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TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 54-3]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—DETAILED REGULATIONS GOVERNING THE TRANSPORTATION OF MILITARY EXPLOSIVES ON BOARD VESSELS¹

The regulations governing the transportation of military explosives on board vessels are prescribed in lieu of the basic regulations governing commercial transportation of explosives by domestic and foreign vessels. Military explosives consist of all Interstate Commerce Commission's Classes A, B, and C explosives shipped by, for, or to the Department of the Army, the Navy, or the Air Force of the United States, or similar types of explosives shipped by, for, or to the government of any country whose defense is deemed vital to the defense of the United States. The regulations in this document do not apply to explosives which are shipped by, to, or for any private, commercial, or State organization or group.

The regulations governing the transportation of military explosives on board vessels were originally prescribed in order to facilitate the prosecution of World War II in the loading and transportation of military explosives and were published in 1943. The first revision was issued in August 1945. In July 1952 these regulations, with minor amendments, were continued in effect for the duration of the National Emergency proclaimed by the President on December 16, 1950 (Proc. 2914, 3 CFR 1950 Supp.), unless sooner canceled or suspended by proper authority.

In 1952 the Commandant, United States Coast Guard, called a conference to consider a revision of these regula-

tions governing the transportation of military explosives, and representatives of the Army, the Navy, and civilian authorities concerned with the transportation of military explosives participated therein. At a series of meetings they considered the proposed second revision of the regulations governing transportation of military explosives on board vessels. The final meeting was held on October 7, 8, and 9, 1953, with authorized representatives from the Office of the Chief of Transportation and the Office of the Chief of Ordnance of the Department of the Army, Washington, D. C.; Headquarters, Chemical Corps Materiel Command, Baltimore, Maryland; Office of the Chief of Naval Operations, Military Sea Transportation Service, and Bureau of Ordnance of the Department of the Navy, Washington, D. C.; U. S. Navy Ammunition Depot Earle, Red Bank, New Jersey; Bureau of Explosives, New York, New York; and National Cargo Bureau, Inc., New York, New York. After this meeting a draft of the second revision, containing final changes determined necessary, was sent to the Government agencies and organizations represented at the conference for concurrence prior to final approval and publication. All parties concerned are in favor of this second revision of the regulations as set forth in this document.

The purpose of the regulations in this part is to provide requirements governing the transportation of military explosives as cargo on board all domestic and foreign vessels subject to the provisions of R. S. 4472, as amended (46 U. S. C. 170), which apply in lieu of the requirements governing commercial shipments of explosives.

The changes in the detailed regulations governing the transportation of military explosives are for the most part editorial in nature or relaxations found possible through experience and practice in the loading and handling of military explosives.

This second revision of the regulations governing military explosives changes the requirements as follows:

a. Rearranges material in order to have better continuity of subject matter and

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¹ Center heading is amended.



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to provide a clearer presentation of subject matter.

b. Authorizes the use of improved types and methods of packaging various items of military explosives which will reduce the amount of dunnage required for ammunition stowage. This change will not increase the hazard but will reduce the cost of stowing certain classes of military explosives.

c. Revises and brings up to date the classification, handling, and stowage chart. This chart covers new items of military explosives, reclassifies certain

items that have been modified in construction, and changes required markings to agree with markings and labeling requirements of the Interstate Commerce Commission, where practicable. The changes in this chart should reduce the number of man hours required to prepare a proper stowage plan for loading military explosives as cargo on board a vessel.

d. Clarifies the requirements regarding screening of smoke pipes and stacks.

e. Adds safety requirements regarding stowage of explosives adjacent to personal and household effects and mail.

The regulations designated 46 CFR 146.29-1 to 146.29-100, inclusive, were rearranged and renumbered in order to have a better continuity of subject matter and to allow for future expansion if necessary. The major new requirements are set forth in 46 CFR 146.29-25, 146.29-29, 146.29-55, 146.29-83, 146.29-99, and 146.29-100. The two tables below set forth a comparison of old section numbers with new section numbers and the new section numbers with the old section numbers:

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It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act and R. S. 4472, as amended (5 U. S. C. 1003; 46 U. S. C. 170), is impracticable and contrary to the public interest. The regulations governing the transportation of military explosives are the results of conferences between the various agencies of the Federal Government and organizations primarily concerned with the transportation of military explosives. The second revision as set forth in this document for the most part effects editorial changes or removes unnecessary restrictions. Any person who may feel aggrieved by the promulgation of the regulations set forth in this document may appeal to the Commandant, (CMC), United States Coast Guard, Washington 25, D. C., in writing within thirty days from the date of publication of this document in the FEDERAL REGISTER. The written appeal shall be presented in triplicate and shall include the section

number, text of regulation objected to, the reason or basis (if any) for the objection, the text of a proposed regulation recommended, and the name, business firm or organization (if any), and the address of the appellant.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on and after May 15, 1954:

1. The center heading following § 146.28-22 "Subpart—Transportation of Military Explosives on Board Vessels During National Emergency or War" is changed to read "Subpart—Detailed Regulations Governing the Transportation of Military Explosives on Board Vessels."

2. Sections 146.29-1 to 146.29-100, inclusive, are amended to read as follows:

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146.29-3	Scope.
146.29-5	Regulations not applicable.
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146.29-93	Stowage of blasting caps, detonators, primer detonators, etc.
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146.29-97	Statements of characteristic properties and hazards.
146.29-99	Explosives admixture chart.
146.29-100	Classification, handling and stowage chart.

AUTHORITY: §§ 146.29-1 to 146.29-100 issued under R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 146.29-1 *Effective date.* The regulations in this subpart will become effective on and after May 15, 1954.

