tire preserver.....	.25	.25
Top dressing paste and liquid.....	.25	.25
Carbon removers.....	.25	.25
Gasoline additives.....	.25	.25
Rubber lubricants.....	.50	.50
All others.....	.25	CMQ
246. Bee feeder cans.....	.25	.25
247. Belt dressing.....	.25	CMQ
248. Benzol, toluene, naphtha, xylene, gasoline, and kerosene.....	.25	.25
249. Blood and blood plasma, including extenders and substitutes (outer container).....	.25	.25
250. Cements:		
Water-base linoleum.....	1.25	1.25
Rubber, latex-type.....	1.25	1.25
Rubber, neoprene.....	1.25	1.25
Solvent-base linoleum.....	.25	.25
Rubber-base liquid and paste.....	.25	.25
All others.....	.25	CMQ
251. Chemicals, dry:		
Phenols.....	1.50	1.50
Phosphorus.....	1.25	1.25
Ammonium salts.....	1.25	1.25
Hypochlorite powders.....	.25	.25
Permanganates.....	.25	.25
Photographic.....	.25	.25
Sodium and potassium metals.....	.25	CMQ
Vanadium, catalyst.....	.25	.25
Cyanides.....	1.25	1.25
All others.....	.25	CMQ
252. Chemicals, liquid:		
Alcohols, OP and USP.....	1.25	1.25
Aldehydes and halogenated hydrocarbons.....	.25	.25
Carbon disulfide.....	.25	.25
Carbon tetrachloride.....	.25	.25
Ketones, ethers, glycols.....	.25	.25
Sodium silicate.....	.25	.25
Alcohol, industrial.....	.25	.25
All others.....	.25	.25

Product (1)	Can materials	
	Soldered or welded parts (2)	Non-soldered parts (3)
<i>Nonfood products—Continued</i>		
253. Cleaners:		
Window spray	1.25	1.25
Wallpaper	1.25	1.25
Radiator, liquid	.50	.50
Cleaners, liquid or paste	.25	.25
Cleaning fluids, solvent-type	.25	.25
All others, dry or powder	.25	CMQ
254. Compounds:		
Boiler, liquid	.50	.50
Caulking or sealing	.25	CMQ
Soldering or welding	.25	CMQ
All others	.25	CMQ
255. Cosmetic and toiletry supplies:		
Brushless shaving cream	.75	.75
Hair dressings and pomades	.50	.50
Cold creams, lotions, and hair wave preparations	.25	.25
Hair wave pads	.25	CMQ
All others, including personal and other powders, except baby powders		
Bodies		CMQ
Bottoms		.25
Other parts		.25
Baby powders		
Bodies		CMQ
Bottoms		.25
Other parts		.25
256. Dental supplies:		
Tooth powder, ammoniated	.25	.25
All others		
Bodies		CMQ
Bottoms		.25
Other parts		.25
257. Disinfectants and deodorizers:		
Household, smaller than 1-gallon cans		
Industrial, 1-gallon and larger cans		
Creosote	.25	.25
Fumigants	.50	.50
Liquid formulations	.50	.50
Pine oil	.25	.25
258. Drugs:		
Antiphlogistine	1.25	1.25
Chloroform and ether, USP and ether absolute ACS	1.25	1.25
Ointment and salves	.50	.50
Distilled water (outer container) for use in reactivating blood plasma, etc.	.25	.25
Ampoules	.25	.25
Dry products	.25	CMQ
259. Dyes:		
Pastes and liquids	.50	.50
Dry	.25	CMQ
260. Essential oils	1.25	1.25
261. Explosives	.25	.25
262. Exterminators, paste and powders	.25	.25
263. Film boxes	.50	.50
264. Fire extinguisher recharges	.25	.25
265. First aid cabinets and kits	.25	CMQ
266. Glues and adhesives:		
Paste and liquid	1.25	1.25
Dry	.25	CMQ
267. Glycerine:		
CP and USP	1.25	1.25
Industrial	.50	.50
268. Grain fumigant	.50	.50
269. Graphite:		
In oil	.25	CMQ
Dry	.25	CMQ
270. Ink		
Spirit aniline	.50	.50
Rotogravure	.50	.50
Printing and duplicating	.25	.25
271. Insecticides:		
Household, smaller than 1-gallon cans		
Industrial, 1-gallon and larger cans		
Nicotine sulphate	1.50	1.50
Water-base	1.25	1.25
Emulsifiable concentrate	1.25	1.25
Oil-base	.25	CMQ
Dry	.25	CMQ
272. Leather dressings and saddle soap	.50	.50
273. Lighter fluid	.25	CMQ
274. Lubricating grease	.25	CMQ
275. Lye, toilet bowl and drain cleaners	.25	CMQ
276. Maleic anhydride	.25	CMQ
277. Oils, industrial:		
Animal, fish, or vegetable		
5-gallon square cans	.50	.50
All other sizes	.25	.25
Transformer	.50	.50
Soluble and cutting		
Water-base	.25	.25
Oil-base	.25	CMQ
Lubricating and motor		
5-gallon cans	.50	.50
1-quart and 5-quart round	.25	CMQ
All other sizes	.25	.25
278. Paint products		
Antifouling paints	1.50	1.50
Water-base paints, including latex	.25	.25
Oil-base paints:		
Gallon cans	.25	CMQ
All other sizes	.25	CMQ
Lacquers and thinners	.50	.50

Product (1)	Can materials	
	Soldered or welded parts (2)	Non-soldered parts (3)
<i>Nonfood products—Continued</i>		
278. Paint products—Continued		
Shellac.....	terne plate	0.50
Paint and varnish removers.....	0.50	CMQ
Varnishes and oil stains.....	.25	.25
Shingle stains.....	.25	CMQ
Asphalt paints.....	.25	.25
Marine paints (ship storage).....	.25	CMQ
Dry pigments, bronze powders.....	.25	CMQ
279. Plaster of Paris.....	.25	
280. Polishes and waxes:		
Water-base.....	.50	.50
Solvent-base.....	.25	CMQ
Shoe liquid.....	terne plate	CMQ
Shoe paste.....	.25	CMQ
281. Putty.....	.25	
282. Recreational supplies:		
Vacuum or pressure packages.....	.25	CMQ
All other.....	.25	CMQ
283. Seeds.....	.25	CMQ
284. Seed inoculants, and seed disinfectants.....	.50	.50
285. Snuff.....	.50	.50
286. Soaps and detergents:		
Liquid.....	1.25	1.25
Paste.....	.25	.25
Powders.....	.25	CMQ
Mechanics' paste hand cleaners.....	.25	.25
287. Stock and poultry food:		
Containing 15 percent or more moisture.....	.25	.25
Containing less than 15 percent moisture.....	.25	CMQ
288. Stock, pet, and poultry remedies:		
Liquid worm killer, liquid sheep and cattle dip, liquid sheep and horse drench:		
For internal use.....	1.25	1.25
For external use.....	.25	.25
Roost paint.....	1.25	1.25
Dry products.....	.25	CMQ
289. Surgical dressings and hospital supplies, bandages, adhesive tape, mustard plasters, etc.....	.25	CMQ
290. Tobacco:		
Cigars and cigarettes.....	.25	CMQ
Pipe:		
7-ounce and less.....	.25	CMQ
Larger than 7-ounce.....	.25	CMQ
291. Turpentine.....	.50	.50
292. Weed killers.....	.50	.50
293. Wood fillers:		
Cellulose.....	1.25	1.25
Others.....	.25	CMQ
294. All other nonfood products.....	.25	CMQ

[F. R. Doc. 52-13807; Filed, Dec. 31, 1952; 11:48 a. m.]

[NPA Order M-36—Revocation]

M-36—GOVERNMENT ORDERS FOR PAPER

REVOCATION

NPA Order M-36 (17 F. R. 7090) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-36, as originally issued or as thereafter amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective January 1, 1953.

Issued December 31, 1952.

NATIONAL PRODUCTION
AUTHORITY,

By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13803; Filed, Dec. 31, 1952;
11:47 a. m.]

[NPA Order M-1, Direction 6—Revocation]

M-1—IRON AND STEEL

DIR. 6—ACCEPTANCE OF DEFENSE ORDERS
IN RESERVED SPACE DURING FOURTH
QUARTER

REVOCATION

Direction 6 (17 F. R. 7088) to NPA Order M-1 and Amendment 1 to that direction dated August 6, 1952 (17 F. R. 7185) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 6 to NPA Order M-1 as originally issued or as amended August 6, 1952, nor deprive any person of any rights received or accrued under said Direction 6 to NPA Order M-1 prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective January 1, 1953.

Issued December 31, 1952.

NATIONAL PRODUCTION
AUTHORITY,

By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13801; Filed, Dec. 31, 1952;
11:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the
Air Force

Subchapter G—Personnel

PART 871—ENLISTMENT IN THE REGULAR
AIR FORCE

REVISION OF PART

The reference made to Part 571, Chapter V, Department of the Army (F. R. Document 48-11395; 13 F. R. 8751 and 32 CFR Part 871) as being applicable to the Department of the Air Force is hereby rescinded and the following substituted therefor:

Sec.
871.1 General.
871.2 Qualifications.
871.3 Persons ineligible.
871.4 Periods of enlistment and grades.
871.5 Assignment.
871.6 Transportation and subsistence.

AUTHORITY: §§ 871.1 to 871.6 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply R. S. 1118, as amended, sec. 2, 28 Stat. 216, as amended, sec. 4, 30 Stat. 978, sec. 1, 37 Stat. 356, sec. 27, 39 Stat. 185, as amended, 59 Stat. 230, as amended, sec. 5, 59 Stat. 539, sec. 106, 62 Stat. 360; 10 U. S. C. 621-625, 627, 628, 636, 50 U. S. C. App. 1531.

DERIVATION: AFR 39-9, as amended.

§ 871.1 *General*—(a) *Purpose*. Sections 871.1 to 871.6 set forth the qualifications for enlistment of men and women in the Regular Air Force. Enlistments will be accomplished in numbers authorized on a monthly basis by the Air Force.

(b) *Definitions*. The following definitions apply:

(1) "Enlistment" unless otherwise specified, includes reenlistment of Regular Air Force personnel, enlistment of former Air Force personnel, and original enlistment of personnel without prior Air Force service.

(2) "Armed Forces" includes service in Army, Navy, Air Force, Marine Corps, and Coast Guard.

(3) Where instructions are applicable only to men, the word "men" or "male" is used. Where instructions are applicable only to women, the word "women" or "female" is used. Where instructions are applicable to both men and women, the words "persons", "personnel" or "applicants" are used.

§ 871.2 *Qualifications*—(a) *Age*—(1) *Male*. The following age requirements apply for enlistment of males:

(i) A man must be 17 to 34 years of age inclusive, except as provided below.

(ii) For those men who have prior active service in any of the Armed Forces (at least three months of which must have been in the Army Air Corps or Air Force), a man may be 35 years of age and over but less than 55 years, provided that his age at the time of enlistment is not greater than 35 years plus the length of his prior honorable active Federal service. The original enlistment of a former member of the Army, Navy, Marine Corps, or Coast Guard without prior Army Air Corps or Air Force active Federal service who is 35 years of age or older is prohibited by law and is not subject to waiver.

(iii) For every applicant for enlistment from civilian life who states he is under 21 years of age or who claims a greater age but whose personal appearance indicates he may be under 21 years of age, the recruiting officer will verify the age by requiring the applicant to present a birth certificate or a statement from the State registrar of vital statistics or other similar State official. When the age of applicant cannot be verified by a birth certificate and the State registrar of vital statistics or other similar State, municipal, or Government official states that a record of the birth of the person cannot be located, action will be taken to obtain substantiating data regarding age in the following sequence:

- (a) Baptismal record.
- (b) Certificate from the physician in attendance at birth.
- (c) Sworn statement from one or both parents.

(d) Notarized copy of the school record from the first school attended showing date of birth or age on attendance.

(e) DD Form 372, Application for Verification of Birth for Official U. S. Armed Forces Only, completed for the applicant and forwarded to the Bureau of Census requesting report of first census taken after birth.

(f) All documents submitted by applicants should be originals. If copies are submitted, these copies will be notarized. Documents will be returned to applicants after necessary verification has been obtained.

(iv) For applicants with prior service in any of the Armed Forces, age may be determined from the separation form for last period of service.

(v) An applicant who is 17 years of age but has not reached his eighteenth birthday will be required to furnish written consent of his parents or guardian. Notation that the parents' consent has been granted will be made under "Remarks" on DD Form 4, Enlistment Record, and the parents' consent is required before voluntary extension of enlistment of these persons. Enlistment or extension of enlistment is not authorized if either parent objects. DD Form 373, Consent Declaration of Parent or Legal Guardian, will be used. The consent declaration will:

(a) Be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time.

(b) Omit any reference to allotments of pay, special training or service in any particular branch of Service, or to a certain base or locality.

(c) Be notarized, or the signing of the consent declaration by the person authorized to sign will be witnessed by a commissioned, warrant, or non-commissioned recruiting officer.

(d) Be signed in duplicate and fastened securely to the original and duplicate of DD Form 4, Enlistment Record.

(vi) In cases where, after investigation, the applicant is found not to have either a living parent or legal guardian, parental consent will be waived by the recruiting main station commander. In these cases a statement that parents' consent has been waived will be entered

under "Remarks" on DD Form 4, Enlistment Record.

(2) *Female.* The following age requirements apply for enlistment of females:

(i) A woman must be 18 to 34 years of age inclusive, except as provided below.

(ii) Women 35 years of age and older who have had prior service in the Air Force may be enlisted provided that at the time of such enlistment their age does not exceed 35 years plus the number of years of prior honorable active service completed in the Air Force after July 1, 1943. Waivers will not be granted.

(iii) Verification of age will be made as outlined in subparagraph (1) (iii) of this paragraph.

(iv) A woman between the ages of 18 and 21 will be required to furnish written consent of her parents or guardian on DD Form 373. This provision is applicable to original enlistment, re-enlistment, and extension of enlistment. In cases where, after investigation, the woman is found not to have either a living parent or legal guardian, parental consent will be waived by the recruiting main station commander. In these cases a statement that parents' consent has been waived will be entered under "Remarks" on DD Form 4, Enlistment Record.

(b) *Citizenship.* An applicant who is otherwise qualified may be enlisted if the applicant is:

- (1) A citizen of the United States.
- (2) A male alien who can present written evidence that he has made legal declaration of his intention to become a citizen of the United States. The evidence required is the triplicate of United States Department of Justice Immigration and Naturalization Service Form N-315, Declaration of Intention, duly authenticated by a Federal District Court.

(c) *Educational requirements for female applicants—(1) Without prior active military service.* Applicants without prior active military service must possess a certificate of graduation from high school or must present substantiating data that they have successfully completed the high school level general educational development test. (This test will not be administered by recruiting personnel. Applicants desiring information about the general educational development tests should contact the appropriate State department of education for information concerning this or similar tests.)

(2) *With prior active military service.* Applicants with prior active military service may be enlisted if they have completed a minimum of two years of high school or present substantiating data that they have successfully completed the high school level general educational development tests.

(d) *Physical standards—(1) General.* Applicants for enlistment must be fully qualified under the provisions of current regulations pertaining to physical standards and examinations.

(2) *Persons discharged by reason of physical disability.* Applicants for enlistment who were last separated from

any of the Armed Forces by reason of physical disability will not be accepted for enlistment without prior approval from the Chief of Staff, United States Air Force, even though such persons currently meet the prescribed physical standards. Requests for waivers of physical disability discharge will be accompanied by a complete Standard Form 88, Report of Medical Examination, and Standard Form 89, Report of Medical History. Requests will include a detailed description and current evaluation of the physical defect responsible for the person's discharge and a social history from evaluating the person's adjustment since discharge from the service, for example, all occupations and other significant activities since discharge will be listed chronologically, including any prolonged periods of hospitalization.

(e) *Police clearance.* Prior to the enlistment of applicants, except those persons who enlist within 30 days from date of discharge from any of the Armed Forces, recruiting installations will communicate with the police in each locality where the applicant has resided for a period of six months or more in the previous three-year period. When reply from police is not received within 21 days, the applicant may be enlisted provided that the person is the type desired by the Air Force and every effort has been made to complete the character check through local sources.

(f) *Enlistment of persons with dependents.* (1) Male applicants with one dependent may be enlisted in any grade if otherwise qualified.

(2) Male applicants with two dependents may be enlisted only if qualified to enlist in grade E-4 (Airman 1st class) or higher, or are authorized to enlist in a lower permanent grade and be immediately promoted to a temporary grade of E-4 or higher.

(3) Applicants with three or more dependents may be enlisted only if qualified to enlist in grade E-5 (Staff Sergeant) or higher, or are authorized to enlist in a lower permanent grade and be immediately promoted to a temporary grade of E-5 or higher.

(4) Male airmen currently serving, including members of Reserve components on extended active duty, may be enlisted the day following discharge or release from active duty without regard to dependency restrictions.

(5) Married females without prior service will not be enlisted. Waivers will not be granted.

(6) Females who have children under 18 years of age will not be enlisted. A woman who has any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including stepchildren or foster children under 18 years of age will not be enlisted. Waivers will not be granted. Women who have surrendered all rights to custody and control of natural children through formal adoption or final divorce proceedings may be accepted for enlistment. The provisions of subparagraphs (1) through (4) of this paragraph apply to women with dependents other than children under 18 years of age.

§ 871.3 Persons ineligible. The persons listed in the following categories are ineligible for enlistment. In those instances in which waivers may be granted, requests will be forwarded to Director of Training, Headquarters United States Air Force, Personnel Procurement Division, Washington 25, D. C., except when otherwise specified. Waivers granted will be valid for 60 days from date of issuance, unless otherwise specified.

(a) *Over age.* Waivers may be requested only for those applicants who are over the prescribed age limits and who have three months or more Army Air Corps or Air Force service.

(b) *Aliens.* Aliens except applicants who have made legal declaration of their intent to become United States citizens, and female declarant citizens are not eligible for enlistment (see § 871.2 (b) (2)). Waivers will not be granted.