§ 146.29-3 *Scope.* (a) The provisions of the regulations contained in this subpart apply to the transportation of military explosives, as cargo, on board all vessels that are subject to the regulations in this part.

(b) Commercial shipments of explosives shall be tendered and transported in compliance with the applicable provisions of the regulations contained in the other subparts of this part.

(c) Where reference is made to other dangerous articles in this subpart, the regulations contained in §§ 146.02-1 to 146.27-100, inclusive, are applicable except as noted in § 146.29-5.

§ 146.29-5 *Regulations not applicable.* Sections 146.02-11, 146.02-21, 146.03-3, 146.06-9, 146.06-19, 146.09-1 to 146.09-6, inclusive, 146.10-6 (b), 146.20-15 to 146.20-51, inclusive, 146.20-85, 146.20-87, 146.20-90, 146.20-100 to 146.20-300, inclusive, 146.23-10 (d), 146.23-25 (a), (b) and (c); 146.24-55, the entries "Chemical ammunition containing Class 'A' poisons, liquids or gases," "chemical ammunition containing Class 'B' poisons, liquids or gases," and "chemical ammunition containing Class 'C' liquids, gases or solids" appearing in §§ 146.25-100, 146.25-200, and 146.25-300; 146.27-5 to 146.27-20, inclusive, and 146.27-100 are hereby declared inapplicable to the transportation of military explosives.

§ 146.29-7 *Port security regulations.* The applicable provisions of 33 CFR Parts 6, and 121 to 126, inclusive, shall, unless specifically authorized to the contrary by any provision of this subpart, be complied with by vessels, masters, agents, or charterers thereof and by all persons engaged in handling, loading, stowing or unloading explosives.

§ 146.29-9 *Import shipments.* Import shipments of military explosives shall be made in accordance with the provisions of the regulations in this subpart.

§ 146.29-11 *Definitions and abbreviations.* For the purpose of the regulations in this subpart, military explosives are defined as follows:

(a) *Military explosives.* Military explosives consist of all Interstate Commerce Commission's Classes A, B, and

C explosives shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States or similar types of explosives shipped by, for, or to the government of any country whose defense is deemed vital to the defense of the United States. These explosives are divided into two classes, as follows:

(1) *Ammunition.* Ammunition consists of all types of shells, projectiles, cartridges, grenades, bombs, mines, torpedoes, torpedo warheads, propellant powder charges, pyrotechnics, rockets, chemical, smoke or incendiary ammunition, or other "made up" explosive devices that are utilized by the armed forces in the prosecution of a war.

(2) *Explosives in bulk.* Explosives in bulk consist of any high explosives, black powder, and low explosives or smokeless powder in accordance with the definitions in §§ 146.20-1, 146.20-7, and 146.20-9, when such substances are shipped in containers other than containers such as shells, bombs, grenades, mines, torpedoes, powder bags in individual containers, cartridges, fuzes, detonators, caps, primers, and similar "made up" ammunition devices.

(b) *Related terms.* (1) *Complete round.* A complete round of "cannon ammunition," "artillery ammunition" or "gun ammunition" includes ammunition used in cannon or gun of caliber .75 in. and above. It includes complete round with components. The complete round comprises all of the components necessary to fire the cannon or gun once. These components are, in general, the projectile (fuzed or unfuzed), the propellant charge and the primer. Depending upon both the type of propellant charge and the method of loading of components into the cannon, complete round of "cannon ammunition," "artillery ammunition" or "gun ammunition" are described as fixed, semi-fixed or separate loading ammunition.

(2) *Fixed ammunition.* Fixed ammunition describes "cannon ammunition," "artillery ammunition" or "gun ammunition" of the type comprising a cartridge case with primer, a propellant charge and a projectile (fuzed or unfuzed) all of these components being assembled as a unit for one firing.

(3) *Semi-fixed ammunition (Army).* Complete rounds composed of a projectile (fuzed) and a cartridge case with a primer and propellant charge which is in a cloth bag or bags of small size. The base of the projectile fits free in the neck of the cartridge case and may be readily detached from the cartridge case. The round is loaded into the cannon with the projectile assembled to the cartridge case and is handled similarly to fixed ammunition in loading. It may be packed with the projectile disassembled from the cartridge case containing the propellant. The projectile is usually assembled loosely in the cartridge case and is packed in the same individual container.

(4) *Semi-fixed ammunition (Navy).* Semi-fixed ammunition is ammunition in which the primer and the propellant charge are firmly secured in the cartridge case with the projectile separate from the cartridge case. The propellant charge is loaded loosely in the cartridge

case, differing in this respect from that of the Army which is loaded in a bag. The end of the cartridge case is sealed with a prepared plug or disc which is fired with the powder and is usually shipped stowed in a metal tank. The projectile is shipped separate. The U. S. Army may refer to this ammunition as separate loading ammunition.

(5) *Separate loading ammunition.* Complete rounds in which the separate components—projectile, propellant charge and primer—are loaded into the cannon or gun separately are known as "separate loading ammunition." Although the propellant charge may be in one section, it is usually divided into parts with each part assembled in a bag packed in outside shipping containers which may be of wood, fiber or metal.

(6) *Definitions of other dangerous articles.* For definitions of:

(i) Inflammable liquids, see §§ 146.21-1 and 146.21-5.

(ii) Inflammable solids and oxidizing materials, see § 146.22-1.

(iii) Corrosive liquids, see § 146.23-1.

(iv) Compressed gases, see §§ 146.24-1 and 146.24-5.

(v) Poisons, Class A, see § 146.25-5; Class B, see § 146.25-10; Class C, see § 146.25-15; Class D, see § 146.25-20.

(vi) Combustible liquids, see § 146.26-1.

(vii) Hazardous articles, see § 146.27-1.

(7) *Cargo hold.* A cargo hold is a space allotted entirely to the carriage of cargo and is bounded by permanent steel bulkheads, decks and the shell of the vessel; the deck openings being provided with means of effectively closing the hold against the weather, and in the case of superimposed holds, effectively closing off each hold.

(8) *Tween deck hold.* A tween deck hold is a space located between the weather deck and the lower hold.

(9) *Hatch.* An opening in the weather deck and all decks below in the same vertical plane through which cargo, etc. is passed. This term is also used in the regulations in this subpart to designate the entire series of holds served through one weather deck hatch.

(10) *Compartment.* A compartment is any space formed by permanent steel bulkheads and the ship's side and decks. The limits of a compartment are determined by the integrity of the bulkheads, shell or decks forming its boundaries. Access openings fitted with doors, hatch covers (steel or wood) or bolted plates are accepted as preserving the integrity of deck, bulkhead or shell.

(11) *Shelter deck space.* A shelter deck space is a space available for cargo situated above the uppermost complete continuous deck (main deck) and the deck next above. Normally this space contains no permanent watertight transverse bulkheads except at its forward and aft extremities.

(12) *Adjacent hold; hold adjacent.* Any hold which has as one of its boundaries a permanent steel bulkhead that is common, either partially or in its entirety, to another hold shall be termed "adjacent hold" or hold "adjacent" to the focal hold. This shall not be construed as meaning a hold above or a hold

below said hold nor shall it include a hold that is situated diagonally from said hold and has only a corner as a common boundary.

(13) *The hold above.* "The hold above" shall be a hold immediately above another hold having its deck, either partially or in its entirety, common to the overhead of the hold below.

(14) *Any hold above.* "Any hold above" shall mean any hold that is partially or entirely in the same vertical plane over another hold even though there may be a hold or holds intervening.

(15) *The hold below.* "The hold below" shall be a hold immediately below another hold having its overhead, either partially or in its entirety, common to the deck of the hold above.

(16) *Any hold below.* "Any hold below" shall mean any hold that is partially or entirely in the same vertical plane under another hold even though there may be a hold or holds intervening.

(17) *Cargo net.* A cargo net is a net made of fiber rope and used as a means of handling loose or package cargo to and from the hold of a vessel.

(18) *Tray.* A tray is any flat group of boards securely fastened to bearers in order to provide a level surface for the loading of cargo. Trays are given various names, those applied in some ports differing from those in other ports, according to (i) shape, (ii) method of securing to cargo handling gear, or (iii) use or lack of sideboards in conjunction with the tray.

(19) *Skipboard.* A skipboard is the term generally applied to a rectangular or square tray without sideboards.

(20) *Pieplate.* A pieplate is the term generally applied to a round, oval or hexagonal tray without sideboards.

(21) *Pallet.* A pallet is a tray so designed as to be picked up by a fork truck or similar cargo handling equipment. Pallets are not usually equipped with sideboards.

(22) *Palletized unit.* Individual packages or unpackaged items stowed in a compact mass upon a pallet or skids and banded together and to the pallet or skids by metal straps to form a unit consisting of pallet and packages.

(23) *Dunnage.* Lumber of not less than 1-inch commercial thickness laid over tank tops, decks or against bulkheads, frames, plating, ladders, etc., or used for filling up voids, or fitted around the cargo for the purpose of preventing damage during transportation.

(24) *Type "A" dunnage floor.* A type "A" dunnage floor shall be constructed of two layers of commercial 1-inch dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt, the top course being laid crosswise to the lower course, or of a single layer of 2-inch lumber of widths not less than 6 inches fitted as close as possible edge to edge, and butt to butt.

(25) *Type "B" dunnage floor.* A type "B" dunnage floor shall be constructed of one layer of commercial 1-inch thick dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt.

(26) *Partition bulkhead.* A partition bulkhead is a temporary bulkhead constructed of commercial 1-inch lum-

ber of widths not less than 4 inches, secured alternately on both sides of the uprights and spaced not more than 6 inches apart. The uprights are at least 2" x 4" size, spaced not more than 30 inches apart.

(27) *Division bulkhead.* (i) When part of a compartment or hold is utilized for the stowage of military explosives, the remaining portion of such compartment or hold may be utilized for the stowage of general cargo provided a temporary wooden bulkhead is constructed in the compartment or hold to completely divide and protect the stowage of military explosives from the general cargo. The scantlings and construction of such bulkheads shall be as follows: For tween deck compartments or holds construction shall be of commercial 2-inch boarding, secured on 4" x 6" uprights spaced not to exceed 30 inches center to center. For lower holds construction shall be of commercial 2-inch boarding secured on 6" x 6" uprights, spaced not more than 24 inches center to center. Random widths of boarding may be used. The boarding shall be close fitted edge to edge and butt to butt to form a smooth surface facing the explosive stowage. Nails shall not protrude beyond the surface of the boarding.

(ii) See § 146.29-81 (e) for construction of a partition bulkhead within a Class "A" magazine measuring more than 40 feet in any direction.

(iii) When general cargo is to be stowed adjacent to the exterior of the Class "A" magazine see § 146.29-61 (b).

(28) *Shoring.* Shoring is a method of securing cargo against movement sideways or downward. In this subpart it describes the use of timbers fitted vertically or at an angle to the side of the stowage. It may also describe the use of timber to support a stowage from moving downward.