(c) *Mental standards.* Applicants from civilian life who fail to meet the prescribed mental standards are not eligible for enlistment. Waivers will not be granted.

(d) *Illiterates.* Persons who are illiterate in the English language are not eligible for enlistment. (Applicants must be able to read, write, and understand English sufficiently to insure that these persons can satisfactorily absorb the required training.) Waivers will not be granted.

(e) *Physical standards.* Applicants who fail to meet the prescribed physical standards or who were separated from last period of active service in any of the Armed Forces by reason of physical disability are not eligible for enlistment (see § 871.2 (d)).

(f) *Applicants with excessive time lost—(1) Enlistment of male applicants in a civilian status.* Requests for waivers of time lost for applicants in a civilian status who have 30 days or more time lost under Article of War 107 or the Uniform Code of Military Justice (sec. 6 (a), 64 Stat. 145; 10 U. S. C. 629), or have time lost under similar circumstances in the Navy, Marine Corps, or Coast Guard, will be forwarded directly to Director of Training, Headquarters United States Air Force, Personnel Procurement Division, Washington 25, D. C., for final decision.

(2) *Females.* Females from civilian life who have had prior military service in the Armed Forces and who have any time lost under Article of War 107 or the Uniform Code of Military Justice (sec. 6 (a), 64 Stat. 145; 10 U. S. C. 629), or have time lost under similar circumstances in the Navy, Marine Corps, or Coast Guard, during their last period of service are ineligible for enlistment, except that waivers may be requested from Chief of Staff, United States Air Force, when records show time lost was for absence without leave for one or two days prior to January, 1945.

(g) *Moral disqualification.* Persons considered morally unacceptable will not be enlisted in the Air Force. Criteria for determining moral fitness of applicants for enlistment will be determined as follows:

(1) *Applicants with prior service.* For applicants with prior service, only offenses committed after date of separation under honorable conditions from last period of extended active service are considered disqualifying.

(2) *Persons convicted by a civil court for an offense punishable by death or imprisonment for a term exceeding one year.* Persons convicted by a civil court for an offense punishable by death or imprisonment for a term exceeding one year are morally unacceptable for enlistment. Waivers will not be granted.

(3) *Repeated offenders and persons with certain traits of character.* Persons having frequent difficulties with law enforcement agencies, criminal tendencies, a history of antisocial behavior, alcoholism, drug addiction, sexual perversity, or questionable moral character which renders the person unfit to associate with other persons are morally unacceptable. Waivers will not be granted.

(4) *Persons convicted by a civil court for an offense punishable by imprisonment for a term not exceeding one year.* Persons convicted by a civil court for an offense punishable by imprisonment for a term not exceeding one year are morally unacceptable except as provided in subdivisions (i) and (ii) of this subparagraph.

(i) Persons convicted of minor traffic violations may be enlisted without waiver.

(ii) Waivers may be requested from Headquarters United States Air Force for males who have been convicted by a civil court for an offense punishable by a term of imprisonment not exceeding one year. Request for waiver will only be submitted after a complete investigation has been made which has indicated that the person has a deserving case and that it would be to the advantage of the Air Force to accept the applicant for enlistment. The report of investigation will include three letters of recommendation from reputable citizens. Request for waiver will not be submitted until after applicant has served the period of confinement, parole, or probation decreed by the court plus a minimum period of six months as a law-abiding member of a civilian community. If applicant is convicted but not confined, paroled, or placed on probation, waiver will not be submitted for six months from date of conviction.

(5) *Persons adjudicated by a juvenile court.* An adverse adjudication or conviction of a person by a juvenile court as a juvenile delinquent, youthful offender, or wayward minor is not in itself a disqualification for enlistment. How-

ever, persons in this category may be morally unacceptable for enlistment. Prior to enlistment, all applicants will be asked if they have ever been in the custody of juvenile authorities or have ever been adjudicated or convicted by a juvenile or similar type of court. If this is admitted by the applicant or suspected by recruiting personnel due to other information that may be available, the recruiting officer will immediately postpone enlistment processing pending an investigation to determine whether or not applicant is morally acceptable for enlistment.

(i) Waivers of juvenile delinquency will not be authorized for female applicants for enlistment.

(ii) Waivers will not be granted to applicants who have, upon investigation, been found to have had frequent difficulties with law enforcement agencies, a history of antisocial behavior, sexual perversity, or questionable moral character which render the person unfit to associate with other persons.

(iii) Waivers will not be authorized while applicant is in detention or under the supervision of civil authorities plus a minimum period of six months as a law-abiding citizen in a civilian community after date of adjudication, conviction, or release from detention or supervision, whichever is the later.

(h) *Criminal charges.* Persons who have criminal charges filed and pending against them alleging a violation of a State, Federal, or Territorial statute but as an alternative to further prosecution, indictment, trial, or incarceration for such violation are granted a court release from the charge on the condition that they will apply and are accepted for enlistment, are ineligible for enlistment. Waivers will not be granted.

(i) *Parolees.* Persons under parole, probation, or suspended sentence from any civil court are not eligible for enlistment. Waivers will not be granted.

(j) *Intoxicated persons.* Persons who are under the influence of alcohol or drugs will not be processed for enlistment.

(k) *Venereal disease.* Persons who have an active or chronic venereal disease are not eligible for enlistment. In the case of females, a history of venereal disease will be disqualifying. Waivers will not be granted.

(l) *Persons separated from prior service.* (1) Applicants with prior service in any of the Armed Forces separated from their last period of active service for unsuitability, unfitness, misconduct, inaptitude, fraudulent enlistment, disloyal or subversive activities, or other similar conditions are ineligible. Waivers will not be granted.

(2) Male applicants last separated from any of the Armed Forces with other than an honorable or general discharge are not eligible, with the exception of general prisoners who are authorized to enlist under Air Force regulations,

and those former members of the Air Force whose discharge has been reviewed and whose report of separation contains the following added notation: "The Secretary of the Air Force considers that the type and nature of this discharge is not a bar to reenlistment."

(3) Female applicants last separated from any of the Armed Forces with a general discharge or other than honorable discharge are not eligible. Waivers will not be granted.

(4) Female applicants discharged from the Army or the Air Force on or after June 9, 1950, prior to normal expiration of term of service by reason of marriage, until a period of one year has elapsed from date of discharge, are not eligible. Waivers will not be granted.

(5) Applicants last discharged by reason of dependency or hardship are not eligible until one year has elapsed from date of discharge and the cause for which the person was discharged no longer exists (see §§ 882.16 to 882.25; 17 F. R. 10981), or within one year from date of discharge during which time waiver may be requested from Headquarters United States Air Force. Proof that the cause for which the person was discharged has been removed will accompany requests for waivers.

(6) Persons who were separated from any of the Armed Forces in grade E-1 or E-2 (Basic airman or airman 3d class) are not eligible, except those persons who were separated prior to completing 18 months of service during their last enlistment. Waivers may also be requested when a person is considered to have a meritorious case.

(m) *Claim of prior honorable service.* Persons who apply for enlistment from civilian life and who claim prior honorable service in the Armed Forces, but who are unable to produce their discharge certificate or other written evidence of last active service, will not be enlisted until verification of such service is received.

(n) *Application for retirement.* Persons who have a retirement application pending are ineligible. Waivers will not be granted.

(o) *Retired personnel.* Persons who are on a retired status from any branch of the Armed Forces, whether retired for disability or length of service are ineligible. Waivers will not be granted.

(p) *Persons receiving disability pension or compensation.* Persons receiving disability pension or compensation from the Veterans' Administration, unless such pension or compensation is waived by the person at time of enlistment, are ineligible.

(q) *Persons receiving retired or retainer pay.* Persons receiving retired or retainer pay from any of the Armed Forces are not eligible. Waivers will not be granted.

(r) *Selective Service System registrants.* Selective Service System regis-

trants who have received orders to report for induction and those registrants classified 1-A-P are not eligible.

(s) *Disloyal or subversive applicants.* Applicants who admit or whose available records show that they have at any time engaged in disloyal or subversive activities are not eligible for enlistment.

(t) *Loyalty certificates.* Applicants who refuse to sign DD Form 98, Loyalty Certificate for Personnel of the Armed Forces, and DD Form 98a, Consolidated List of Organizations Designated by the Attorney General on October 30, 1950, Pursuant to Executive Order 9835, are not eligible for enlistment. Waivers will not be granted.

(u) *Persons overseas.* Females, with or without prior service, except those currently serving, will not be enlisted in overseas commands. Qualified male applicants, with or without prior service, who can be trained and used in the command in which enlistment is accomplished, may be enlisted by major air commanders.

§ 871.4 *Periods of enlistment and grades—(a) Enlistments—(1) Male.* Enlistments are authorized for four, five, or six years at the option of the person enlisting. Under the provisions of the Universal Military Training and Service Act (62 Stat. 604, as amended; 50 U. S. C. App. 451-473), male enlistees (initial enlistment only) who have not attained their 26th birthday will be transferred, if qualified, upon separation from their current enlistment, to a Reserve component of the Air Force and required to serve therein for a period which, when added to time served in their enlistment, will equal a total of eight years, unless sooner discharged on grounds of personal hardship in accordance with standards prescribed by the Secretary of Defense.

(2) *Female.* Enlistments are authorized for three, four, five, or six years at the option of the person enlisting.

(b) *Grades.* Persons may be enlisted in the Regular Air Force in grades commensurate with their prior training and experience. (See Part 883 of this subchapter.)

§ 871.5 *Assignment—(a) General.* Male and female enlistees will be transferred from the place of enlistment to an indoctrination wing as prescribed by current directives.

(b) *Applicable with prior service.* Male applicants for enlistment with prior service in any of the Armed Forces may be enlisted at an Air Force installation to fill an existing vacancy at that installation, if qualified to enlist in grade E-3 (Airman 2d class) or higher.

(c) *Choices.* Persons who enlist in the Air Force will be enlisted for Air Force unassigned.

§ 871.6 *Transportation and subsistence—(a) General.* Applicants for enlistment will be furnished transportation and meal tickets, if available, for travel

from the place where these applicants make application for enlistment or from their homes to the place(s) of physical examination and/or place of acceptance for enlistment including return travel in the event the applicant is rejected or returns home to await further orders.

(b) *Rejected applicants.* Return transportation and subsistence from recruiting main stations to point of initial acceptance will be furnished in accordance with existing regulations to rejected applicants and to those acceptable applicants who cannot be enlisted due to quota or other administrative restrictions. Return transportation will not be furnished an applicant who concealed disqualification and as a result is later rejected as an applicant for enlistment.

(c) *Applicants discharged for physical disability.* Government transportation and meals or meal tickets will not be furnished from recruiting station to recruiting main station or other place of physical examination for applicants who have been discharged from last active service by reason of physical disability. Such applicants desiring enlistment must defray their own expenses in connection with travel for physical examination.

(d) *First duty base.* Transportation and subsistence will be furnished to enlistees from the place of enlistment to their first duty base. Travel by privately owned conveyance is not authorized.

[SEAL]

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

[F. R. Doc. 52-13748; Filed, Dec. 31, 1952;
8:46 a. m.]

Chapter XI—Division of Liquidation, Department of Commerce

[Supp. Order 189, Amdt. 6]

PART 1305—ADMINISTRATION

PRESERVATION OF RECORDS

DECEMBER 11, 1952.

Pursuant to the Emergency Price Control Act of 1942, as amended, Executive Orders Nos. 9809, 9841, and 9842, and Department of Commerce Order 75, as amended, it is hereby ordered that section 1 of Supplementary Order 189 issued by the Administrator, Office of Price Administration, on October 23, 1946 (11 F. R. 12568), as amended on November 12, 1946 (11 F. R. 13442), November 6, 1947 (12 F. R. 7327), February 20, 1948 (13 F. R. 1262), June 30, 1949 (14 F. R. 3707), and December 27, 1951 (17 F. R. 18), be, and it is hereby, further amended by changing the date January 1, 1953, wherever it occurs in subsection (a) of the said section 1, to January 1, 1954.

(56 Stat. 23, as amended; 50 U. S. C. App. 901 et seq.; E. O. 9809, Dec. 12, 1946, 3 CFR, 1946 Supp.; E. O. 9841, April 23, 1947, 3 CFR, 1947 Supp.; E. O. 9842, April 23, 1947, 3 CFR, 1947 Supp.)

RULES AND REGULATIONS

This amendment shall become effective January 1, 1953.

C. J. McCORMICK,
Acting Secretary of Agriculture.
HARRY A. McDONALD,
Administrator,
Reconstruction Finance Corporation.
LEO NIELSON,
Secretary,
Reconstruction Finance Corporation.
CHARLES SAWYER,
Secretary of Commerce.

Approved:

JAMES P. McGRANERY,
Attorney General,
Department of Justice.

[F. R. Doc. 52-13796; Filed, Dec. 30, 1952;
1:51 p. m.]

1. The following revisions are made in commodity descriptions. These revisions include changes in GLV dollar-value limits where indicated:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2 of this subchapter):				
	Other metals, except precious (specify by name and type of metal):				
619950	Lead burning bars ¹	Lb.	NONF	500	RO
619950	Other burning bars (specify metal content) ¹	Lb.	NONF	100	RO
	Cerium:				
664517★	Misch metal ²	Lb.	MINL	100	RO
664517★	Other ores, metals, and alloys ³	Lb.	MINL	None	RO
724905	Chain, belt and shaking conveyors, underground mine type (specify by name) ⁴	No.	MINE 1	250	R
724910	Parts, n. e. c., specially fabricated for underground mine type chain, belt and shaking conveyors (specify by name) ⁴	-----	MINE 1	250	R

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

¹ The above two entries are substituted for the fifth entry presently on the Positive List under Schedule B No. 619950. The effect of this revision is to list lead burning bars separately and to increase its GLV dollar-value limit from \$100 to \$500.

² The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 664517. The effect of this revision is to list misch metal separately and to increase its GLV dollar-value limit from none to \$100.

³ The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 724905. The effect of this revision is to establish a GLV dollar-value limit of \$250 for all underground mine type chain, belt and shaking conveyors, and to change the processing code from MINE to MINE 1, thereby indicating that the conveyors and spare or replacement parts therefor may be included on a single export license application.

⁴ The above entry is substituted for the entry presently on the Positive List under Schedule B No. 724910. The effect of this revision is to clarify the description, and to change the processing code from MINE to MINE 1, thereby indicating that the conveyors and spare or replacement parts therefor may be included on a single export license application.

This part of the amendment shall become effective as of December 18, 1952.

2. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 25]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MAGNESIUM

Section 373.51 Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities is amended by adding under the heading "Metals and Manufactures", sub-heading "Commodities Other Than Controlled Materials:", the following entries and related submission dates for the First Quarter, 1953:

Dept. of Commerce Schedule B No.	Commodity	Submission dates—First quarter, 1953
619152	Magnesium metal powder.....	Jan. 12- Jan. 30, 1953
664547	Magnesium metal and alloys in crude form, and scrap.	
664549	Magnesium semifabricated forms, n. e. c.	

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of December 30, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-13771; Filed, Dec. 30, 1952;
12:30 p. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 22¹]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 Appendix A—Positive List of Commodities is amended in the following particulars:

¹ This amendment was published in Current Export Bulletin No. 687, dated December 18, 1952.

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
208920	Rubber hose and tubing (report surgical tubing in 204100):	
429450	High-pressure rotary drilling hose.....	100
	Port Orford cedar battery separators, blanks and separator veneers (report four separators to one square foot of veneer).....	300
	Refractories, except graphite (report graphite refractories in 548050):	
536100	Chrome and chrome-magnesite brick and shapes.....	100
536200	Magnesite and magnesite-chrome brick and shapes.....	100
	Carbon or graphite products (natural and artificial):	
547300★	Electrodes for furnace or electrolytic work (specify size).....	100
548050★	Refractory crucibles, retorts, and stoppers.....	100
548098★	Carbon or artificial graphite electrodes other than for furnace or electrolytic work (specify size) (report electrodes for furnace or electrolytic work in 547300).....	100
548098★	Carbon and graphite products (including artificial), n. e. c. (specify by name).....	100
	Tool bit blanks and dies, and inserts for tool and rock drill bits:	
617903	Containing tungsten carbide.....	50
617905	Molybdenum tool bit blanks.....	50
	Basic hardware:	
	Bolts, screws, nuts, rivets, and washers, n. e. c., not specially fabricated for particular machines or equipment (specify by name):	
618263	Phosphor bronze and other copper-base alloys.....	100
618265	Other nonferrous metals.....	100
	Nails, staples, spikes, and tacks:	
618269	Wire nails, staples, and spikes (all nails, staples and spikes made from wire):	
	Other nonferrous metals, except staples for office use and except aluminum and aluminum-base alloy nails, staples and spikes.....	100
	Nails, staples, and spikes, except wire:	
618273	Other nonferrous metals.....	100
618274	Tacks, other nonferrous metals, except thumbtacks.....	100
	Builders' hardware, n. e. c., and specially fabricated parts, n. e. c. (specify by name):	
618310	Copper-base alloys, except brass and bronze.....	100
618350	Aluminum; copper; lead; and zinc.....	200
618350	Other nonferrous metals (specify type of metal) (report iron and steel builders' hardware, n. e. c., in 618300).....	100
	Construction materials:	
618984	Sash, sections, and frames, door and window:	
	Aluminum.....	300
618987	Construction materials, n. e. c.:	
	Aluminum (specify by name).....	300
618992	Venetian blinds (including slats and strip) and specially fabricated parts, n. e. c.:	
	Aluminum.....	300
	Shipping containers for oil, gas, and other liquids and solids (all metals) (report storage tanks in 618967 and 618971):	
	Unfilled (see §§ 371.18, 373.2 of this subchapter):	
619022	Other unfilled shipping containers:	
	Other unfilled shipping containers of metal other than steel.....	300
	Welding rods and wires:	
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze).....	100
619034	Phosphor copper brazing rods and wires.....	100
619039	Copper.....	100
619039	Lead and lead base (specify by name and metal content).....	200
	Wire products, n. e. c. (report wire nails, staples, and spikes in 618267-618273):	
	Wire cloth:	
	Insect screen cloth:	
619052	Aluminum.....	100