(29) *Tomming.* Tomming is a method of securing cargo against displacement of movement upwardly. In this subpart it describes the use of timber fitted horizontally or at an angle to the top of the stowage.

(30) *Tween deck height.* (i) For the purpose of load calculations the height of a tween deck is ascertained by measuring the distance from the heel of the overhead deck beam to the heel of the underdeck beam. (The thickness of the plating forming the deck is not deducted from the height.)

(ii) For height of a tween-deck affected by the sheer of a deck measure as above at both the forward and after ends of the hold and divide the sum of these heights by two.

(c) Abbreviations.

AA	Anti-aircraft.
AAC	Anti-aircraft common.
AACom	Anti-aircraft common.
AC	Aircraft cannon.
AC	Hydrocyanic acid.
A. C. E. I. S.	Aircraft emergency identification signals.
A. D. P.	Auxiliary detonating fuze.
AIO	Ammunition identification code (Army).
ALN	Ammunition lot number.
Amm	Ammunition.
Ammo	Ammunition.
AMSO	Ammunition shipping order.
AP	Armor-piercing.

APC ----- Armor-piercing capped.
 APT ----- Armor-piercing tracer.
 ASSEM ----- Assembled.
 AT ----- Anti-tank.
 Aux ----- Auxiliary.
 Aux Det ----- Auxiliary detonating fuze.
 BBC ----- Brombenzylcyanide (tear gas).
 BC ----- Bursting charge.
 BD ----- Base detonating.
 BDP ----- Base detonating fuze.
 BIP ----- Base ignition fuze.
 BL and P ----- Blind loaded and plugged.
 BL and T ----- Blind loaded and tracer.
 B/L ----- Bill of lading.
 BOSO ----- Bureau of Ordnance shipment order.
 BP ----- Black powder.
 BUORD ----- Bureau of Ordnance.
 BUR CHG ----- Bursting charge.
 CAL ----- Caliber.
 CCIP ----- Case combination ignition primer.
 CHG ----- Charge.
 CG ----- Phosgene.
 CK ----- Cyanogen chloride.
 CL ----- Chlorine.
 Cml-C ----- Chemical Corps.
 CNS ----- Chloracetophenone solution (tear gas).
 COM ----- Common.
 CPI ----- Case percussion igniter.
 CPP ----- Case percussion primer.
 CT-TNT ----- Case TNT.
 D ----- Explosive "D" (ammonium picrate).
 DA ----- Diphenylchloroarsine.
 DC ----- Depth charge.
 DDR ----- Dummy drill.
 DEMO ----- Demolition.
 DM ----- Adamsite (sneeze gas).
 DNT ----- Dinitrotoluene.
 DP ----- Diposgene.
 EX ----- Experimental.
 EXP ----- Expellant or explosive.
 EXP "D" ----- Explosive "D".
 F ----- Fuze.
 FC ----- Full charge.
 FPAR ----- Folding fin aircraft rocket.
 FFFG ----- Fine fine fine grain (black powder).
 FFG ----- Fine fine grain (black powder).
 FG ----- Fine grain (black powder).
 FNH ----- Flashless, nonhygroscopic.
 FP ----- Flashless pellets.
 FRAG ----- Fragmentation.
 FM ----- FM smoke mix (titanium tetrachloride).
 FS ----- FS smoke mix (sulfur trioxide).
 GP ----- General purpose.
 H ----- Mustard gas.
 HBX ----- Desensitized torpex.
 HC ----- High capacity.
 HC ----- Hexachlorethane mixture (smoke).
 HE ----- High explosive.
 HEAT ----- High explosive anti-tank.
 HEI ----- High explosive incendiary.
 HEIT ----- High explosive incendiary tracer.
 HET ----- High explosive tracer.
 HPAG ----- High performance air to ground (rocket).
 HN ----- Nitrogen mustard gas.
 HVAR ----- High velocity aircraft rocket.
 ICC ----- Interstate Commerce Commission.
 ILLUM ----- Illuminating.
 IM ----- Thickened gasoline.
 IN ----- Inert.
 INCEND ----- Incendiary.
 L ----- Lewisite.
 LC ----- Light case.
 LE ----- Low explosive.
 L and F ----- Loaded and fused.
 L and P ----- Loaded and plugged.
 M ----- Model (Army).
 Maj Cal ----- Major caliber.
 MCB ----- Major caliber base detonating.
 MG ----- Magnesium.

MK ----- Mark.
 MM ----- Millimeter.
 MIN CAL ----- Minor caliber.
 Mod ----- Modification.
 MTF ----- Mechanical time fuze.
 NC ----- Nitrocellulose.
 NF ----- Nose fuze.
 NH ----- Non-hygroscopic.
 NP ----- Thickened gasoline.
 O/H ----- Overhauled.
 ORD ----- Ordnance.
 PD ----- Point detonating.
 PDF ----- Point detonating fuze.
 PENT ----- Pentolite.
 PERC ----- Percussion.
 PRAC ----- Practice.
 PRI ----- Primer.
 PROJ ----- Projectile.
 PS ----- Chlorpicrin.
 PT ----- Thickened fuel.
 PWP ----- Plasticized white phosphorus.
 RD ----- Round.
 SA ----- Small arms.
 SAP ----- Semi-armor piercing.
 SCAR ----- Sub-caliber aircraft rocket.
 SEIS ----- Ships' emergency identification signals.
 SF ----- Semi-fixed.
 SP ----- Smokeless powder.
 SQ ----- Super quick.
 T ----- Tentative model designation.
 TET ----- Tetra (trinitrophenylmethyl nitramine).
 TF ----- Time fuze.
 TH ----- Thermate or Thermit.
 TNT ----- Trinitrotoluene.
 TPX ----- Torpex.
 VT ----- Variable time (Proximity) (VT).
 w ----- with.
 w/o ----- without.
 WP ----- White phosphorus.