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits	Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
619159	Metal powders:	500	741100	Power-driven metalworking machine tools (nonportable), and parts—Continued	250
619159	Lead	500	741100	Gear-cutting machines:	250
619159	Zinc dust (specify zinc content)	500	741100	All straight-tooth type gear-cutting and/or generating machines	250
619159	Other zinc powder	500	741100	Gear generators and gear-cutting machines, spiral bevel	250
619850	Type, for printing (report type metal in 615110)	100	741100	Gear hobbers	250
	Metal manufacturers, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2 of this subchapter):		741100	Gear chasers	250
	Other metals, except precious (specify by name and type of metal):		742100	Radial drilling machines, plain and traversing type, 13-inch column or over	250
619850	Aluminum molding; aluminum collapsible tubes; aluminum slugs; and aluminum shot (report crude form of aluminum shot in 630070)	300	742300	Drilling machines, n. e. c. (specify by name) (report rifle drilling machines in 744310):	250
	Lead collapsible tubes		742300	Other tapping machines (consisting of a cluster of spindles driven from one power shaft) and armor-plate-drilling machines	250
619950	Ferrotitanium (specify zirconium content)	500	742600	Platters, over 72 inches	250
622088	Aluminum scrap (new and old)	100	742600	Double housing and open side, 48 inches and over; and rotary planers, plate edge planers	500
630050	Aluminum metal and alloys in crude form (including ingots, pigs, blooms, and slabs)	100	742600	Plate edge planers	500
630070	Aluminum sheets, corrugated	100	743500	Surfaces grinding machines, gap gage	500
630301	Other aluminum plates and sheets, flat and coiled, including strips (0.006 inch and over in thickness) (see § 373.24 of this subchapter)	100	743500	Automatic single spindle surface grinders	250
630406	Lead ore, concentrates, matte, and base bullion (lead content)	500	743500	Surfaces grinding machines, multiple spindle type	250
650500	Lead scrap (new and old)	500	743500	External cylindrical universal grinding machines (report universal tool and cutter grinders in 742015)	250
650750	Lead pigs, bars and anodes (include blocks and ingots)	500	744000	Internal grinding machines, except universal (report universal in 743900)	250
650809	Lead sheets, strips, and pipe (include bends)	500	744000	Broach grinding machines	250
650810	Lead plate, including battery plate, not assembled as complete battery units	500	744205	Broch cutters and gear-cutting grinders	250
651510	Type metal	500	744306	Gear-tooth grinding machines	250
651515	Antimonial lead	500	744306	Thread-grinding machines	250
651519	Lead and lead-base alloy semifabricated forms, n. e. c. (specify by name)	500	744308	Automatic oscillating rock radial grinders; cam grinders; contour profile grinders; jig grinders and spline grinders	250
657050	Zinc scrap (zinc content) (report zinc dust in 619159) (see § 373.11 (g) of this subchapter)	500	744308	Other metal-grinding machines, except bench-type and pedestal grinders valued under \$250	250
657101	Zinc cast in slabs, pigs, or blocks:		744313	Horizontal boring-drilling-milling machines (combination units)	500
	Special high grade, containing not over 0.007 percent lead, not over 0.005 percent iron, not over 0.005 percent cadmium, no aluminum, and at least 99.99 percent zinc	500	744315	Broaching machines	250
657103	High grade, containing not over 0.07 percent lead, and at least 99.9 percent zinc	500	744316	Rifle drilling machines and gun reaming and drilling machines	250
657125	Prime western, containing not over 0.07 percent lead, and at least 99.9 percent zinc	500	744317	Gear-honing, lapping and gun reaming and drilling machines	250
657198	Other zinc cast in slabs, pigs, or blocks	500	744317	Gear-honing, lapping and gun reaming machines, n. e. c. (specify by name)	250
657208	Zinc rolled in sheets, plates, and strips	500	744319	Contour hand-sawing and filing machines	250
657305	Zinc alloys, except brass and bronze	500		Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.	250
657307	Zinc die castings (specify whether finished or unfinished)	500		Chucks for machine tools	250
658905	Zinc and zinc alloy semifabricated forms, n. e. c. (excluding zinc-coated iron and steel products) (specify by name)	500	744371	Metal-cutting tools and specially fabricated parts, n. e. c., for machine operation (not incorporating industrial diamonds) (specify by name) (report metal-cutting dies incorporating industrial diamonds in 743605)	250
	Manganese:			Broaching-cutting; gear-cutting; lapping; forming roll sets; all carbide, carbide-tipped, hard surface setting, and tungsten carbide types; and all other metal-cutting tools (not incorporating industrial diamonds) for use on commodities included on the Positive List and classified in Schedule B numbers 740005 through 744319	250
664540	Ores and concentrates, containing 10 percent or more manganese	500		Accessories and attachments, n. e. c., for machine tools and specially fabricated parts, n. e. c.	250
664543	Semifabricated forms, n. e. c. (specify by name)	25		Collets; arbors; boring bars 4 inches in diameter and over; screw machine tool holders; indexing face plates; and dividing heads	250
664585	Vanadium		744383	Other accessories and attachments for use on machine tools machinery included on the Positive List and classified in Schedule B numbers 740005 through 744319 except bench centers, parallels; vee blocks; tool holders; miscellaneous centers; drill pads and crutch centers; work driving dogs; tee bolts; clamps; and mandrels	250
664585	Vanadium fine dust	100		Metalworking presses, except hand-powered presses	250
664585	Metal and alloys in other crude form, and scrap	25	744410	Specially fabricated parts, n. e. c., for metalworking presses, except hand-powered presses	250
664589	Semifabricated forms, n. e. c. (specify by name)	25	744450	Sheet and plate metalworking machines, n. e. c. (except presses), n. e. c.	250
	Zirconium:		744450	Specially fabricated parts, n. e. c., for sheet and plate metalworking machines (except presses)	250
664595★	Ores and concentrates (including sand)	100	744700	Forcing presses, heavy-duty	500
664595★	Metal and alloys in crude form, and scrap	25	744700	Forcing rolls; and swaging machines	500
664597★	Semifabricated forms, n. e. c. (specify by name)	25	744700	Drop hammers and forging hammers, air, steam, or mechanical	500
	Power-driven metalworking machine tools (nonportable), and parts:		744700	Headers and forging machines (upsetters)	500
740205	Turret lathe lathes	500	744700	Parts for special forging machines, bomb nose and tail, and heavy-duty forging presses	250
740212	Automatic chucking and between-center lathes	500	744800	Rolling mill machines, and specially fabricated parts, n. e. c.	250
740305	Automatic screw (bar) machines	500	744850	Automatic continuous electrolytic tinning units and specially fabricated parts	250
740315	Vertical boring and turning mills, except vertical turret lathes	500	744850	Electroplating equipment, and specially fabricated parts	250
740325	Jig boring machines; special boring machines for aircraft bomb nose and tail; and all precision boring machines (report cylinder reborers, and other reborers machines for garage use, in 793185)	500	745000	Foundry equipment, and parts	250
740409	Pipe and/or nipple-threading machines capable of threading 4-inch diameter pipe and under	500	745050	Molding machines; rollover type; or jolting and jarring type	250
740607	Other pipe and/or nipple threading machines	500	745050	Die-casting machines, and specially fabricated parts, n. e. c.	250
740607	Knee-type milling machines	500	745060	Centrifugal casting machines, and specially fabricated parts, n. e. c.	250
740700	Milling machines, n. e. c.	500			
740800	Bed-type milling machines	500			
740800	Combination miller and planer, with double housing and open side, 48 inches and over	500			
740800	Diesinking machines	500			
740800	Plane-milling machines, n. e. c.	500			
740800	Profiling and duplicating machines, except propeller	500			
740800	Thread-milling machines	500			

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIV. See § 371.9 (c) of this subchapter.

RULES AND REGULATIONS

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
745509	Machinery for drawing wire and tubing	250
745805	Gas welding machines, except hand-operated	250
745805	Machines for flame hardening	250
745900	Automatic balancing and correcting machines	250
745900	Dynamic balancing machines for balancing metal parts	250
746010	Horizontal multiple-slide wire and strip forming machines, and specially fabricated parts, n. e. c.	250
746010	Portable machine tools so designed that they must be attached to the work to operate	250
746010	Lead scale weights	250
774370	Crude coal-tar products, unmixed, n. e. c., except coal-tar acids (specify by name): Xylene (xylo)	500
802090	Coal-tar acids, crude and intermediate: Other coal-tar acids (specify by name): Adipic	100
802490	Coal-tar intermediates, except coal-tar acids: Other coal-tar intermediates (specify by name): Resorcinol (resorcin; meta-dihydroxy benzene) Styrene	100
802590	Biologics (all forms): For animal and veterinary use	100
812000	Vaccines for human use	100
812200	Agar-agar (culture medium)	100
812300	Adreno cortico tropic hormone, all forms (ACTH, etc.)	100
812300	11-dehydro-17 hydroxycorticosterone, all forms (Cortisone, Cortone, Cortogen, etc.)	100
812390	Medicinal chemicals, including U. S. P. and N. F. bulk (dosage forms excluded except as indicated): Alkaloids, their salts, derivatives and preparations, medicinal: Alkaloids of cinchona bark, their salts, derivatives and preparations, all forms, except parenteral solutions or ampoules (report parenteral solutions or ampoules in 813591); Quinine sulfate and quinine hydrochloride Quinidine alkaloid and quinidine salts and compounds Other alkaloids of cinchona bark, their salts, derivatives, and preparations (specify by name)	100
813357	Proprietary medicinal preparations for human use:	100
813358	Malaria, chill, and fever remedies	100
813358	Plastics and resin materials:	100
815700	Synthetic resins in all unfinished forms, except laminated (report laminated plastics in 826010 and 826050): Styrene polymer and copolymer resins containing 60 percent or more styrene (report butadienestyrene copolymers of less than 60 percent styrene in 200900): Polystyrene molding and extrusion compositions including scrap (report other unfinished forms in 825250) Styrene copolymer molding and extrusion compositions, including scrap (report other unfinished forms in 825250) Other unfinished forms, including protective coating resins, resin emulsions, extrusions, scrap, and sheets (report manufactured plastic products in 951510 and 951590; monofilaments for weaving into fabrics in 384050 and 384062; woven fabrics in 384000-384985) Vinyl and vinylidene polymer and copolymer resins: Film and sheeting, plasticized or unplasticized, based on vinyl or vinylidene chloride resins and copolymers thereof, including printed, embossed, planished, or otherwise treated surface, in any form (report manufactured plastic products in 951510 and 951590; woven fabrics in 384000-384985) Vinyl resin scrap, in any form Synthetic resins, n. e. c., including film monofilaments, and bristles (report manufactured plastic products in 951510 and 951590; monofilaments for weaving into fabrics in 384050 and 384062; woven fabrics in 384000-384985) (specify by name): Molding and extrusion compositions, including scrap: Plastic-type nylon (specify manufacturer's type number) Polyethylene (specify whether virgin or scrap) All other unfinished forms: Polyethylene (specify whether virgin or scrap) Laminated and molded laminated plastics made with synthetic resins and varnishes as a binder: Other	250
825425	Chemical specialty compounds, n. e. c.	250
825470	Platinum liquids, for decorating china and glass	250
825900	Platinum plating solutions	250
825900	Acids and anhydrides: Naphthenic acid Sebacic acid Inorganic acids and anhydrides, n. e. c. (specify by name): Tungstic acid and hydride	250
830300	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder, not plasticized (excluding molding compositions)	100
830380		100
832510		100

This part of the amendment shall become effective as of 12:01 a. m., December 18, 1952.

3. The letter "D" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer subject to evidence of availability requirements (see § 373.16 of this subchapter):

Dept. of Commerce Schedule B No.	Commodity
617003	Tool bit blanks and dies, and inserts for tool
617005	Containing tungsten carbide. Molybdenum tool bit blanks.

This part of the amendment shall become effective as of December 18, 1952.

4. The letter "D" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer subject to evidence of availability requirements (see § 373.16 of this subchapter) under conditions set forth in § 373.7 of this subchapter:

Dept. of Commerce Schedule B No.	Commodity
740005	Power-driven metalworking machine tools (nonportable), and parts:
740205	Engine lathes, except bench and light duty types (specify by name).
740205	Vertical turret lathes.
740305	Automatic chucking and between-center lathes.

Commodity

Dept. of Commerce Schedule B No.

Power-driven metalworking machine tools (nonportable), and parts—Continued
Gun-boring lathes; carriage-case trimming lathes; carriage-head finishing lathes; and shell lathes (specify by name).
Special spinning lathes for bombs.
Automatic screw (bar) machines.
Shell tappers.
Tapping machines, vertical multiple spindle, adjustable joint.
Milling machines, n. e. c.
Thread-milling machines.
Gear cutting machines:
All straight-tooth type gear-cutting and/or generating machines.
Gear generators and gear-cutting machines, spiral bevel.
Gear shapers.
Drilling machines, upright type, multiple spindle.
Drilling machines, n. e. c. (specify by name) (report rifle drilling machines in 744316).
Other deep-hole drills and drilling machines; automatic multiple spindle and/or tapping machines (consisting of a cluster of spindles driven from one power unit); and armor-plate-drilling machines.
Drilling machines, unit head and way type; or vertical, inverted spindle type.
Surface grinding machines, gap gage.
External cylindrical universal grinding machines (report universal tool and cutter grinders in 744205).
External cylindrical grinding machines, except universal (report universal in 743900).
Internal grinding machines.
Broach grinders; and gear-cutting grinders.
Gear-tooth grinding machines.
Honing and lapping machines, except gear.
Thread-grinding machines.
Other metal grinding machines, except bench type and pedestal grinders valued under \$250.
Broaching machines.
Rifle drilling machines.
Other drilling and rifle-working machines.
Gear-honing, lapping and gear-finishing machines, n. e. c. (specify by name).

Dept. of Commerce Schedule B No.

Cellulose acetate and cellulose acetate-butyrate in waste or scrap form, not plasticized.
Cadmium bromide and bromate.
Iodine, iodides and iodates.
Potassium compounds, except fertilizers (report fertilizers and fertilizer materials in 83000-835100).
Potassium bichromate and chromate.
Potassium compounds, n. e. c. (specify by name):
Potassium tetroxide.
Other industrial chemicals:
Platinum salts and compounds.
Tungsten chlorides, oxides, salts, and all compounds.
Vanadium compounds.

Dept. of Commerce Schedule B No.

Power-driven metalworking machine tools (nonportable), and parts:
Engine lathes, except bench and light duty types (specify by name).
Vertical turret lathes.
Automatic chucking and between-center lathes.

Dept. of Commerce Schedule B No.	Commodity
744319	Power-driven metalworking machine tools (nonportable), and parts—Continued
744319	Contour band-sawing and/or filing machines.
744410	Other power-driven metalworking machine tools, n. e. c.
744410	Metalworking presses, except hand-powered presses.
744450	Sheet and plate metalworking machines (except presses), n. e. c.
744700	Forging machinery, and specially fabricated parts, n. e. c.:
744700	Forging presses, heavy-duty.
744700	Forging rolls; and swaging machines.
744700	Drop hammers, and forging hammers, air, steam, or mechanical.
744700	Headers and forging machines (upsetters).
744700	Nut-forging machinery.
744700	Special forging machines, bomb nose and tail.
745990	Machinery for drawing wire and tubing.
745990	Automatic balancing and correcting machines.
745990	Dynamic balancing machines for balancing metal parts.

This part of the amendment shall become effective as of December 18, 1952.

5. The letter "B" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer subject to dollar-limit (DL) restrictions (see § 374.2 of this subchapter):

Dept. of Commerce Schedule B No.	Commodity
664583★	Tungsten: Tungsten carbide die inserts (specify tungsten content).
740005	Power-driven metalworking machine tools (nonportable), and parts:
740205	Engine lathes, except bench and light duty types (specify by name).
740305	Vertical turret lathes.
740305	Automatic chucking and between-center lathes.
740305	Gun-boring lathes; cartridge-case trimming lathes; cartridge-head finishing lathes; and shell lathes (specify by name).
740315	Automatic screw (bar) machines.
740604	Shell tappers.
740607	Tapping machines, vertical multiple spindle, adjustable joint.
741100	Gear cutting machines:
741100	All straight-tooth type gear-cutting and/or generating machines.
741100	Gear generators and gear-cutting machines, spiral bevel.
741100	Gear shapers.
742000	Drilling machines, upright type, multiple spindle.
742300	Drilling machines, n. e. c. (specify by name) (report rifle drilling machines in 744316):
742300	Other deep-hole drills and drilling machines; automatic multiple spindle drilling and/or tapping machines (consisting of a cluster of spindles driven from one power unit); and armor-plate-drilling machines.
742300	Drilling machines, unit head and way type; or vertical, inverted spindle type.
743900	External cylindrical universal grinding machines (report universal tool and cutter grinders in 744205).
744000	External cylindrical grinding machines, except universal (report universal in 743900).
744100	Internal grinding machines.
744205	Broach grinders; and gear-cutter grinders.
744305	Gear-tooth grinding machines.
744305	Honing and lapping machines, except gear.
744315	Thread-grinding machines.
744316	Broaching machines.
744316	Rifle drilling machines; and gun reading and drilling machines.
744316	Other rifling and rifle-working machines.
744317	Gear-honing, lapping and gear-finishing machines, n. e. c. (specify by name).
744319	Shaving machines (except gear).

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

Dept. of Commerce Schedule B No.	Commodity
744371	Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.:
744371	Chucks for machine tools.
744381	Metal-cutting tools and specially fabricated parts, n. e. c., for machine operation (not incorporating industrial diamonds) (specify by name) (report metal-cutting dies incorporating industrial diamonds in 745503):
744381	Broaching-cutting; gear-cutting; lapping; forming roll sets; all carbide, carbide-tipped, hard-surface steel, and tungsten carbide types; and all other metal-cutting tools (not incorporating industrial diamonds) for use on commodities included on the Positive List and classified in Schedule B numbers 740005 through 744319.
744383	Accessories and attachments, n. e. c., for machine tools and specially fabricated parts, n. e. c.:
744383	Collets; arbors; boring bars 4 inches in diameter and over; screw machine tool holders; indexing face plates; and dividing heads.
744383	Jigs and fixtures, military type.
744383	Parts for military-type jigs and fixtures.
744383	Other accessories and attachments for use on machine tools machinery included on the Positive List and classified in Schedule B numbers 740005 through 744319 except bench centers; parallels; vee blocks; tool holders; miscellaneous centers; drill pads and crotch centers; work driving dogs; tee bolts; clamps; and mandrels.
744450	Sheet and plate metalworking machines (except presses), n. e. c.:
744450	Specially fabricated parts, n. e. c., for sheet and plate metalworking machines (except presses).
744700	Forging machinery, and specially fabricated parts, n. e. c.:
744700	Forging presses, heavy-duty.
744700	Forging rolls; and swaging machines.
744700	Drop hammers, and forging hammers, air, steam, or mechanical.
744700	Headers and forging machines (upsetters).
744700	Nut-forging machinery.
744700	Special forging machines, bomb nose and tail.
745990	Parts for special forging machines, bomb nose and tail, and heavy-duty forging presses.
745990	Automatic balancing and correcting machines.
745990	Dynamic balancing machines for balancing metal parts.

This part of the amendment shall become effective as of December 18, 1952.

6. The letter "A" is inserted in the column headed "Commodity Lists" opposite the commodities listed below to indicate they are subject to the IC/DV procedure.

Dept. of Commerce Schedule B No.	Commodity
744308	Power-driven metalworking machine tools (nonportable), and parts:
744308	Other metal-grinding machines, except bench-type and pedestal grinders valued under \$250.

This part of the amendment shall become effective as of February 2, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-13609; Filed, Dec. 31, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 30]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of December A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193, 5467, 5771, 5772, 5953, 6558), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars*, of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., December 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13765; Filed, Dec. 31, 1952; 8:51 a. m.]

[S. O. 865, Amdt. 31]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of December A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193, 5467, 5771, 5772, 5953, 6558), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars*, of Service Order No. 865 as amended, be and it is hereby suspended until 11:59 p. m., March 31, 1953, on all freight cars except cars described in the current Official Railway Equipment Register, Agent M. A. Zenobia's I. C. C. 302, supplements thereto and reissues thereof, as Class "G"—Gondola Car Type and Class "F"—Flat Car Type.

It is further ordered, that this amendment shall become effective at 11:59

p. m., December 31, 1952, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the

Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384 as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13766; Filed, Dec. 31, 1952; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Parts 171, 182, 183, 184,
185, 186, 190]

REMOVAL OF DISTILLED SPIRITS AND ALCOHOL, IN BULK CONTAINERS, AT WHOLE OR FRACTIONAL DEGREES OF PROOF

NOTICE OF PROPOSED RULE MAKING

A 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 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 Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in 53 Stat. 298 as amended, 300 as amended, 303 as amended, 307, 329, 333, 335, 335 as amended, 340 as amended, 355, 357, 358, 364, 373 as amended, 375, 467, 492; 65 Stat. 116; 26 U. S. C. 2800, 2801, 2803, 2808, 2861, 2878, 2882, 2883, 2901, 3070, 3103, 3105, 3124, 3170, 3176, 3791, 4017, and 3183.

[SEAL]

JOHN S. GRAHAM,
Acting Commissioner
of Internal Revenue.

DECEMBER 29, 1952.

1. In order to facilitate the removal of distilled spirits and alcohol from registered distilleries, fruit distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, in tank cars, tank trucks, tank ships and tank barges or by pipe line, the proposed amendments discontinue the requirement that they be reduced to a whole or complete degree of proof prior to removal. The procedure for reducing the proof of spirits in a tank to a whole or complete degree involves difficult calculations and time-consuming operations, which, in some instances, must be repeated several times in order to obtain the exact proof desired. This involves the time of both Government officers and company em-

ployees and, since it is not a protection to the revenue, serves no useful purpose that justifies the time and work involved. In addition, the reduction to a whole degree of proof, which is accomplished by the addition of water, increases the gallonage of the spirits, thus requiring additional shipping facilities and adding to the cost of shipment.

2. The amendments provide that in the case of taxpaid withdrawals the proof of the spirits shall be determined to the nearest tenth, which shall be used in calculating the taxable gallons. Table 4 of the Gauging Manual, which now shows only whole degrees of proof, is being revised to show fractional degrees for use when computing the proof gallonage of spirits withdrawn at a fractional proof.

3. For all removals other than upon taxpayment, for example, transfers in bond and removals for denaturation and for use of the United States, the amendments provide that the proof of spirits shall be determined to the nearest tenth but, except when the proprietor or the consignee desires to have the removal computed at the fractional degree, shall be rounded to the nearest whole degree in accordance with the Gauging Manual; that is, if the decimal is less than five, it will be dropped; if it is five or more, a unit will be added. In such cases, the quantity removed shall be computed by use of the whole degree of proof.

4. The present regulatory requirement that distilled spirits and alcohol shall be reduced to a whole degree of proof before filling containers such as barrels or drums remains unchanged except where distilled spirits of less than 100 degrees of proof are taxpaid in the gauge tank in an internal revenue bonded warehouse for removal in such containers. As spirits below 100 degrees of proof must be taxpaid on the wine gallon content rather than the proof gallon content, the amendments provide that in such cases the distilled spirits may be taxpaid without reduction to a whole degree of proof.

5. Another purpose of the amendments is to clarify the provisions of Regulations 15, "Rectification of Spirits and Wines," (Part 190) respecting the gauge for payment of rectification tax, by providing that where the proof of the rectified spirits is adjusted to tenths of a degree, the fractional degree of proof

shall be included in determining the taxable gallons.

6. The proposed amendments amplify the instructions in Regulations 10, "Warehousing of Distilled Spirits," (Part 185) relating to the markings to be removed from barrels dumped into gauge tanks, to provide that when such barrels are to be refilled for shipment, certain additional markings ("Original Proof" and "Proof Gallons") shall be obliterated since such markings are not applicable to the refilled barrels.

7. Sections 171.213 and 171.217 of "Miscellaneous Regulations Relating to Liquor" (26 CFR Part 171) are amended as follows:

SUBPART G—NATIONAL EMERGENCY TRANSFERS OF DISTILLED SPIRITS

GAUGING OF DISTILLED SPIRITS

§ 171.213 *Transferred between bonded premises by tank cars, tank trucks, or tank barges.* When distilled spirits of any proof are transferred by tank cars, tank trucks, or tank barges, between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, and when distilled spirits of 160 degrees or more of proof are removed, free of tax, from any such premises for transfer by tank cars, tank trucks, or tank barges to a denaturing plant, for denaturation, such distilled spirits shall be gauged in a suitable weighing tank in the shipping premises at the time of shipment and in the receiving premises at the time of receipt: *Provided*, That where the shipping or receiving premises, or both, are not equipped with a weighing tank, the spirits transferred in tank cars or tank trucks may be weighed on railroad car or tank truck scales, as the case may be, located on the bonded premises, by weighing the railroad car or tank truck both before and after filling or emptying, or both, as the case may be: *And provided further*, That where the shipping or receiving premises, or both, are not equipped with a weighing tank, or railroad car or tank truck scales, the spirits may be gauged by volume in accurately calibrated tanks, but, in any event, they must be gauged (either by weight or by volume) in both the shipping and receiving premises: *And provided further*, That distilled spirits transferred from an industrial alcohol plant or industrial alco-

hol bonded warehouse to an internal revenue bonded warehouse in tank cars for storage in the internal revenue bonded warehouse in such tank cars, shall be gauged at, and removed from, the internal revenue bonded warehouse in accordance with the provisions of Regulations 10 (Part 185 of this chapter) applicable to tank cars of spirits transferred in bond to internal revenue bonded warehouses.

(65 Stat. 116; 26 U. S. C. 3183)

§ 171.217 *Determination of proof.* The proof of distilled spirits drawn off into containers other than tank cars, tank trucks, tank ships, and tank barges, or by pipe line, under the provisions of this subpart, shall be adjusted to a whole or complete degree. The proof of distilled spirits need not be adjusted to a whole or complete degree for removal, under the provisions of this subpart, in tank cars, tank trucks, tank ships, tank barges, or by pipe line. Where the proof of spirits removed in tank cars, tank trucks, tank ships, tank barges, or by pipe line, for taxpayment, is not adjusted to a whole degree of proof, the fractional degree of proof, if any, shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this subpart and Table 4 of the Gauging Manual. Where the proof of distilled spirits removed in tank cars, tank trucks, tank ships, tank barges, or by pipe line, for purposes other than taxpayment, is not adjusted to a whole degree, the proof shall be determined to the nearest tenth but shall be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the spirits and used in determining the proof gallonage of the spirits, in lieu of the whole degree of proof. Where distilled spirits are to be transferred in bond to an internal revenue bonded warehouse in a tank car and the consignee desires to taxpay the spirits in the tank car within 30 days after filling, and without regauge, the distilled spirits shall be reduced to a whole or flat degree of proof before being drawn into the tank car, or the proof gallonage shall be determined by use of the fractional degree of proof. In any such case the storekeeper-gauger shall make notation on Form 1520 that the distilled spirits were reduced to a whole degree of proof or, if they were not so adjusted, the fractional degree of proof at which withdrawn.

(65 Stat. 116; 26 U. S. C. 3183)

8. Section 182.405 of Regulations 3 (26 CFR Part 182; 7 F. R. 1858), "Industrial Alcohol," as amended, is amended as follows:

OPERATION OF INDUSTRIAL ALCOHOL PLANTS

DRAWING OFF, GAUGING, AND REMOVAL OF ALCOHOL

§ 182.405 *Gauging of alcohol.* All alcohol drawn from receiving tanks will be carefully gauged by the proprietor by

weighing and proofing the spirits in accordance with this part and the Gauging Manual (Part 186 of this chapter), and the details thereof shall be entered by the proprietor on Form 1440. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and as required by this part. Packages shall be marked in accordance with this part. The storekeeper-gauger will verify the proof, weight, and gallonage of all alcohol withdrawn and will see that the instructions in the Gauging Manual respecting the proofing of alcohol are strictly followed in order that the proof may be accurately determined. The proof of the alcohol shall be adjusted to a whole or complete degree of proof before being removed from the receiving tanks for filling approved containers such as drums or barrels, bottles, containers made of tin, glass, or similar substance and steel containers having a capacity of not more than 10 wine gallons. The proof of alcohol need not be so adjusted for removals from receiving tanks in tank cars, tank trucks, tank ships, tank barges, or by pipeline. Where the proof of alcohol removed in tank cars, tank trucks, tank ships, tank barges, or by pipeline, for taxpayment, is not so adjusted to a whole or complete degree, the fractional degree of proof, if any, shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this part and Table 4 of the Gauging Manual. Where the proof of alcohol removed in tank cars, tank trucks, tank ships, tank barges, or by pipe line, for purposes other than taxpayment, is not adjusted to a whole or complete degree, the proof shall be determined to the nearest tenth but shall be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the alcohol and used in determining the proof gallonage, in lieu of the whole degree of proof. The alcohol in the receiving tank must be thoroughly agitated before taking the proof. The proof determined after such agitation will be regarded as the proof of alcohol run into all packages filled from the receiving tank and all alcohol removed from such tank by pipe line or in tank cars or tank trucks. However, the proof of the alcohol in the receiving tank will be checked several times while the alcohol is being drawn off. The proprietor shall provide, at his own expense, accurate hydrometers, hydrometer cups and thermometers for the purpose of gauging alcohol. Alcohol to be transferred by pipe line or in railroad tank cars or tank trucks for shipment shall be gauged in a weighing tank as provided in § 182.407.

(53 Stat. 303 as amended, 357, 358, 364, 375; 26 U. S. C. 2803, 3103, 3105, 3124, 3176)

9. Section 183.515 of Regulations 4 (26 CFR Part 183; 15 F. R. 5334), "Production of Distilled Spirits," is amended as follows:

SUBPART W—TAXPAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

DRAWING OFF, GAUGING AND REMOVAL OF SPIRITS

§ 183.515 *Gauging of spirits.* All distilled spirits drawn from receiving cisterns will be carefully gauged by the storekeeper-gauger by weighing and proofing the spirits in accordance with this subpart and the Gauging Manual (Part 186 of this chapter), and the details thereof will be entered on the report of gauge, Form 1520. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and as required by this part. The storekeeper-gauger shall, in every instance, note on Form 1520 the proof of distillation of the spirits gauged. The proof of spirits shall be adjusted to a complete or whole degree before being removed from the receiving cisterns in casks, barrels, or similar wooden packages or drums or similar metal packages. The proof of spirits need not be so adjusted for removals from receiving cisterns in tank cars, tank trucks, or by pipe line. Where the proof of spirits removed in tank cars, tank trucks, or by pipe line, for taxpayment, is not adjusted to a whole or complete degree, the fractional degree of proof, if any, shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this part and Table 4 of the Gauging Manual. Where the proof of spirits removed in tank cars, tank trucks, or by pipe line, for purposes other than taxpayment, is not adjusted to a whole or complete degree, the proof shall be determined to the nearest tenth but shall be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the spirits and used in determining the proof gallonage, in lieu of the whole degree of proof. Where spirits are to be transferred in bond to an internal revenue bonded warehouse in a tank car and the consignee desires to taxpay the spirits in the tank car within 30 days after filling, and without regauge, the spirits shall be reduced to a whole degree of proof before being drawn into the tank car, or the proof gallonage shall be determined by use of the fractional degree of proof. In any such case the storekeeper-gauger shall make notation on Form 1520 that the spirits were reduced to a whole degree of proof or, if they were not so adjusted, the fractional degree of proof at which withdrawn. The spirits in the cistern must be thoroughly agitated before taking the proof. The proof determined after such agitation will be regarded as the proof of spirits run into all packages filled from the cistern and all spirits removed by pipe line or in tank cars or in tank trucks. However, the proof of the spirits in the cistern will be checked several times while spirits are being drawn off. Distilled spirits to

be transferred by pipe line or in tank cars or tank trucks for shipment will be gauged in a weighing tank as provided in §§ 183.517, 183.520 and 183.555.

(53 Stat. 298 as amended, 307, 333, 335 as amended, 355, 375, 492; 26 U. S. C. 2800, 2808, 2878, 2883, 3070, 3176, 4017)

10. Sections 184.561 and 184.565 of Regulations 5 (26 CFR Part 184; 15 F. R. 5552), "Production of Brandy," are amended as follows:

SUBPART X—TAXPAYMENT, REMOVAL, AND TRANSFER OF BRANDY FROM DISTILLERY

DRAWING OFF, GAUGING AND REMOVAL OF BRANDY

§ 184.561 *Gauging of brandy.* All brandy drawn from receiving tanks will be carefully gauged by the storekeeper-gauger by weighing and proofing the brandy in accordance with this subpart and the Gauging Manual (Part 186 of this chapter), and the details thereof entered on the report of gauge, Form 1520. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and as required by this part. The storekeeper-gauger shall, in every instance, note on Form 1520 the proof of distillation of the brandy gauged. The proof of brandy shall be adjusted to a whole or complete degree before being removed from the receiving tanks in casks, barrels, or similar wooden packages or drums or similar metal packages. The proof of brandy need not be so adjusted for removals from receiving tanks in tank cars, tank trucks, or by pipe line. Where the proof of brandy removed in tank cars, tank trucks, or by pipe line, for taxpayment, is not so adjusted to a whole or complete degree, the fractional degree of proof, if any, shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this part and Table 4 of the Gauging Manual. Where the proof of brandy removed in tank cars, tank trucks, or by pipe line, for purposes other than taxpayment, is not adjusted to a whole or complete degree, the proof shall be determined to the nearest tenth but shall be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the brandy, and used in determining the proof gallonage, in lieu of the whole degree of proof. Where brandy is to be transferred in bond to an internal revenue bonded warehouse in a tank car and the consignee desires to taxpay the brandy in the tank car within 30 days after filling, and without regauge, the brandy shall be reduced to a whole degree of proof before being drawn into the tank car, or the proof gallonage shall be determined by use of the fractional proof. In any such case the storekeeper-gauger shall make notation on Form 1520 that the spirits were reduced to a whole degree of proof or, if they were

not so adjusted, the fractional degree of proof at which withdrawn. The brandy in the receiving tank must be thoroughly agitated before taking the proof. The proof determined after such agitation will be regarded as the proof of brandy run into all packages filled from the receiving tank and all brandy removed by pipe line or in tank cars or in tank trucks. However, the proof of the brandy in the receiving tank will be checked several times while brandy is being drawn off. Brandy to be transferred by pipe line or in tank cars for shipment will be gauged in a weighing tank as provided in § 184.562 of this chapter.

(53 Stat. 307, 333, 335 as amended, 375, 492; 26 U. S. C. 2808, 2878, 2883, 3176, 4017)

§ 184.565 *Upon withdrawal from storage tanks.* When brandy is transferred to storage tanks in the brandy deposit room after it has been gauged, as provided in § 184.536, it will be regauged by weighing tanks upon removal, unless it is drawn into packages and gauged. The proof of brandy removed from storage tanks in the brandy deposit room shall be adjusted or determined in accordance with the provisions of § 184.561.

(53 Stat. 307, 333, 335, as amended, 375; 26 U. S. C. 2808, 2878, 2883, 3176)

11. Regulations 10 (26 CFR Part 185; 15 F. R. 5233), "Warehousing of Distilled Spirits," as amended, are amended as follows:

- Sections 185.377, 185.576, 185.622 and 185.660 are amended; and
- Section 185.377a is added.