§ 146.29-13 *Permit for handling military explosives.* (a) Shipments of military explosives or military lethal chemicals shall not be laden on nor discharged from any vessel at any port or place in the United States, its territories or possessions (not including the Panama Canal Zone) until authorization has been obtained by the owner, agent, charterer, master, or person in charge of the vessel from the District Commander of the U. S. Coast Guard, Captain of the Port, or other officer designated by the District Commander.

(b) Before a permit is issued authorizing the loading or discharging of military explosives or military lethal chemicals in accordance with paragraph (a) of this section, the permittee shall file a written application for a permit authorizing the loading or discharging. When filed, the application for loading shall be accompanied by a preliminary manifest of all explosives or other dangerous articles comprising the cargo of the vessel together with a preliminary cargo stowage plan showing the proposed stowage of all such cargo. Changes in final stowage from that shown in the preliminary cargo stowage plan may be made upon approval of the issuing officer.

§ 146.29-15 *Authority to load, handle or discharge; facilities and use.* (a) Military explosives shall not be handled, stored, stowed, loaded on, or discharged from a vessel except at one of the following:

(1) Explosives anchorages; areas upon the navigable waters that are designated explosives anchorages under the applicable provisions Title 33 CFR Part 202 (Anchorage Regulations) within which a vessel may anchor or moor to handle,

store, stow, load, or discharge explosives as cargo.

(2) Waterfront facilities approved by the Captain of the Port or District Commander as explosives loading piers to which a vessel may moor to handle, store, stow, load, or discharge military explosives as cargo.

(3) Waterfront facilities approved by the Captain of the Port or District Commander as ammunition loading piers to which a vessel may moor to handle, store, stow, load, or discharge ammunition as cargo except the following classes: II-A, IX-A, IX-B, IX-C, X, XI-A and XI-B.

(4) The Captain of the Port or District Commander may designate a temporary location for a specific loading of Class XI-A and Class XI-B ammunition.

(b) A vessel, subject to the regulations in this part, may load or discharge military explosives at any Army or Navy depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy, or Army, provided a permit authorizing such loading has been granted by the Captain of the Port. (See §§ 146.29-19 and 146.29-21.)

(c) In an emergency arising by reason of military necessity or casualty, a vessel may upon authorization by a Captain of the Port, load or discharge military explosives in any location authorized by said Captain of the Port.

§ 146.29-17 *Prohibited explosives.* (a) Explosives prohibited by subsection 3 of R. S. 4472, as amended (46 U. S. C. 170) (fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167 degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives) shall not be accepted by any vessel.

(b) A passenger vessel shall not accept any Class A or Class B military explosives for transportation as cargo.

§ 146.29-19 *Explosives loading supervisory detail.* (a) There may be assigned to every vessel, subject to the regulations in this part, loading, handling, or discharging military explosives at an explosives anchorage or waterfront facility as may be approved by the Captain of the Port or the District Commander for the loading or unloading of military explosives, a Coast Guard detail to supervise such loading, handling or discharging. The owners, agents, charterers, masters or persons in charge of the vessel and all persons engaged in the handling, loading and stowage of the military explosives shall obey all orders, oral or written, that are given by the person in charge of such assigned detail.

(b) A vessel, subject to the regulations in this part, loading, handling, or discharging military explosives at a Navy or Army depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy or Army shall apply to the Captain of the Port for a permit for such loading, handling or discharging. A Coast Guard detail may be assigned to such a vessel unless the Commanding Officer of

such Navy or Army facility declines the detail.

§ 146.29-21 Personnel identification. The provisions of this section shall apply to vessels loading, handling or discharging military explosives in accordance with the provisions of § 146.29-19 (a).

(a) No person shall enter upon a vessel loading, handling, or discharging military explosives unless such person first identifies himself to the satisfaction of the Coast Guard detail.

(b) Every person who is permitted to enter into a magazine or a hold or compartment of a vessel wherein military explosives are being handled or stowed shall provide the Coast Guard representative with his name and address and the name and address of the firm employing him, furnishing satisfactory identification to substantiate such information.

(c) A person who, for any reason, is requested to leave a vessel loading, handling or discharging military explosives by the person in charge of the Coast Guard detail shall immediately obey the request and not return until permission is granted.

§ 146.29-23 Ship's officer present.

(a) During the entire operation involving the building of a magazine, the preparation of holds, and the actual handling and stowage of military explosives, it shall be the responsibility of the master of the vessel to assign a deck officer of the vessel who shall be in constant attendance. It shall be this officer's responsibility to see that the provisions of the regulations in this part, insofar as such provisions apply to the vessel, are complied with.

(b) It shall be this officer's further responsibility at the end of the work shift to see that all means of access to the partially loaded holds are closed off in such a manner as to provide the maximum safety and protection for the explosives stowed within the hold.

§ 146.29-25 Fires and fire protection. (a) No unnecessary fire shall be permitted on a dock, lighter, or vessel while loading, handling, or discharging military explosives.

(b) Every fire deemed necessary must be properly safeguarded and for the entire period of cargo transfer shall be in constant charge of a competent person assigned for that purpose by the master or by the person in charge of the vessel or by the person in charge of the dock.