SUBPART S—DEPOSIT OF SPIRITS IN WAREHOUSE

SPIRITS RECEIVED IN CASKS OR OTHER APPROVED CONTAINERS

§ 185.377 *Examination of tank cars.* The storekeeper-gauger will carefully examine each tank car of spirits upon its arrival at the warehouse for evidence of loss and will determine if the seals affixed at the shipping premises are intact. Where the tank car bears evidence of tampering, or of unusual loss that cannot be satisfactorily explained, it will be temporarily detained pending further investigation in accordance with the applicable provisions of §§ 185.480 to 185.496. Where the tank car bears no evidence of tampering, or of unusual loss that cannot be satisfactorily explained, the spirits may be taxpaid on the filling gauge, within 30 days of the date of filling, in accordance with §§ 185.377a and 185.660. Where the spirits are not to be so taxpaid, they will be gauged in a gauging tank, or by volumetric measurement in the tank car, and reported on Form 1520 covering the transfer. Where the spirits are less than 160 degrees of proof and are gauged in a gauging tank, they will be immediately returned to the tank car for storage therein in the warehouse pending taxpayment or further transfer in bond in accordance with § 185.392. Where the spirits are 160 degrees or more of proof, they may be returned to the tank car, or transferred to warehouse storage tanks in accord-

ance with § 185.392. Where, after gauge, the spirits are retained in or returned to the tank car, the car will be sealed pending taxpayment or further transfer in bond. Where the spirits are not taxpaid on the filling gauge within 30 days of the date of filling, they must be regauged prior to taxpayment.

(53 Stat. 298 as amended, 335 as amended, 340 as amended, 375; 26 U. S. C. 2800, 2883, 2901, 3176)

§ 185.377a *Taxpayment on filling gauge.* When spirits are received in bond in a tank car they may be taxpaid without regauge only where the spirits were reduced to a whole degree of proof when the car was filled, or the fractional degree of proof was used in determining the proof gallonage drawn into the car, and such fact was noted by the storekeeper-gauger on the Form 1520 covering the filling gauge.

(53 Stat. 298 as amended, 335 as amended, 375; 26 U. S. C. 2800, 2883, 3176)

SUBPART AA—WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE

DRAWING OFF SPIRITS FROM GAUGING OR STORAGE TANKS

§ 185.576 *Adjusting proof.* The proof of distilled spirits in warehouse gauging tanks and storage tanks shall be adjusted to a whole degree of proof prior to filling packages such as barrels or drums: *Provided*, That such adjustment will not be required prior to filling such packages from gauging tanks when the proof of the spirits is less than 100 degrees. Adjusting the proof to tenths of a degree, either above or below the whole degree, will not be permitted. The proof of distilled spirits need not be adjusted to a whole degree for transfers by pipe line from gauging tanks to tanks in the bottling-in-bond department or for removals from gauging or storage tanks in tank cars, tank trucks, or by pipe line. Where the proof of spirits removed in tank cars, tank trucks, or by pipe line, for taxpayment, is not adjusted to a whole degree of proof, the fractional degree of proof, if any, shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this part and Table 4 of the Gauging Manual. Where the proof of spirits removed in tank cars, tank trucks, or by pipe line, for purposes other than taxpayment, is not adjusted to a whole degree, the proof shall be determined to the nearest tenth but shall be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the spirits and used in determining the proof gallonage of the spirits, in lieu of the whole degree of proof. Where spirits are to be transferred in bond to an internal revenue bonded warehouse in a tank car and the consignee desires to taxpay the spirits in the tank car within 30 days after filling, and without regauge, the spirits shall be reduced to a whole or flat degree of proof

before being drawn into the tank car, or the proof gallonage shall be determined by use of the fractional degree of proof. In any such case the storekeeper-gauger shall make notation on Form 1520 that the spirits were reduced to a whole degree of proof or, if they were not so adjusted, the fractional degree of proof at which withdrawn.

(53 Stat. 307, 375; 26 U. S. C. 2808, 3176)

SUBPART CC—TAXPAID WITHDRAWALS BY GAUGE TANK

§ 185.622 *Gauge and taxpayment.* If the spirits to be withdrawn are in packages, the storekeeper-gauger, upon receipt of the Form 179 and Form 1520, will carefully examine and supervise the weighing of each package and enter the weights on Form 1520. Where it is determined that any package bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering such package will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480 to 185.496. When the contents of the packages have been dumped into the gauging tank, the empty packages, including the char and wood chips, if any, will be thoroughly rinsed: *Provided*, That if the contents of the packages dumped for bulk gauging are to be drawn from the gauging tank for shipment in as many of the original packages as may be required, the packages to be used as shipping containers need not be rinsed if a declaration to that effect has been made by the proprietor prior to the dumping of the spirits, in which event recovery of spirits by rinsing at the time of dumping for bottling or rectification will be precluded. Water of any temperature may be used to rinse the packages. The rinsings will be added to the spirits dumped from the packages into the gauging tank prior to gauging: *Provided*, That where the proprietor does not wish to add any or all of the rinse water to the spirits in the gauging tank, such rinse water must be poured on the ground or into a sewer in the presence of the storekeeper-gauger. The temperature of water used for rinsing must be marked on the packages used as shipping containers in accordance with § 185.628. Loose char and wood chips, if any, collected from packages, the contents of which have been dumped into bulk gauging tanks after rinsing, must be destroyed in accordance with § 185.902, unless added to the packages which are to be used as shipping containers. The tare of any shipping container must include the weight of loose char and wood chips which are placed therein. After the packages have been dumped and rinsed, all marks and brands shall be obliterated, except where the packages are to be used for shipping of spirits dumped therefrom for gauging, in which case, only the kind of cooperage, serial number of the package, the word "Filled," the date of filling, and the original proof and proof gallons need be obliterated. The spirits in the gauging tank will be gauged with an official hydrometer and the details of the gauge and the number of the gauging tank entered by the storekeeper-gauger on Form 1520. The proof of the spirits shall be adjusted or determined in accordance with the provisions of § 185.576. If the spirits to be withdrawn are contained in a storage tank or tank car, they will be drawn into the gauging tank, gauged and reported in the same manner as packages dumped for bulk gauging. Four copies of Form 179 with the storekeeper-gauger's report thereon, duly executed, and four copies of Form 1520 will be delivered by the storekeeper-gauger to the proprietor of the warehouse. One copy of Form 1520 will be retained by the storekeeper-gauger pending taxpayment of the spirits represented thereby.

(53 Stat. 298 as amended, 335, 335 as amended, 375; 26 U. S. C. 2800, 2882, 2883, 3176)

SUBPART DD—TAXPAID WITHDRAWALS IN TANK CARS AND TANK TRUCKS

IN TANK CARS RECEIVED IN BOND

§ 185.660 *Procedure.* Where spirits are received in bond in tank cars at an internal revenue bonded warehouse and taxpaid thereat, the procedure prescribed in §§ 185.650 to 185.657 for the taxpayment of tank cars of spirits filled from warehouse storage tanks will be followed, except that if the spirits in the tank car are taxpaid within 30 days after filling, they need not be regauged but may be taxpaid on the filling gauge under the provisions of §§ 185.377 and 185.377a.

(53 Stat. 298 as amended, 335 as amended, 375; 26 U. S. C. 2800, 2883, 3176)

12. Sections 186.20 and 186.23 of the Gauging Manual (26 CFR Part 186; 15 F. R. 4787), are amended as follows:

SUBPART E—PRESCRIBED TABLES

§ 186.20 *Table 1, showing the true percents of proof spirits for any indication of the hydrometer at temperatures between zero and 100° F.* This table shows the true percent of proof of distilled spirits for indications of the hydrometer likely to occur in practice at temperatures between zero and 100° F. The left-hand column contains the reading of the hydrometer and on the same horizontal line, in the body of the table, in the "Temperature" column corresponding to the reading of the thermometer is the corrected reading or "True percent of proof." The table is computed for tenths of a percent. Where distilled spirits or alcohol are gauged in packages, if the decimal is less than five it will be dropped; if it is five or over a unit will be added. Thus column 69°, indication 114, the true percent, 110.4, is called 110; column 69°, indication 117, the true percent of proof 113.5, is called 114. Where distilled spirits or alcohol are gauged for taxpayment in bulk for removal by pipe line, tank car, tank truck, tank ship, or tank barge without adjustment of the proof to a whole or complete degree, the proof shall be determined to the nearest tenth of a degree and such fractional proof will be used in determining the taxable gallons. Thus column 71°, indication 193, the true percent, 190.4, will be recorded and used

to calculate the taxable gallons. The proof of distilled spirits or alcohol withdrawn in tank cars, tank trucks, tank ships, tank barges, and by pipe line, for purposes other than taxpayment, shall be determined to the nearest tenth of a degree; however, except where the proprietor or consignee desires to remove distilled spirits or alcohol at a fractional degree, if the decimal is less than five it will be dropped; if it is five or over, a unit will be added. Thus column 71°, indication 193, the true percent, 190.4, is called 190; column 71°, indication 194, the true percent of proof, 191.5, is called 192. Where fractional readings are ascertained, the proper interpolations will be made, e. g., for a hydrometer reading of 151, temperature 71½°, the true percent of proof would be 147.0, or for a hydrometer reading 179.4, temperature 75°, the true percent of proof would be 175.0.

(53 Stat. 307, 333, 335 as amended, 373 as amended, 375, 467; 26 U. S. C. 2808, 2878, 2883, 3170, 3176, 3791)

§ 186.23 *Table 4, showing the fractional part of a gallon per pound at each percent and each tenth percent of proof of spirituous liquor.* This table provides a method for use in ascertaining the wine gallon (at 60° F.) and/or proof gallon contents of containers of spirits by multiplying the net weight of the spirits by the fractional part of a gallon per pound shown in the table for spirits of the same proof. Fractional gallons beyond the first decimal will be dropped if less than 0.05 or will be added as 0.1 if 0.05 or more. This table may also be used for ascertaining the quantity of water required to reduce to a given proof. To do this, divide the proof gallons of spirits to be reduced by the fractional part of a proof gallon per pound of spirits at the proof to which the spirits are to be reduced, and subtract from the quotient the net weight of the spirits before reduction. The remainder will be the pounds of water needed to reduce the spirits to the desired proof.

Example. It is desired to ascertain the quantity of water needed to reduce 1,000 pounds of 200 proof spirits, 302.6 proof gallons, to 190 proof:

302.6 divided by 0.27964 equals 1,082.11 pounds, weight of spirits after reduction.

1,082.11 minus 1,000 equals 82.11 pounds, weight of water required to reduce to desired proof.

The slight variation between this table and tables 2, 3, and 5 on some calculations is due to the dropping or adding of fractions beyond the first decimal on those tables.

(53 Stat. 307, 333, 335 as amended, 373 as amended, 375, 467; 26 U. S. C. 2808, 2878, 2883, 3170, 3176, 3791)

13. Section 190.566 of Regulations 15 (26 CFR Part 190; 15 F. R. 4790), "Rectification of Spirits and Wines," is amended as follows:

SUBPART BB—GAUGE, RETURN, AND TAX- PAYMENT OF RECTIFIED SPIRITS

GAUGE OF RECTIFIED SPIRITS

§ 190.566 *Adjustment of proof.* The proof of rectified spirits shall be adjusted

to a whole degree of proof in accordance with the provisions of the Gauging Manual (Part 186 of this chapter), preparatory to filling barrels or bottles. 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. If the proof is so adjusted to tenths, the fractional degree of proof shall be used in determining the taxable gallons, for payment of the rectification tax, in accordance with the Gauging Manual. The proof in each instance shall be verified as to accuracy by the Government officer.

(53 Stat. 300 as amended, 329, 375; 26 U. S. C. 2801, 2861, 3176)

14. These regulations shall be effective on the 31st day after publication in the *FEDERAL REGISTER*.

[F. R. Doc. 52-13774; Filed, Dec. 31, 1952; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 906]

HANDLING OF MILK IN TULSA, OKLAHOMA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Tulsa, Oklahoma, on July 29-31, 1952, pursuant to notice thereof which was issued on July 9, 1952 (17 F. R. 6275).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration on December 15, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the *FEDERAL REGISTER* on December 17, 1952 (17 F. R. 11408).

Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

The material issues, the findings and conclusions, and the general findings of the recommended decision (17 F. R.

11408; Doc. 52-13326) are hereby approved and adopted as the material issues, the findings and conclusions, and the general findings of this decision as if set forth in full herein.

Determination of representative period. The month of November 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area in the manner set forth below is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

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

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

This decision filed at Washington, D. C., this 29th day of December 1952.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area

§ 906.0 Findings and determinations. The findings and determinations herein after 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

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

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 Tulsa, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, 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 of 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.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa, Oklahoma, 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. Delete § 906.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus \$1.45 during the months of April, May and June and plus \$1.85 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this part pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1)

of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	108
February	December-January	110
March	January-February	112
April	February-March	114
May	March-April	117
June	April-May	120
July	May-June	137
August	June-July	137
September	July-August	134
October	August-September	128
November	September-October	119
December	October-November	109

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July and August; 2 cents in April, May and June; 4 cents in September, October, November and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July and August; 4 cents in April, May and June; and 2 cents in September, October, November and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

2. Amend § 906.22 (j) (1) to read as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk computed pursuant to § 906.51 (a) and the Class I butterfat differential computed pursuant to § 906.52 (a) both for the current month; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 906.51 (b) and the Class II butterfat differential computed pursuant to § 906.52 (b), both for the previous month; and

3. Delete § 906.41 (a) and substitute therefor the following:

(a) Class I milk shall be skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

4. Delete § 906.53 and substitute therefor the following:

§ 906.53 *Location adjustment credit to handlers.* For that portion of milk which is (a) received directly from producers at an approved plant located 35 or more miles from City Hall in Tulsa by shortest hard-surfaced highway distance, as determined by the market administrator, and (b) is either (1) moved to and received at an approved plant located in the marketing area in the form of milk, skim milk or cream, or (2) is classified as Class I milk without such movement, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Distance from the City Hall in Tulsa:	Cents per hundredweight
35 to 50 miles	15
50.1 to 65 miles	17
65.1 to 80 miles	19
80.1 to 95 miles	21
95.1 miles or over	23

5. Delete § 906.81 and substitute therefor the following:

§ 906.81 *Location adjustment to producers.* In making payments to producers pursuant to § 906.80, each handler may deduct per hundredweight of milk received from producers at an approved plant, or diverted to an unapproved plant, either of which is located 35 or more miles from the City Hall in Tulsa by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below:

Distance from the City Hall in Tulsa:	Cents per hundredweight
35 to 50 miles	15
50.1 to 65 miles	17
65.1 to 80 miles	19
80.1 to 95 miles	21
95.1 miles or over	23

[F. R. Doc. 52-13783; Filed, Dec. 31, 1952; 8:55 a. m.]

[7 CFR Part 927]

[Docket No. AO-71-A-23]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE 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 a public hearing to be held at the Onondaga County War Memorial Auditorium in Syracuse, New York, on January 22, 1953, beginning at 10:00 a. m., e. s. t., for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, and any other proposal to amend or delete, in whole or in part, the provisions of § 927.76 of such tentative marketing agreement and such order, entitled "Cooperative Payments." The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed amendments: 1. Delete all provisions of § 927.76 *Cooperative payments* and delete all references thereto from the tentative marketing agreement and the order, or

2. Amend § 927.76 *Cooperative payments* as follows:

(a) Revise those provisions concerning the types of organizations eligible to apply for cooperative payments including consideration of the following:

(1) Extend eligibility to federations of cooperative associations.

(2) Provide for limiting eligibility to an association representing a specified minimum number of producers who are either members of the association or members of the cooperative units of the federation.

(3) Provide for limiting eligibility to organizations maintaining a staff qualified to deal with marketwide milk marketing problems.

(4) Make eligibility contingent upon receiving a part of the finances of the organization from funds received from members.

(b) Revise those provisions specifying the services required to be performed by associations receiving payments, to include such services as analysis of pricing problems in the market; preparing and presenting evidence at public hearings with respect to the need for an order or amendment to the order and the developing of proposed amendments, informing producers as to the need for proposed amendments; stimulating the demand for markets for milk in the higher paying classifications and conducting research with respect to marketing problems.

(c) Revise the presently specified categories and rates of payment authorized to be made to qualified organizations.

(d) Provide a specific administrative procedure for qualification and denial of applications for qualification and for review of such denial.

(e) Provide a specific method and responsibility for reviewing the performance of cooperative associations including provision for a formalized procedure to be followed before suspension of a cooperative, and for a review of qualifications following suspension.

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 205 East 42nd Street, New York 17, New York, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: December 24, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-13764; Filed, Dec. 31, 1952; 8:51 a. m.]

[7 CFR Part 930]

[Docket No. AO-72-A17]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS 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 proceedings to formulate marketing

PROPOSED RULE MAKING

agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Toledo, Ohio, on August 11 and 12, 1952, pursuant to notice thereof which was issued on July 31, 1952 (17 F. R. 7019).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on November 19, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 22, 1952 (17 F. R. 10655).

The material issues and the findings and conclusions of the recommended decision (17 F. R. 10655; F. R. Doc. 52-12494) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. In column 2, page 10655, delete the period at the end of the paragraph headed "1. Pricing provisions", and add the phrase "effective March 1, 1953."

2. In column 3, page 10656, add to the partial paragraph at the top of the column the following: "In view of the need to encourage the maximum production of producer milk for market requirements during the fall and winter of 1952-53, it is concluded that the Class I differential should not be made subject to reduction until March 1, 1953. Accordingly, the removal of the contra-seasonal portion of the supply-demand adjustment should not become effective until that date."

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of October 1952, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Toledo, Ohio, marketing area in the manner set forth below is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

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

amended, governing proceedings to formulate marketing agreements and orders have been met.

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

This decision filed at Washington, D. C., this 29th day of December 1952.

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

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area

§ 930.0 Findings and determinations. The findings and determinations herein-after 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 at Toledo, Ohio, on August 11 and 12, 1952, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, 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 said 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.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, 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. Effective April 1, 1953, make the following changes:

a. Delete § 930.45 (a) and substitute therefor the following:

(a) Subtract from the total pounds of butterfat in Class III milk the total pounds of butterfat shrinkage allowed pursuant to § 930.41 (c) (2).

b. Delete paragraphs (c), (d) and (e) of § 930.45 and substitute therefor the following:

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

c. Redesignate paragraph "(f)" of § 930.45 as paragraph "(d)".