(c) (1) Every vessel engaged in the handling and transfer of military explosives and equipped with means for power, heating, cooking, or lighting involving use of smoke pipes or stacks shall have such smoke pipes and/or stacks protected by spark screens. For the purpose of screening smoke pipes, vessels shall be divided into two categories. Large or ocean vessels shall have their main smoke pipes protected by screens of not larger than 2 x 2 mesh and small or inland vessels and small or auxiliary smoke pipes on large vessels by screens not larger than 4 x 4 mesh.

(2) Insofar as practicable, barges, lighters, towboats, and other types of vessels shall not come alongside a vessel handling, storing, stowing, loading, dis-

charging or transporting military explosives opposite the area where hatches serving a hold containing explosives are open. (See § 146.29-73 (f).)

(3) This paragraph is not applicable to vessels transiting main channels contiguous to explosive loading facilities or anchorages.

(4) Vessels loading or unloading Class I ammunition at waterfront facilities not designated by the Captain of the Port as explosives loading piers do not require screening of smoke pipes and/or stacks.

(d) Welding or cutting operations involving the use of open flames or arc shall not be undertaken on a vessel having military explosives on board as cargo, except in case of an emergency affecting the security of a vessel, or for the purpose of welding pad eyes, angle bars or other devices to the deck for securing deck cargo. Such welding or cutting shall be done only on special permission of the Captain of the Port, and then only in the presence of an officer of the Coast Guard detail and in conformity with said officer's instructions.

(e) The cleaning of fireside of boilers shall not be undertaken on a vessel while at an explosives or ammunition loading facility or anchorage except upon express permission of the Captain of the Port.

(f) All tubes and uptakes of the vessel must be thoroughly swept or blown and reasonably free of soot prior to the arrival of the vessel at an explosives or ammunition loading facility or anchorage. A vessel at an explosives ammunition loading facility or anchorage shall not blow tubes or uptakes except upon permission of the Captain of the Port and then the operation shall be under the supervision of the master or person in charge of the vessel with a licensed engineer in attendance.

(g) Bunkering of a vessel shall not be done while the vessel is at an explosives loading or ammunition loading waterfront facility. When at an anchorage, an explosives laden vessel may engage in bunkering operations provided explosives are not being loaded, handled, or discharged, and all holds in which explosives are stowed are secured.

(h) A vessel at an explosives or ammunition loading facility or anchorage shall not transfer fuel oil between its own fuel oil storage tanks or from its storage tanks to the settling tank, except under the close supervision of a licensed engineer who shall be in constant attendance until the operation is completed.

(j) The transfer of lubricating oils and cleaning oils, either from containers on board the vessel or by pipeline or hose shall be prohibited at an explosives or ammunition loading facility. However, the transfer on board the vessel of galley fuel oil may be authorized by the Captain of the Port when the galley stove is cold, or when the vessel is equipped with an overflow system which returns surplus fuel oil from the galley tanks back into the main storage tanks provided such transfer is under the supervision of the master or person in charge of the vessel with a licensed engineer in attendance.

(k) The fueling of powered lifeboats or units of the vessel's machinery shall not be done while the vessel is at an explosives or ammunition loading facility.

(l) Boiler room and engine room bilges must be clean and free of oil or unnecessary residue before the vessel proceeds to an explosives or ammunition loading facility or anchorage, and it is further required that the bilges be maintained in this condition during the entire time the vessel is moored at the explosives or ammunition loading facility or anchorage.

(m) On every vessel located at explosives loading facility or anchorage or ammunition loading facility no work shall be undertaken on the main propulsion machinery, auxiliaries or boilers that will render inoperative fire pumps, electric power or propulsion of the vessel without express authority of the Captain of the Port. When the repairs authorized make inoperative the main propulsion unit an auxiliary tug shall stand by.

(n) (1) Every self-propelled vessel having on board military explosives shall at all times maintain means of propulsion. When not under way, such a vessel shall have available on deck, fore and aft, hawsers capable of being used for emergency towing. The eye of such hawser shall be clear of the chock with messenger attached and ready to run and the ship's end shall be stopped off on the bitts to permit reasonable scope of hawser for towing. A heaving line made up and secured to the rail by rope yarn shall be bent to the eye of the hawser. Fire axes shall be kept conveniently at hand, fore and aft, to be used on the ship or passed to the dock for cutting mooring lines in case of an emergency.

(2) Nonself-propelled vessels having on board military explosives when moored or anchored shall have at least one tug for each facility or area at which they are moored or anchored.

§ 146.29-27 Fire hose. (a) During the handling, loading, or unloading of military explosives the vessel shall "run out" or otherwise make ready for quick use a minimum of two lines of hose on the weather deck, one fore and one aft. The fire hose valves controlling these lines shall remain "cracked open" (except in freezing weather) so casual observation may indicate that water is available.

(b) Additional fire lines shall be "run out" or otherwise made ready at each hold or compartment working or containing military explosives when the hatch serving the hold is open. These lines shall be of sufficient length to reach all portions of the hold or compartment.

§ 146.29-29 Smoking. (a) Smoking is prohibited on or near any vessel handling, loading or unloading military explosives at an explosives or ammunition loading pier. Smoking areas may be designated upon approval by the Captain of the Port provided such areas are located at a safe distance from the vessel. "No Smoking" warning signs shall be posted during operations of handling, loading or unloading such cargo. At least one such "No Smoking" sign shall be located on the pier at a reasonable

distance from the vessel when such handling, loading, or unloading is taking place at a pier.

(b) Smoking is prohibited on or near any vessel handling, loading, or unloading explosives at an explosives anchorage, except the Captain of the Port may, with the concurrence of the master or person in charge of the vessel, designate a compartment as a smoking area. This compartment will be fitted with installed electric lighting devices without open flame. "No Smoking" warning signs shall be posted conspicuously in other parts of the vessel during operations of handling, loading, or unloading.