2. In subdivision (i) of § 930.50 (a) (2) delete the phrase "in the second and third months preceding" and substitute therefor the phrase "in the first and second months preceding".

3. In subdivision (ii) of § 930.50 (a) (2) change the tabulation to read as follows:

Month for which the price is being computed:	Standard utilization percentage
January	92
February	86
March	83
April	83
May	81
June	78
July	76
August	80
September	86
October	90
November	93
December	95

4. Effective March 1, 1953, make the following change: In subdivision (iii) of § 930.50 (a) (2) replace the colon preceding the word "Provided" with a period and delete all language appearing thereafter.

5. In § 930.74 delete the phrase "4 cents per hundredweight" and substitute therefor the phrase "6 cents per hundredweight".

[F. R. Doc. 52-13782; Filed, Dec. 31, 1952; 8:55 a. m.]

[7 CFR Part 944]

[Docket No. AO-105-A10]

HANDLING OF MILK IN QUAD CITIES
MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

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

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 marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Council Chambers, Rock Island City Hall, Rock Island, Illinois, beginning at 10:00 a. m., c. s. t., January 22, 1953, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 44) as amended, for the Quad Cities marketing area were proposed as follows:

Proposed by the Clinton Cooperative Milk Producers Association, Illinois-Iowa Milk Producers Association, and Quality Milk Association:

1. Amend § 944.3 to include the city of Muscatine, Iowa, in the marketing area.

2. Delete § 944.8 and substitute therefor the following:

§ 944.8 *Producer*. "Producer" means any person irrespective of whether such person is also a handler, who produces milk which (a) is received at a plant from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (b) is caused by a cooperative association to be diverted from a plant described in paragraph (a) of this section to a plant from which no milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area. This definition shall not include a person who produces milk which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to § 944.56.

3. Delete § 944.10 and substitute therefor the following:

§ 944.10 *Pool plant*. "Pool plant" means (a) a plant from which Class I milk is disposed of on wholesale or retail routes (including plant stores) within the marketing area, (b) a plant owned and operated by a cooperative association which is located within the marketing area, (c) a plant which is under regular inspection by one or more of the health authorities of the several municipalities in the marketing area and which is approved for the receiving of Grade A milk and from which Grade A milk is disposed of to plants described in paragraph (a) of this section for Class I use: *Provided*, That during the months of October, November, and December such plant offers or disposes of as Class I milk to plants described in paragraph (a) of this section, an amount equal to 50 percent or more of such plant's receipts of milk from Grade A producers. Any plant which fulfills this requirement for each of the months of October, November, and December of the

same year shall be a pool plant until October 1 of the following year: *Provided*, That the milk received at the plant continues to be qualified under the applicable health requirements as a source of milk for the plants supplied by it during said months.

4. Add as § 944.15 the following:

§ 944.15 *Grade A milk*. "Grade A milk" means producer milk which is produced in conformity with the Grade A quality requirements of the milk ordinances of any of the several municipalities in the marketing area.

5. a. Amend § 944.41 (c) by deleting the words "American-type Cheddar Cheese" and substituting therefor the words "cheese (except cottage cheese)."

b. Further amend § 944.41 (c) by adding at the end thereof the following proviso: "Provided, That if receipts of milk from producers at a pool plant located outside the marketing area is moved in bulk to a pool plant located within the marketing area, the pool plant located outside the marketing area shall be allowed an amount not to exceed one-half percent shrinkage on such milk and the pool plant located within the marketing area shall be allowed an amount not to exceed 1½ percent shrinkage on such milk."

6. Amend § 944.42 by adding at the end thereof as paragraph (c) the following:

(c) In the case of a handler who received both Grade A and non-Grade A producer milk, the amount of shrinkage determined pursuant to paragraph (b) (1) of this section shall be further prorated between (1) Grade A producer milk and emergency milk and (2) non-Grade A producer milk.

7. Amend § 944.45 by adding at the end thereof the following: "If both Grade A and non-Grade A producer milk have been caused to be so delivered they shall be apportioned separately over the uses of each type of milk."

8. Amend § 944.47 (a) by deleting subparagraphs (3), (4), (5), (6), and (7) and adding in lieu thereof the following subparagraphs (3) through (9) and paragraph (b):

(3) Allocate the remaining pounds of skim milk contained in Grade A milk received from producers, cooperative associations, and other handlers and emergency milk to the highest priced classes in which the handler has use, and allocate the remaining pounds of skim milk contained in non-Grade A milk received from producers, cooperative associations, and other handlers to the lowest priced classes remaining in which the handler has use;

(4) If the amounts of skim milk allocated pursuant to subparagraph (3) of this paragraph are less than the total amount of skim milk remaining after making the subtraction pursuant to subparagraph (2) of this paragraph, the remaining pounds of skim milk shall be ratably apportioned between the skim milk allocated to Grade A milk and non-Grade A milk;

(5) Subtract from the amounts obtained by adding together the results obtained in subparagraphs (3) and (4) of this paragraph, the pounds of skim milk contained in Grade A and non-Grade A milk, respectively, received from other handlers which are not cooperative associations in accordance with its classification as determined pursuant to § 944.44 (a).

(6) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph.

(7) Subtract pro rata from the remaining pounds of Grade A and emergency skim milk in each class the pounds of skim milk contained in emergency milk received by the handler.

(8) Subtract pro rata from the remaining pounds of Grade A and non-Grade A skim milk in each class the pounds of Grade A and non-Grade A skim milk respectively, received from a cooperative association which is a handler pursuant to § 944.9 (b); and

(9) If any skim milk has been added pursuant to subparagraph (4) of this paragraph to either the Grade A or the non-Grade A skim milk, the amount so added shall be subtracted from such skim milk in series beginning with the lowest priced classification to which Grade A or non-Grade A skim milk has been allocated. The amount subtracted pursuant to this subparagraph shall be called "overrun".

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

9 a. Amend § 944.50 (a) by deleting the reference to "Class I milk" and substituting therefor: "Grade A Class I milk".

b. Further amend § 944.50 by adding at the end thereof the following: "The Class I price for non-Grade A milk shall be the Class I price for Grade A milk less \$0.35."

10 a. Amend § 944.51 (a) by deleting the reference to "Class I milk" and substituting therefor: "Grade A Class I milk".

b. Further amend § 944.51 (a) by adding at the end thereof the following: "In the case of non-Grade A milk multiply by 1.35 and divide the resulting amount by 10."

11. Add as § 944.53 the following:

§ 944.53 *Location adjustments to handlers*. For Grade A milk which is received from producers at a pool plant located outside the marketing area, the prices computed pursuant to § 944.50 shall be reduced 2 cents for each 15 miles or fraction thereof that such plant is located more than 35 miles from the City Hall in Rock Island, Illinois, such distance to be the shortest highway distance as determined by the market administrator.

12. Amend § 944.60 by deleting it entirely and substituting therefor the following:

§ 944.60 *Computation of the values of milk received from producers*. The values of the Grade A milk and the non-

PROPOSED RULE MAKING

Grade A milk received from producers during each delivery period by each handler shall be sums of money computed separately by the market administrator by multiplying the pounds of milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overrun of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overrun by the applicable class prices.

13. Amend § 944.61 by deleting it entirely and substituting therefor the following:

§ 944.61 *Computation of prices.* For each delivery period the market administrator shall compute separately the uniform prices per hundredweight for Grade A and non-Grade A milk received from producers as follows:

(a) Combine into separate totals the values of Grade A milk and non-Grade A milk computed pursuant to § 944.60 for all handlers who made the reports prescribed by § 944.30, and who made the payments pursuant to §§ 944.65 and 944.68 for the preceding delivery period.

(b) Add to the amounts computed in paragraph (a) of this section not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of contingent obligations to handlers pursuant to §§ 944.69 and 944.70.

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 944.66, and multiply the results by the total hundredweight of Grade A and non-Grade A milk, respectively, represented by the values included in paragraph (a) of this section.

(d) Divide the resulting amounts by the total hundredweight of Grade A and non-Grade A milk respectively, included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amounts per hundredweight computed pursuant to paragraph (d) of this section. The resulting figures shall be the uniform prices for Grade A milk and non-Grade A milk, respectively, received from producers.

14. Amend § 944.65 by adding a new paragraph (d) as follows:

(d) In making payments to producers for milk received at a pool plant located outside the marketing area, there shall be deducted 2 cents for each 15 miles or fraction thereof that such plant is located more than 35 miles from the City Hall in Rock Island, Illinois, such distance to be the shortest highway distance as determined by the market administrator.

15. Amend § 944.67 to provide for the establishment and maintenance of separate funds known as "producer-settlement funds" for Grade A and non-Grade A milk, respectively.

16. Amend § 944.76 (a) by deleting "6 cents" and substituting therefor: "8 cents".

17. Make such changes as may be required to make the entire order conform with any amendment thereto which may result from this hearing.

Proposed by Quality Milk Association:
18. Amend § 944.3 by adding Fulton, Illinois, to the marketing area.

Proposed by Sanitary Farm Dairies:
19. That Order No. 44 be amended to provide that payments to producers may be made either by the market administrator or the handler at the option of the handler concerned.

20. That § 944.57 of Order No. 44 be amended to read as follows:

§ 944.57 *Emergency milk.* In any delivery period in which the market administrator determines that the supply of skim milk or butterfat in producer milk available at Class I prices to any handler is insufficient for such handler's disposition of Class I milk, skim milk or butterfat, other than that in producer milk, which is received by such handler and which is permitted by the health authorities of any of the municipalities in the marketing area to be disposed of as Grade A milk shall be considered emergency milk up to an amount equal to the difference between the receipts of skim milk or butterfat in producer milk by such handler and 108 percent of his total disposition of skim milk or butterfat in Class I milk.

21. That Order No. 44 be amended to provide that in the event that skim milk powder suitable for the fortification of Class I milk products is unavailable in the market, any skim milk powder purchased outside the market would not be considered in the computation of the milk report of the handler concerned.

Copies of this notice of hearing may be procured from the Market Administrator, 335 Federal Building, Rock Island, Illinois, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: December 24, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-13763; Filed, Dec. 31, 1952;
8:50 a. m.]

[7 CFR Part 971]

[Docket No. AO-175-A10]

HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

NOTICE OF HEARING ON 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 a public hearing to be held in the Hilton Room, Day-

ton Biltmore Hotel, Dayton, Ohio, beginning at 10:00 a. m., e. s. t., January 6, 1953, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposals numbered 1a, 1b, 3, 4, and 10 as set forth hereinafter concern the appropriate levels of Class I, Class II, and Class III prices. In order to permit complete consideration of these issues, testimony relating to any of the provisions of §§ 971.51 through 971.54 will be received.

Proposed amendments by Miami Valley Milk Producers Association:

Proposal 1. a. Amend § 971.51 and § 971.52 to make the prices therein applicable to Grade A milk, and under § 971.51 (a) amend to read "add to the basic formula price \$1.30 for each month of the year, and add or subtract a supply-demand adjustment."

b. Amend § 971.54 to read as follows:

§ 971.54 *Non-Grade A milk prices.* If during any month a handler receives milk from producers other than Grade A producers, and if such handler's total volume of skim milk or butterfat in producer milk which is classified as Class I and Class II during such month exceeds the volume of skim milk or butterfat, respectively, contained in milk received from Grade A producers during such month by such handler, then the price to be paid by such handler for such excess milk or butterfat shall be 25 cents per hundredweight less than the prices computed pursuant to § 971.51 (b) and (c), and § 971.52 (b) and (c).

c. Amend § 971.60 (b) to read as follows:

(b) Deducting any amount required pursuant to § 971.54.

d. Amend § 971.62 (a) to read as follows:

(a) Combine into one total (1) the values of milk for all handlers as computed pursuant to § 971.60, except those handlers who failed to make payments as required by § 971.74 for the preceding month, and (2) all amounts deducted pursuant to § 971.60 (b).

e. Amend § 971.62 (f) by changing the term "uniform price" appearing therein to read "Grade A uniform price".

f. Amend § 971.62 (g) to read as follows:

(g) The market administrator shall also compute a Non-Grade A uniform price by deducting from the Grade A uniform price an amount computed by (1) subtracting from the total hundredweight of Class I and Class II milk of all handlers as computed pursuant to § 971.44 the total hundredweight of milk to which Non-Grade A prices are applicable pursuant to § 971.54, (2) multiplying the result by 25 cents, and (3) dividing the result by the total hundredweight of milk received by all handlers from Grade A producers.

g. Amend § 971.70 by changing the provision "To each producer not a Grade A producer at not less than the uniform price" appearing therein by inserting the term "Non-Grade A" immediately preceding "uniform price".

Proposal 2. a. Delete present § 971.62 (e) and substitute the following:

(e) Dividing by the hundredweight of pooled milk; and deducting for each of the months of April, May, June and July an amount computed by multiplying the hundredweight of milk in April by 20¢, in May by 40¢, in June by 40¢ and July by 30¢ which was received from producers during each such month; and

b. Add to § 971.75 a new paragraph to read as follows:

For each of the months of October, November and December the Market Administrator shall make the following computations and shall make the payments required in this paragraph on or before the 14th day after the end of each month: (1) Divide one-third of the total amount deducted pursuant to § 971.62 for the previous April, May, June, and July by the hundredweight of milk received from all producers by all handlers during the month involved (October, November or December) and round to the nearest cent; (2) pay to a cooperative association an amount resulting from multiplying the rate per hundredweight of the applicable month computed in subparagraph (1) of this paragraph by the hundredweight of milk received by all handlers during such months from producers who have given such cooperative association a written authorization to collect payments; (3) pay to each handler an amount resulting from multiplying the rate per hundredweight of the applicable month computed in subparagraph (1) of this paragraph by the hundredweight of milk received by such handler during such month from producers who have not given written authorization to a cooperative association to collect such payments.

Proposal 3. Delete present proviso in § 971.53 (a) and substitute the following proviso: "Provided, That the price per hundredweight of butterfat made into butter shall be computed for all months by multiplying the average price of butter, computed pursuant to § 971.50 (b) (1) by 120, and then subtracting \$5.40."

Proposal 4. Add to present proviso in § 971.53 (b) the following: "Provided further, That the price per hundredweight of skim milk manufactured into non-fat dry milk solids shall be computed for all months by dividing the amount computed pursuant to § 971.50 (c) (2) by 0.965 and subtracting 20¢."

Proposal 5. In § 971.70 delete the "17th" and substitute the "15th". Delete from the proviso the "16th" and substitute the "14th".

Proposal 6. Delete § 971.71 (a) and substitute the following:

(a) *Partial payments.* On or before the 25th day of each month each handler shall make payment, except as set forth in paragraph (b) of this section, to each producer for the milk of such producer

which was received by such handler during the first 15 days of such month an amount computed from the following schedule:

If the uniform price for the preceding month is:	Partial payment per hundredweight to each producer is—
Under \$1.00	\$0.00
\$1.00—\$1.99	.50
\$2.00—\$2.99	1.00
\$3.00—\$3.99	2.00
\$4.00—\$4.99	3.00
\$5.00—\$5.99	4.00
\$6.00—\$6.99	5.00
\$7.00 or over	6.00

Proposal 7. Delete § 971.71 (b) and substitute the following:

(b) On or before the 24th day of each month each handler shall make payment to an association of producers for milk of producers from whom such cooperative association has received written authorization to collect payment, at not less than an amount computed from the schedule in paragraph (a) of this section for all such milk which was received by such handler during the first 15 days of such month.

Proposal 8. Delete § 971.72 and substitute the following:

§ 971.72 *Butterfat differential.* For each month the market administrator shall compute to the nearest one-tenth cent a butterfat differential by multiplying the average price of butter as computed pursuant to § 971.50 (b) (1) by 0.12.

Proposal 9. Add after present proviso in § 971.41 (c) (3) the following: "Provided further, That on interhandler transfer of milk by tank delivery, the receiving handler of such tank transfer shall receive an allowance of one percent on the skim milk and butterfat in such milk and the selling handler shall have one percent on the skim milk and butterfat in such tank delivery of milk excluded in computing the plant loss allowance permitted in Class III milk."

Proposal 10. Make such changes in § 971.51 (a) (1), (2) and (3) as are necessary to reflect current market conditions and to properly relate such provisions to other proposed amendments considered at this hearing.

Proposed amendments by the Kroger Company on behalf of Dayton handlers:

Proposal 11. Amend § 971.41 (c) (3) by adding the following provision: "Provided further, That the excess shall not exceed the prorated percent of skim milk and butterfat in milk from producers to total receipts."

Proposal 12. Delete § 971.7 (b) and substitute in place thereof:

(b) Any cooperative association, or other person included under paragraph (a) of this section, with respect to any milk produced under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area which such cooperative association or person causes to be delivered to a plant from which Class I milk is not disposed of in the marketing area. Milk caused to be delivered by a handler in accordance with this paragraph shall be considered as having been received by such handler. With respect to milk caused by a handler to be delivered directly from the producer's farm or other source milk to another handler, the handler to be considered as receiving such milk shall be determined by written agreement between the two handlers filed with the market administrator on or before the 5th day after the end of the first month during which it becomes effective, or in the absence of such an agreement, shall be determined by the market administrator.

Proposed amendment by Production and Marketing Administration:

Proposal 13. Amend § 971.21 by adding thereto the following paragraph:

(d) To recommend amendments to the Secretary.

Copies of this notice and of the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area may be obtained from the Market Administrator, 434 Third National Bank Building, Dayton 2, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: December 29, 1952, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-13781; Filed, Dec. 31, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Operations Reorganization Order 9]

DISTRICT COMMISSIONER OF INTERNAL REVENUE FOR NEW YORK CITY DISTRICT

DELEGATION OF AUTHORITY

Commissioner's Reorganization Order No. NYC-2 as modified, applicable with respect to Counties of Bronx, Rockland, and Westchester, New York until at-

tached to New York City District and Third Collection District of New York.