§ 146.29-31 *Liquor or drugs.* No person who, in the judgment of the master, person in charge of the vessel, or the officer in charge of the Coast Guard detail, is considered as being under the influence of intoxicating liquor or of drugs shall be permitted on board a vessel while operations involving the handling, loading, unloading, or transportation of explosives are being carried on, except if the person under the influence of intoxicating liquor or drugs is a bona-fide member of the crew of the vessel involved, he may at the discretion of the Officer-in-Charge of the Coast Guard detail board the vessel: *Provided*, That the master or person in charge of the vessel will accept custody and full responsibility for said person: *And provided further*, That this person shall not be permitted to perform any work on the vessel while under the influence of intoxicating liquor or drugs.

§ 146.29-33 *Cargo working gear and equipment.* (a) Before military explosives are loaded or unloaded on or from a vessel the master or other person in charge of the vessel is required to ascertain by examination the adequacy, the condition and working order of all working equipment including slings, crates, baskets, boxes, chutes, mattresses and tackle.

(b) Any and all equipment, which in the judgment of the master or other person in charge of the vessel is not adequate or in safe working condition shall be rejected by him and he shall prohibit its use and shall take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall keep watch of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damaged or defective equipment repaired or replaced before permitting the loading or unloading to continue.

(c) This inspection of cargo working equipment shall apply to the vessel's equipment and to stevedores' or other contractor's equipment.

(d) The Captain of the Port or his representative may prohibit the use of any cargo working gear or equipment, including stevedore equipment, which he deems unsafe.

§ 146.29-35 *Lights, tools and portable equipment.* (a) No artificial light except electric lights or electric lamps or

flood lights shall be used while loading or unloading military explosives. Such light fixtures shall not be used unless protected against accidental breakage by metal guards. Portable electric lights shall be fitted with stout guards protecting the bulb. Wire of such lights shall be sound and show no evidence of liability to short circuit.

(b) Portable lights shall be so installed as to prevent any part of the light or its cable from coming in contact with the deck or the cargo. A hanging portable light shall not be suspended from its cord but shall be fitted with a gantline so installed that no strain is carried by the light cable. No portable light shall be taken into a hold or compartment in which the stowage of ammunition or explosives has been completed without prior approval by the Captain of the Port or his representative. A portable light that is permitted in a hold under these circumstances shall be so guarded and protected that neither the light nor the light cord shall be in bearing with any metal part of the vessel or with any of the ammunition or explosives, or the containers thereof.

(c) Flashlights of a non-spark type shall be provided by the vessel owner, agent or its master or other person in charge of the vessel, for personnel required to enter holds in which explosives are stowed.

(d) Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading, unloading or handling military explosives shall not be permitted to carry on their persons firearms, matches, flame producing devices, knives, bale hooks, metallic tools except as provided in paragraph (e) of this section or personal packages of any description, except the prohibition against knives shall not apply to the seaman's knife in possession of a member of the crew of the vessel, provided such crew member is not actually working the explosives or ammunition. Lunch boxes, pails, thermos bottles, other food containers or personal packages of any description shall not be brought on board a vessel unless such items have been examined and passed by the Coast Guard detail. Food containers that are passed on board the vessel shall not be stored in the hold in which explosives are being worked nor shall their contents be eaten in such hold.

(e) The Captain of the Port may authorize the use of pinch bars of metal or wood, in "breaking out" or stowing unfuzed bombs, large caliber separate loading shells, and packages of ammunition shipped in heavy unit weight containers. He may also permit the use of saws and hammers that are actually powered by the hand or hand and arm, in the hold of a vessel when necessary in fitting dunnage or constructing a partition or a division bulkhead or installing protection required for the stowage of military explosives. No mechanically operated saws or hammers shall be permitted in a hold containing military explosives.

§ 146.29-37 *Handling drafts of lumber.* All lumber in excess of 3 feet in

length shall be handled into or out of the holds of vessels loading, unloading or containing military explosives or ammunition by use of a double sling. Small pieces of lumber used in chocking and dunnage shall be handled in trays with sideboards. Cargo nets may also be used provided they are lined with canvas or similar fabric. Dunnage shall not be lowered directly onto stowages of ammunition or explosives. Landing mats or timbers shall be laid to receive such drafts.

§ 146.29-39 *Handling and slinging of explosives.* (a) All military explosives or chemical warfare agents in bulk shall be handled carefully. Packages and other containers shall not be dropped, dragged, tumbled, walked, slid over each other or over the deck or otherwise subjected to shock. They shall not be rolled unless rolling is specifically permitted by the provisions governing handling as set forth in § 146.29-100.

(b) In transferring military explosives between pier facilities and vessels or from vessel to vessel, or within the hold of a vessel the items may be handled by hand, power operated mechanical hoist or power operated conveyor approved by the Captain of the Port, power operated cargo lift truck, hand truck or nonpowered (gravity) roller conveyor (hand controlled); or unless specifically prohibited by the regulations in this subpart, a specification chute and mattress may be used. (Refer to §§ 146.09-11 and 146.09-12 for specifications of chute and mattress.)

(c) Military explosives shall be hoisted and lowered carefully onto a mattress or other shock absorbing material. The Captain of the Port may authorize omission of a mattress when its use is unnecessary due to use of pallets or other special gear except when Classes III, VI, VIII and IX-C are being handled, loaded or unloaded.