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, it is directed that:

1. Notwithstanding the provisions of Operations Reorganization Order No. 3 (General delegation of functions to District Commissioner and Directors), dated September 4, 1952, as amended November 24, 1952, the Director of Internal Revenue, Upper Manhattan, and the District Commissioner of Internal Revenue

for the New York City District shall have jurisdiction of the functions pertaining to the Counties of Bronx, Rockland, and Westchester, within the State of New York, in the manner provided by Commissioner's Reorganization Order No. NYC-2 (Interim delegation of authority to District Commissioner for New York City District and Director of Internal Revenue, Upper Manhattan, pending reorganization of additional district offices), dated June 23, 1952, as modified by Commissioner's Reorganization Order No. NYC-3 (Termination of certain interim authority of District Commissioner for New York City District and Director of Internal Revenue, Upper Manhattan), dated September 17, 1952, until such Counties are attached or transferred to and made a part of the New York City District and the Third Internal Revenue Collection District of New York, pursuant to the provisions of Treasury Department Order No. 150-7 (Abolition and establishment of certain offices in Buffalo District), dated September 17, 1952, as amended this date.

2. This order shall be effective as of September 4, 1952.

Dated: December 24, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R. Doc. 52-13746; Filed, Dec. 31, 1952;
8:45 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952,
81st Supp.]

GENERAL FIRE AND CASUALTY CO., NEW YORK

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

DECEMBER 24, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress, approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of \$302,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

NEW YORK

General Fire and Casualty Company, New York.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13772; Filed, Dec. 31, 1952;
8:52 a. m.]

Office of the Secretary

[Treasury Department Order 150-7
(Amended)]

BUREAU OF INTERNAL REVENUE REORGANIZATION

BRONX, ROCKLAND, AND WESTCHESTER
COUNTIES, NEW YORK

Bureau of Internal Revenue Reorganization. Bronx, Rockland, and Westchester Counties continued as part of Fourteenth Internal Revenue Collection District of New York, until July 1, 1953.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, Reorganization Plan No. 1 of 1952, section 3650 (a) of the Internal Revenue Code, and Executive Order 10269, dated September 19, 1951:

1. In order that the territories known as the Counties of Bronx, Rockland, and Westchester, within the State of New York, shall comprise part of the Fourteenth Internal Revenue Collection District of New York until July 1, 1953, paragraphs 4 and 5 of Treasury Department Order No. 150-7, dated September 17, 1952, are each amended by striking "January 1, 1953," and inserting in lieu thereof "July 1, 1953,".

2. This order shall be effective January 1, 1953.

Dated: December 24, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13747; Filed, Dec. 31, 1952;
8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OIL AND GAS OPERATIONS IN THE SUBMERGED COASTAL LANDS OF THE GULF OF MEXICO

REFUND

Paragraph (e) of Part III of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" (15 F. R. 8835), as amended on January 26, 1951 (16 F. R. 953), is amended to read as follows:

(e) If the United States should fail to provide, within two years from the time when any such sum is tendered to the Secretary of the Interior, for the granting to the person making such tender of the right to conduct oil and gas operations on the land covered by the State lease, under provisions substantially equivalent to those of the State lease, the sum so tendered and held under paragraph (c) above will be refunded upon the request of the person who tendered it, unless (1) such person shall have accepted a grant from the United States of the right to conduct oil and gas operations on the land under provisions different from those of the State lease, or (2) such person shall have failed to tender to the Secretary of the Interior, during the period prior to the submission

of the request for refund, a further payment required under the provisions of the State lease.

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 24, 1952.

[F. R. Doc. 52-13749; Filed, Dec. 31, 1952;
8:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

Suspension Order 18; Docket No. 18]

CHANDEYSSON ELECTRIC COMPANY

MODIFICATION OF SUSPENSION ORDER

Appearances: R. Forder Buckley, Attorney at Law, for the petitioner (respondent), John M. Cleary, Jr., Regional Attorney, and Bernard Shandler, Assistant General Counsel for the National Production Authority.

On June 10, 1952, a suspension order was entered in the matter of the Chandeysson Electric Company of St. Louis, Missouri, which contained, among other provisions, the following:

That all allocations and allotments of carbon steel, copper bars, and magnet wire which have been or may be granted to Chandeysson Electric Company, its successors and assigns, for use during the third quarter of 1952 and the fourth quarter of 1952, be and the same hereby are suspended; and the said Chandeysson Electric Company, its successors and assigns, are prohibited during each of said periods from accepting any delivery of the aforesaid items of the aforesaid controlled materials, except as follows, to wit:

As of November 24, 1952, the aforesaid Chandeysson Electric Company, as petitioner (respondent) filed a motion in the Office of the Chief Hearing Commissioner, National Production Authority, for modification of the aforesaid suspension order. The Dallas Division of Revere Copper and Brass, Inc., was one of the suppliers of said petitioner (respondent).

Orders placed with it in conflict with the suspension order in question, had been cancelled. Due to an error on the part of said supplier, it shipped to the petitioner (respondent) on October 8, 1952, some 9,425 pounds of copper materials specially fabricated for incorporation in articles manufactured by the latter and which were worthless, other than as scrap, to any person other than said petitioner (respondent).

Upon its delivery, said shipment was warehoused. A detailed report in the premises was then submitted forthwith to the National Production Authority containing the following prayer:

We ask your permission to retain this material as originally packed, not to be used by us until the first quarter of 1953 and to apply it against our first quarter allotment in order to avoid losses it might incur through re-handling, etc.

Following an exhaustive hearing in the premises, both the Regional Attorney for the National Production Authority at Kansas City, Mo., and the Office of Gen-

eral Counsel, Washington, D. C., joined in the recommendation that the petitioner's (respondent's) motion to modify the suspension order be granted provided that the allotment for the first quarter of 1953 be reduced by 9,425 pounds of copper.

It is therefore ordered that suspension order of June 10, 1952, No. 18, be so modified as to permit the petitioner (respondent) to retain the materials specified above in its warehouse in St. Louis, Mo., for use during the first quarter of 1953, conditioned however, on allotments of copper to the petitioner (respondent) for the first quarter of 1953 being reduced by 9,425 pounds of copper.

Issued this 19th day of December 1952, at Washington, D. C.

NATIONAL PRODUCTION
AUTHORITY,

By MORRIS R. BEVINGTON,
Deputy Chief Hearing Commissioner.

[F. R. Doc. 52-13800; Filed, Dec. 31, 1952;
11:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6470]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

NOTICE OF APPLICATION

DECEMBER 23, 1952.

Take notice that on December 22, 1952, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by the Central Illinois Public Service Company, a corporation organized under the laws of the State of Illinois with its principal business office at Springfield, Illinois, seeking an order authorizing the purchase and acquisition of all or any part of 5,400 additional shares of Common Stock, \$100 par value, from Electric Energy, Inc., an Illinois Corporation with its principal business office at Jopka, Illinois; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 15th day of January 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-13753; Filed, Dec. 31, 1952;
8:48 a. m.]

[Docket No. G-1757]

NATURAL GAS STORAGE COMPANY OF
ILLINOIS

NOTICE OF APPLICATION FOR MODIFICATION

DECEMBER 24, 1952.

Take notice that Natural Gas Storage Company of Illinois (Applicant or Storage Company), an Illinois corporation having its principal place of business at 20 North Wacker Drive, Chicago 6, Illinois,

nois, filed on December 8, 1952, an application requesting modification of the Commission's Opinion No. 236 and accompanying order issued in the above-entitled matter on September 11, 1952, in the following respects:

Applicant proposes that the certificate of public convenience and necessity granted it by the Commission in its said Opinion No. 236 and accompanying order issued September 11, 1952, which authorizes the storage by Applicant of volumes of top storage gas for the account of Natural Gas Pipeline Company of America (Natural) and Texas Illinois Natural Gas Pipeline Company (Texas Illinois) (which said volumes, in the specific designated quantities directed by the customer utilities of such pipeline companies, were intended to have been placed in storage for the benefit of such customer utilities for the purpose of meeting their winter peaks), shall be modified only to the extent of providing that the volumes of gas so stored for the ultimate benefit of the customer utilities of such pipeline companies shall be owned by such customer utilities, in lieu of by the pipeline companies as contemplated in such Opinion No. 236 and accompanying order, it being intended that the pipeline companies will continue to sell to such customer utilities their present contract volumes, but making delivery for such customer utilities' account to Applicant, of the volumes designated by such customer utilities for storage; and that Applicant's storage service shall be performed for such customer utilities pursuant to its Gas Tariff to be filed with this Commission and Service Agreements to be entered into directly with such customer utilities of said pipeline companies.

The application for modification states (a) that such modification will in no way affect the acquisition, construction and physical operation of the facilities authorized in said Opinion No. 236 and accompanying order, nor will it in any way affect the revenues or expenses of Applicant as set forth in the testimony and exhibits constituting the record in the proceedings held in the above-entitled matter; and (b) that such proposed modification will in no way increase or change the cost of Applicant's storage service to the customer utilities of Natural and Texas Illinois, nor will the same in any way affect or change any of the facts and figures submitted in the above-entitled proceedings; save and except for the direct service to be rendered said customer utilities of Natural and Texas Illinois by Applicant as proposed in its application herein, which said change concerns only ownership of top storage gas and the revision of Applicant's proposed Gas Tariff and Form of Service Agreement.

The application for modification recites that in its application filed in this proceeding with the Commission on August 7, 1951, as amended March 12, 1952, and supplemented on May 7 and May 27, 1952, Applicant proposed the acquisition, construction and operation of an underground natural gas storage project for the storage of natural gas for the account of its affiliates, Texas Illinois and

Natural, and making available to Texas Illinois and Natural the same natural gas for resale and consumption in the areas served by those pipeline companies; that Applicant's plan of marketing, as proposed therein, contemplated that Texas Illinois and Natural would deliver gas to Applicant for top storage for their account and for redelivery during peak periods; that title to such top storage gas while in storage would remain in the separate pipeline companies delivering gas for such purpose; and that the quantities to be delivered for top storage would be based upon the peak period requirements of the customer utilities of Texas Illinois and Natural. The application further recites that it was also contemplated that each utility customer of the pipeline companies would respectively advise the pipeline companies of the quantities required to meet such utility customer's winter peak day and winter period requirements; that such customer utility would curtail its takes during off-peak periods commensurate with its requirements of storage gas for peaking purposes; and that the pipeline companies would be obligated upon demand to deliver and sell to such customers, making gas available for storage by curtailment, their required volumes under the storage plan.

The application for modification further recites that one of the conditions attached to the issuance of the certificate of public convenience and necessity, issued in the above-entitled matter on September 11, 1952, is:

(C) Applicant shall submit within 30 days from the date of issuance of this order a definite plan of financing, together with the requisite commitments, satisfactory to the Commission;

that in compliance with such condition, Applicant, on October 18, 1952, submitted its plan of financing, and that said plan of financing was by a letter of the Commission, dated November 18, 1952, and addressed to the Applicant, stated to be satisfactory; and that upon submission of the requisite commitments relating to the financing, there would be full compliance with said condition.

The application for modification further recites that in that the proposed modification contemplates no change in the acquisition, construction and physical operation of the facilities heretofore authorized by the Commission, the same will not, in any way, affect the revenues and expenses of Applicant, nor will it increase or change the cost of storage service to the customer utilities of Texas Illinois and Natural. It is further alleged that the proposed change in Applicant's plan of marketing is necessary and requisite to the issuance and sale of debt securities described in the plan of financing heretofore referred to, which said plan of financing, Applicant requested be incorporated in the instant application for modification by reference, was found by the Commission to be satisfactory, and Applicant is advised that such financing cannot be accomplished unless the plan of marketing proposed is authorized by the Commission.

The application for modification directs the Commission's attention to applications filed by Texas Illinois (Docket No. G-2098) and Natural (Docket No. G-2099), filed concurrently with the instant application for modification, which said applications of Texas Illinois and Natural request certificates of public convenience and necessity authorizing the operations, sales and services contemplated by the Commission in its Opinion No. 236, adjusted, however, to carry out the proposed plan of marketing, as applied for in the instant application for modification of said Opinion No. 236 and accompanying order.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.[F. R. Doc. 52-13750; Filed, Dec. 31, 1952;
8:47 a. m.]

[Docket No. G-1814]

NORTHEASTERN GAS TRANSMISSION CO.

ORDER RECONVENING HEARING

DECEMBER 22, 1952.

On March 18, 1952, after Northeastern Gas Transmission Company had presented its testimony and evidence in Docket No. G-1814 in support of increased rates and charges suspended by the Commission's order of October 15, 1951, and after staff counsel had conducted as much of its cross-examination as it was then prepared to undertake, pursuant to the Commission's order of February 20, 1952, the proceeding in this matter was recessed to be reconvened upon order of the Commission.

The Commission orders: The public hearing in Docket No. G-1814 reconvene on January 26, 1953, at 10 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: December 24, 1952.

By the Commission.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.[F. R. Doc. 52-13756; Filed, Dec. 31, 1952;
8:48 a. m.]

[Docket No. G-2098]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION

DECEMBER 24, 1952.

Take notice that Texas Illinois Natural Gas Pipeline Company (Applicant), a Delaware Corporation having its principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed on December 8, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the con-

struction and operation of a side-tap interconnection between applicant's main pipeline and the 30-inch pipeline of Natural Gas Storage Company of Illinois (Storage Company) authorized by the Commission on September 11, 1952, in Docket No. G-1757. The proposed interconnection is to be made at a point approximately 16.7 miles west of Storage Company's authorized compressor station presently under construction near the village of Herscher, Illinois.¹

The application also requests authorization for the following operations:

(1) The delivery to Storage Company, and the sale to Applicant's utility customers at the time of such delivery, of such quantities of gas as Applicant's utility customers may desire to have stored for their respective accounts;

(2) The delivery to Storage Company for the account of Natural Gas Pipeline Company of America (Natural) utility customers, and the sale to Natural at the time of such delivery, of such quantities of gas as Natural may request to be stored for the respective accounts of Natural's utility customers;

(3) The receipt from Storage Company and the delivery to the utility customers of Applicant, for the account of Storage Company, of the equivalent volumes of gas owned by each such customer in storage.

(4) The receipt from Storage Company and delivery to Natural of volumes of gas equivalent to those volumes of gas owned by Storage Company's utility customers and delivered by Natural to such utility customers of Storage Company;

(5) The sale and delivery to Storage Company of such quantities of gas as Applicant's utility customers make available for use by Storage Company as cushion and operational gas;

(6) The sale and delivery to Storage Company of such quantity of gas as Natural's utility customers make available for use by Storage Company as cushion and operational gas.

The application recites that in its Opinion No. 236 issued on September 11, 1952, in Docket No. G-1757, in which proceedings a certificate of public convenience and necessity was issued to Storage Company authorizing the acquisition, construction and operation of facilities for the underground storage of natural gas for the benefit of gas distributing customers of Natural and Applicant, the Commission noted (footnote 2) that Applicant had not yet obtained authorization to sell and deliver to Storage Company the base storage or cushion gas necessary for development of the proposed storage project, and that (footnote 3) Applicant and Natural had not as yet obtained authorization to sell and deliver storage gas to their utility cus-

tomers under the plan of marketing as there proposed.

The application further states that one of the conditions attached to the issuance of said certificate in Docket No. G-1757 was that Storage Company "shall submit within 30 days from the issuance" of said order a definite plan of financing, together with the requisite commitments, satisfactory to the Commission; that a plan of financing was submitted by Storage Company to the Commission pursuant to such condition, and that by letter dated November 18, 1952, Storage Company was advised by the Commission that such plan of financing was considered satisfactory.

The application further recites, among other things, that said plan of financing contemplates that Storage Company will operate the storage facilities for customers of Applicant and Natural, and that title to the top storage gas so stored will be in such customers as may purchase natural gas from either of the pipeline companies for storage and who enter into a Service Agreement with Storage Company for such service. According to the application, title to the top storage gas will be in the pipeline companies instead of in the pipeline companies as originally proposed.

The application further states that Storage Company has, concurrently with the filing of the instant application and by reason of the proposed operations, made application for modification of the certificate issued by the Commission in Docket No. G-1757.

The application further states that concurrently with the filing of the instant application, Natural has filed an application for a certificate of public convenience authorizing Natural, with respect only to the quantity of gas available to Natural from Texas Illinois pursuant to the orders of the Commission issued in Docket Nos. G-1246 and G-1477, to (1) deliver to Storage Company through the facilities of Texas Illinois for the respective accounts of Natural's utility customers, and to sell to Natural's customers at the time of such delivery such quantities of gas for storage as each of such utility customers of Natural may direct; (2) authorize Natural to make available to Texas Illinois such quantities of gas as Natural's utility customers make available to it for delivery and sale by Texas Illinois to Storage Company for use by the latter as cushion and operational gas; and (3) authorizing Natural to deliver to Natural's utility customers the equivalent of those quantities of gas owned by such utility customers and in storage.

The total over-all estimated cost of construction of the proposed facilities is \$17,998 which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.[F. R. Doc. 52-13751; Filed, Dec. 31, 1952;
8:47 a. m.]

¹On November 21, 1952, in Docket No. G-2092, Texas Illinois filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the same facilities. On December 8, 1952, Texas Illinois filed a notice of withdrawal of said application requesting that such withdrawal be permitted to become effective forthwith. By order dated December 22, 1952, the Commission permitted the withdrawal of said application filed in Docket No. G-2092.

[Docket No. G-2099]

NATURAL GAS PIPELINE COMPANY OF AMERICA

NOTICE OF APPLICATION

DECEMBER 24, 1952.

Take notice that Natural Gas Pipeline Company of America (Applicant or Natural), a Delaware corporation having its principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed, on December 8, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the operations, sale and service described as follows:

- (1) The delivery by Natural to Natural Gas Storage Company of Illinois (Storage Company) through the facilities of Texas Illinois Natural Gas Company (Texas Illinois), for the respective accounts of Natural's utility customers, and the sale to Natural's customers at the time of such delivery, such quantities of gas for storage as each of such utility customers of Natural may direct;
- (2) The making available by Natural to Texas Illinois of such quantities of gas as Natural's utility customers make available to it for delivery and sale by Texas Illinois to Storage Company for use by the latter as cushion and operational gas;
- (3) The delivery by Natural to its utility customers of the equivalent of those quantities of gas owned by such utility customers and in storage.

The application recites that this application is filed concurrently with, and is interdependent with, an application filed by Texas Illinois (Docket No. G-2098), wherein Texas Illinois requests authorization for all of its services to be performed by it as the same relate to the operation of underground natural gas storage facilities of Storage Company, the construction and operation of which storage facilities were authorized by the Commission in its Opinion No. 236 and accompanying order issued September 11, 1952, in Docket No. G-1757, and that Applicant request authorization herein for all of the services to be performed by it, as set forth above, as the same relate to the operation of said underground natural gas storage facilities.

The application directs the Commission's attention to an application filed concurrently with the instant application by Storage Company for modification of the certificate of public convenience and necessity issued to it by the Commission's Opinion No. 236 and accompanying order issued September 11, 1952, in said Docket No. G-1757.

The application further states that no physical facilities are proposed or required to be constructed in connection with the operations, sales and service proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of January 1953. The

application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIE,
Acting Secretary.[F. R. Doc. 52-13752; Filed, Dec. 31, 1952;
8:47 a. m.]

[Docket No. G-2100]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

DECEMBER 24, 1952.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware Corporation having its principal place of business at Shreveport, Louisiana, filed on December 8, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act.

Applicant proposes to sell and deliver for a temporary period to those of its present firm gas customers which have expressed a desire to participate in the offering, quantities of firm gas temporarily available on Applicant's system.

Applicant states that it has immediately available a substantial quantity of firm gas which it had scheduled for sale and delivery to Algonquin Gas Transmission Company (Algonquin), but which Applicant cannot now so sell and deliver or otherwise contract to sell and deliver on a long-term firm basis until final disposition of the application for certificates of public convenience and necessity in Algonquin's reopened Docket No. G-1319, and Applicant's reopened Docket No. G-1012, in which dockets hearings are currently being held.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of January 1953.

[SEAL]

J. H. GUTRIE,
Acting Secretary.[F. R. Doc. 52-13754; Filed, Dec. 31, 1952;
8:48 a. m.]

[Docket No. G-2101]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

DECEMBER 24, 1952.

Take notice that on December 12, 1952, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office in Kansas City, Missouri, filed an application with the Federal Power Commission pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon, commencing September 1, 1953, its natural-gas service to Texas Gas Transmission Corporation (Texas Gas) pursuant to a contract dated as of June 17, 1938, between Applicant and Kentucky Nat-

ural Gas Corporation (predecessor in interest to Texas Gas) as amended, under which service is now being rendered.

Applicant states that under the contract dated as of June 17, 1938, by and between Applicant and Kentucky Natural Gas Corporation (predecessor in interest to Texas Gas), and amendments thereto, Applicant is now, and has been, delivering natural gas to Texas Gas. Applicant's obligation to deliver gas under said contract and amendments thereto (designated as "Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 21 and supplements thereto") is limited to 18,000 Mcf per day, delivery being made at points of interconnection between the facilities of Applicant and those of Texas Gas near Danville, Indiana, and near Montezuma, Indiana.

Applicant further states that said contract dated as of June 17, 1938, by its own terms expires August 31, 1953. The particular reason, Applicant further states, for the proposed discontinuance of service is that Texas Gas has substantially increased its sources of gas supply and has made extensive enlargements of its interstate transportation facilities and has sought new markets and the present or future public convenience does not require that Applicant continue to supply natural gas to Texas Gas after August 31, 1953.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIE,
Acting Secretary.[F. R. Doc. 52-13755; Filed, Dec. 31, 1952;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-196, 59-97, 70-2681]

MISSION OIL CO. ET AL.

ORDER GRANTING APPLICATION FOR EXTENSION OF TIME FOR DISPOSITION OF SUBSIDIARY COMMON STOCKS

DECEMBER 24, 1952.

In the matter of the Mission Oil Company, Southwestern Development Company, and subsidiaries, and Sinclair Oil Corporation, File Nos. 54-196, 59-97; Albert R. Jones, et al., File No. 70-2681.

Sinclair Oil Corporation ("Sinclair"), a registered holding company which is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("act") other than sections 9 (a) (2) and 11 (b), (c) and (e) thereof, having filed an application, requesting an extension of time within which to effect the disposition of the common stocks of Southwestern Development Company ("Southwestern") and Westpan Hydrocarbon Company ("Westpan") provided for in the plan approved by the Commission under section 11 (e) of the act on December 21, 1951; and

Due notice of the filing of said application having been given, and the Commission not having received any request for a hearing in respect of said application within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having examined said application, and having considered the reasons submitted in support thereof, and deeming it appropriate in the public interest and in the interest of investors that the time within which Sinclair shall be required to dispose of the common stocks of Southwestern and Westpan be extended for a period of six months from December 21, 1952:

It is therefore ordered, That the time within which Sinclair shall be required to effect the disposition of the common stocks of Southwestern and Westpan be, and it hereby is, extended for a period of six months from December 21, 1952, and that in all other respects the order of December 21, 1951, approving said plan shall remain in full force and effect.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-13761; Filed, Dec. 31, 1952;
8:50 a. m.]

[File No. 70-2948]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

ORDER APPROVING PLAN AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

DECEMBER 24, 1952.

Wisconsin Electric Power Company ("WEPCO"), a registered holding company and a public utility company, and its non-utility subsidiary, the Milwaukee Electric Railway & Transport Company ("Transport"), having filed a joint application-declaration, and amendments thereto, pursuant to sections 9, 10, and 12 of the act and Rules U-42, 43, 44 and 45 promulgated thereunder, with respect to certain transactions to be effected by Transport and WEPCO in connection with the proposed sale by Transport of its passenger transportation properties and business;

Transport having proposed to sell such properties and business to Milwaukee & Suburban Transport Corporation ("New Transit Company"), a recently organized and unaffiliated company, for a consideration consisting of \$4,000,000 in cash, \$3,000,000 principal amount of 5 percent Secured Promissory Notes, and \$3,000,000 par value of 5 percent Cumulative Preferred Stock of New Transit Company, subject to adjustment as of the closing date;

Transport having proposed in connection with such sale (a) to redeem all the \$3,000,000 principal amount of its presently outstanding first mortgage bonds, which bonds are entirely owned by WEPCO, (b) to purchase from

WEPCO for cash at \$100 per share that number of shares which will approximately equal the excess of its current assets over its current liabilities immediately upon the transfer of the aforementioned properties to New Transit Company, (c) to acquire from WEPCO as a donation that number of shares which upon cancellation will eliminate the earned surplus deficit of Transport resulting from the sale of its passenger transportation properties and the transactions related thereto, and (d) to cancel the shares of its capital stock acquired from WEPCO;

WEPCO having proposed in connection with the aforementioned transactions (a) the sale and donation of shares of Transport's capital stock, as aforesaid, and (b) the surrender to Transport of \$3,000,000 principal amount of the first mortgage bonds of the latter upon redemption thereof;

The application-declaration, as amended, having stated that certain of the proposed transactions are subject to the jurisdiction of, and have been authorized by, the Public Service Commission of Wisconsin;

The application-declaration, as amended, having further stated that no fees or commissions or other remuneration will be paid by Transport in connection with the acquisition of securities of New Transit Company or the sale of its passenger transportation properties to that company, other than legal fees and miscellaneous expenses incident to such transactions;

A hearing having been held with respect to the above proposals at which interested persons were afforded opportunity to be heard; and the Commission having this day issued its findings and opinion herein, and having concluded, among other things, that the transactions proposed by WEPCO and Transport constitute a "plan" within the meaning of section 11 (e) of the act for compliance with section 11 (b) of the act, and deeming it appropriate in the public interest and in the interest of investors and consumers to approve said plan and to grant and to permit to become effective forthwith said joint application-declaration, as amended, subject to the conditions and reservations of jurisdiction noted hereinafter:

It is ordered, Pursuant to the applicable provisions of the act and the rules promulgated thereunder and on the basis of said findings and opinion that said plan be, and hereby is, approved as necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected by said plan, and that said joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that jurisdiction be, and hereby is, reserved over the accounting entries to be made in connection with the proposed transactions and with respect to the reasonableness of the fees and expenses incurred by the companies for services

rendered in connection with such proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-13760; Filed, Dec. 31, 1952;
8:49 a. m.]

[File No. 70-2967]

JOHN FOX

NOTICE OF FILING OF APPLICATION TO ACQUIRE COMMON STOCK OF TWO PUBLIC UTILITY COMPANIES

DECEMBER 24, 1952.

Notice is hereby given that John Fox, a preferred stockholder of Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, has filed an application pursuant to sections 9 and 10 of the act with regard to the transactions therein set forth which are summarized as follows:

On December 15, 1952, the Commission entered its order pursuant to section 11 (e) of the act approving a plan for the liquidation and dissolution of Penn Corp (Holding Company Act Release No. 11600). Said plan provides, inter alia, for the distribution to the holders of the preferred stock of Penn Corp of cash and shares of the common stock of North Penn Gas Company ("North Penn"), a public utility subsidiary of Penn Corp, and of Crystal City Gas Company ("Crystal City"), a public utility subsidiary of North Penn.

John Fox as the owner of shares of the preferred stock of Penn Corp proposes to acquire, upon the consummation of, and pursuant to the provisions of said plan, approximately 251,085 shares of the common stock of North Penn and 8,368 shares of the common stock of Crystal City, representing approximately 56 percent and 19 percent, respectively, of the voting securities of North Penn and Crystal City.

The application contains a commitment by John Fox that within one year from the consummation of the plan he will dispose of the shares of Crystal City, to be acquired by him to non-affiliated interests and, pending such disposition, that he will not vote said shares. This commitment is also made on behalf of the family of John Fox and he has also agreed to use his best efforts to cause his business associates to make a similar disposition of any shares of Crystal City acquired by them and to refrain from voting said shares pending such disposition.

Notice is further given that any interested person may, not later than January 15, 1953, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission,

425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted 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 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-13758; Filed, Dec. 31, 1952;
8:49 a. m.]

[File No. 70-2975]

NARRAGANSETT ELECTRIC CO.

NOTICE REGARDING FILING OF PROPOSED
NOTE ISSUES

DECEMBER 24, 1952.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the Narragansett Electric Company ("Narragansett"), a public-utility subsidiary company of New England Electric System, a registered holding company. Narragansett has designated sections 6 (a) and 7 of the act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

The declaration indicates that Narragansett contemplates that it will have outstanding at December 31, 1952, \$7,950,000 principal amount of unsecured six months promissory notes payable to banks. Narragansett proposes to issue to banks, from time to time but not later than March 31, 1953, additional unsecured six months promissory notes in an aggregate principal amount not in excess of \$4,100,000. Narragansett further proposes that the principal amount of all of its unsecured promissory notes outstanding at any one time prior to March 31, 1953, will not exceed \$8,500,000.

Each of the proposed notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3 1/4 percent per annum at the time any of said additional promissory notes are to be issued, Narragansett will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Narragansett requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

Narragansett will use \$3,550,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay an equal principal amount of outstanding promissory notes maturing on or before March 30, 1953, and will use the remainder of such proceeds for other corporate purposes. Narragansett estimates that its construction expenditures during the first quarter of 1953 will aggregate \$5,954,000. Narragansett states

that its present intention is to issue \$5,000,000 aggregate par value of additional common stock and \$10,000,000 aggregate principal amount of first mortgage bonds during the first quarter of 1953, and the proceeds from such permanent financing will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed \$900. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Narragansett requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than January 9, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declaration, as filed or as amended, may be 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 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-13759; Filed, Dec. 31, 1952;
8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 14]

PREGNANT MARES' URINE

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission to be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m. on January 27, 1953 in the investigation with respect to pregnant mares' urine and estrogenic substances obtained or derived therefrom instituted on April 16, 1952, under section 7 of the Trade Agreement Extension Act of 1951 (17 F. R. 3568).

Request to appear: Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Wash-

ington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 30th day of December 1952.

Issued: December 30, 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-13799; Filed, Dec. 31, 1952;
10:09 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27660]

BLACKSTRAP MOLASSES FROM FLORIDA TO
KENTUCKY AND WEST VIRGINIA

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Blackstrap molasses, in tank-car loads.

From: Clewiston, Canal Point, South Bay and Jacksonville, Fla.

To: Catlettsburg, Ky., Huntington and Kenova, W. Va.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1296, suppl. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13694; Filed, Dec. 30, 1952;
8:49 a. m.]

[4th Sec. Application 27661]

LUMBER FROM NORTH PACIFIC COAST TERRITORY TO WICHITA FALLS, TEX.

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber, and related articles, carloads.

From: North Pacific Coast territory.

To: Wichita Falls, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: C. J. Hennings, Alt. Agent, ICC No. 1474, suppl. 203.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13695; Filed, Dec. 30, 1952;
8:49 a. m.]

[4th Sec. Application 27662]

SAND AND GRAVEL FROM MARION, ALA., TO
DOSAGA, GA.

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company, Southern Railway Company and Western Railway of Alabama.

Commodities involved: Sand and gravel, carloads.

From: Marion, Ala.

To: Dosaga, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary

before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13696; Filed, Dec. 30, 1952;
8:49 a. m.]

[4th Sec. Application 27663]

AUTOMOBILES FROM ST. LOUIS, MO., TO
ARKANSAS, MISSISSIPPI, AND LOUISIANA

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1118, pursuant to fourth section order No. 16101.

Commodities involved: Automobiles, carloads.

From: St. Louis, Mo.

To: Helena, Ark., Natchez, Miss., and Baton Rouge, Gramercy, Kenner, La Place and New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13697; Filed, Dec. 30, 1952;
8:49 a. m.]

[4th Sec. Application 27665]

SAND FROM STANDARD PIT, IND., TO
GOREVILLE, ILL.

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the

Chicago and Eastern Illinois Railroad Company.

Commodities involved: Sand, carloads.

From: Standard Pit, Ind.

To: Goreville, Ill.

Grounds for relief: Competition with motor carriers, wayside pit competition.

Schedules filed containing proposed rates: C. & E. I. R. R. Co., tariff ICC No. 144, suppl. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13699; Filed, Dec. 30, 1952;
8:50 a. m.]

[4th Sec. Application 27666]

PETROLEUM PRODUCTS FROM MID-CONTINENT FIELD TO OHIO RIVER CROSSINGS

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum products and related articles, carloads.

From: Points in southwest, Kansas City, Mo.-Kans., and points in Kansas.

To: Cincinnati, Ohio, Evansville, Ind., and Louisville, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3651, suppl. 305.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emer-

agency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13700; Filed, Dec. 30, 1952;
8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19099]

ALBERT GOODMAN

In re: Estate of Albert Goodman, deceased. File No. D-28-13130.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mia Wolff Fischer, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: The sum of \$500.00 with all accretions thereto and interest thereon in the possession, custody or under the control of John C. Leggat, First Judge of Probate, Middlesex County, Massachusetts, being the sum bequeathed to Mia Wolff Fischer by the will of Albert Goodman, deceased, and deposited in Account No. 104910, with East Cambridge Savings Bank, East Cambridge, Massachusetts, in the name of John C. Leggat, First Judge of Probate, Trustee for Mia Wolff Fischer, Estate of Albert Goodman,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the person named in subparagraph 1 hereof, a national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13775; Filed, Dec. 31, 1952;
8:53 a. m.]

[Vesting Order 19100]

ALTE LEIPZIGER LEBENSVERSICHERUNGS

In re: Debts owing to Alte Leipziger Lebensversicherungs, F-28-4322; D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Alte Leipziger Lebensversicherungs, the last known address of which is Leipzig, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured and unmatured, evidenced by twenty-five (25) City of Philadelphia 4 1/4 percent bonds issued to mature December 2, 1979, callable 1949, of the ordinance September 22, 1924, of \$1,000.00 face value each, being numbered 6/30, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alte Leipziger Lebensversicherungs, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13776; Filed, Dec. 31, 1952;
8:53 a. m.]

[Vesting Order 19101]

WALTER M. RUMMEL

In re: Claim owned by and debt owing to Walter M. Rummel also known as Walter Morse Rummel. F-7-1747.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Walter M. Rummel, also known as Walter Morse Rummel, is a citizen of Germany who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Any and all rights and interests in, to and under New York Title & Mortgage Company Claim No. 37558, in the amount of \$172.63, together with any and all dividend payments thereon, and any payments on Principal, and

b. That certain debt or other obligation of the United States Trust Company of New York, 45 Wall Street, New York 5, New York, arising out of a cash account in the name of Walter M. Rummel, numbered 458220, maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Walter M. Rummel, also known as Walter Morse Rummel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person

referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13777; Filed, Dec. 31, 1952;
8:53 a. m.]

[Vesting Order 19102]

WILHELM R. WETZER

In re: Securities owned by Wilhelm R. Wetzer. F-28-31191.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Ex-

ecutive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm R. Wetzer, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) Hungarian Consolidated Municipal Loan, 20 Year 7½ percent Secured Sinking Fund Gold bond due July 1, 1945, numbered M 4676, and of \$1,000.00 face value, said bond presently in the custody of the American Security & Trust Company, Washington, D. C., together with any and all rights thereunder and thereto,

b. Two (2) Kingdom of Bulgaria 7 percent Settlement Loan, 1926 Issue of Dollar bonds due January 1, 1967, numbered D 092 and D 093, and of \$500.00 face value each, said bonds presently in the custody of the American Security & Trust Company, Washington, D. C., together with any and all rights thereunder and thereto,

c. Two (2) German Government International 5½ percent Loan of 1930 Gold bonds, due June 1, 1965, numbered C 29217 and C 94862, and of \$1,000.00 face value each, said bonds presently in the custody of the American Security & Trust Company, Washington, D. C., together with any and all rights thereunder and thereto, and

d. One (1) Kingdom of Bulgaria 7½ percent Stabilization Loan, 1928 Issue of Dollar bonds, due November 15, 1968, numbered M 4792, and of \$1,000.00 face value, said bond presently in the custody of the American Security & Trust

Company, Washington, D. C., together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm R. Wetzer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended,

Executed at Washington, D. C., on December 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13778; Filed, Dec. 31, 1952;
8:53 a. m.]