(d) The Captain of the Port may permit the use of gasoline-powered or diesel-powered cargo-handling vehicles or equipment on docks, wharves or piers for the handling of military explosives under such conditions as he may prescribe. Such type vehicles or equipment shall not be used within a hatch of a vessel having military explosives in any hold within said hatch. Electric or battery powered vehicles or equipment of explosion-proof or spark-proof type may be used to handle military explosives on docks, wharves, piers or in the holds of vessels under such conditions as the Captain of the Port may prescribe. All power-operated cargo-handling vehicles or equipment shall at all times be maintained in safe mechanical, electrical and operating condition. The use of cargo-handling vehicles or equipment may be suspended or prohibited by the Captain of the Port or his representative when he considers such use inimical to safety.

(e) When handling, loading or unloading by mechanical means, all military explosives shall be handled in the type equipment specified for the various classes of explosives in § 146.29-100. Military explosives shall be arranged on trays so that no portion of the military explosives or containers overhangs the

tray. For trays provided with sideboards, military explosives or containers shall not extend above the sideboards to a height exceeding one-third of the vertical dimension of the item as stowed on the tray. Rope net slings with pieplates, pallet, skipboard or similar base shall be so loaded that when lifted a minimum displacement of items shall occur and the cargo net shall completely encompass the entire load except on its topside.

(f) The mesh of a cargo net shall be of such size as will prevent any item or container of military explosives in the draft from passing through the mesh under any possible circumstances.

(g) Drafts shall not be raised or stopped in lowering by sudden application of power or brake. Drafts shall not be unloaded by tripping or freeing one side of the net, tray, or pallet and tumbling the ammunition or explosives out of the gear. All drafts, beams, shackles, bridles, slings, hooks, etc. shall be hand freed before the winch takes control. Slings shall not be disengaged by hand unhooking and then dragged from under draft by means of winch. Handles or beackets on ammunition packages shall not be used for slinging purposes.

(h) Blasting caps, detonators, primer-detonators, fulminate of mercury and initiating or priming explosives as defined in the regulations in this part shall be considered as constituting a distinct class of dangerous explosives, and because of the hazard involved they shall be handled with extreme care.

(j) "Cant" or barrel hooks shall not be used for raising or lowering a barrel, drum, depth bomb, depth charge or other container of military explosives. Metal bale hooks shall not be used in handling packages of explosives.

(k) Combination woven rope and wire slings are not permitted for use in handling explosives. A sling that is formed by use of an open hook shall not be used in hoisting or lowering a draft of military explosives.

(l) Wire rope or wire rope assemblies including splices or fittings thereof, used in handling military explosives shall be kept bare to permit ready inspection of its safe working condition. Mechanical type endings may be used in lieu of hand splices provided such endings have a minimum breaking strength equal to the catalog strength of wire rope from which it is made.

(m) Bombs shall not be handled by attaching cargo gear to the lifting lug or suspension lugs.

§ 146.29-41 Weight per draft. The maximum permitted weight per draft of all classes of military explosives shall be as follows:

(a) *Class I.* (1) When handled by pallet, skipboard, or tray fitted with cargo net or sideboards shall not exceed 3,000 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(b) *Classes IIA, IIB, IIC, IID, IIE, IIF, IIG, IIH, IIJ, IVA, IVB, IXA, IXB.* (1) When handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(c) *Classes III, VI.* (1) When handled by tray fitted with sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(d) *Classes V, VII.* (1) When handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(3) Single shells weighing in excess of 2,200 pounds must be loaded or unloaded one at a time.

(e) *Class VIII.* (1) When handled by tray fitted with sideboards shall not exceed 1,000 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 2,400 pounds plus 10 percent.

(3) The maximum permitted weight for lift of a portable magazine containing Class VIII ammunition shall not exceed 2,400 pounds plus 10 percent.

(f) *Class IX-C.* (1) When handled by tray fitted with sideboards shall not exceed 1,000 pounds plus 10 percent.

(2) The maximum permitted weight for purpose of lift of a portable magazine containing IX-C explosives shall not exceed 2,400 pounds plus 10 percent.

(g) *Class X.* (1) When handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) When handling bombs, more than one to a draft, by sling method or in palletized units, the draft shall not exceed 4,000 pounds plus 10 percent.

(3) Table of limiting loads applicable when handling bombs by sling method:

Weight of individual bomb or cluster:	Maximum limits in units per one draft
1 lb. to 250 lbs. plus 10% per unit.....	8
276 lbs. to 500 lbs. plus 10% per unit.....	6
551 lbs. to 1,000 lbs. plus 10% per unit.....	4
1,101 lbs. to 2,000 lbs. plus 10% per unit.....	2
Over 2,200 lbs.....	1

(4) Single items or assembled units (other than palletized), designed to be handled as a unit, may be loaded regardless of weight provided the cargo handling gear is of a design capable of handling a working load at least 50 percent additional to the actual weight of the item or unit comprising the draft, and provided further the integrity of the cargo handling gear is unimpaired. (For example, in loading a 6-ton bomb, the working load of a single cargo boom and gear shall not be less than 9 tons.)

(h) *Classes XIA, XIB.* (1) When handled by trays, skipboards, pallets or pieplates fitted with cargo nets or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(3) Single bombs or other unit containers weighing in excess of 2,200 pounds must be loaded or unloaded one at a time.

§ 146.29-43 Requirement for the opening of hatches—(a) Vessels at explosives loading piers or at ammunition loading piers. (1) A weather deck hatch through which ammunition or explosives are being worked shall have sufficient hatch covers and hatch beams removed across the entire width of the hatch so that the resulting opening, measured parallel to the side of the vessel, is at least equal to twice the longest axis of the largest draft being loaded.

(2) Strongbacks or hatch beams left in place shall be firmly secured by hatch batten or other approved means.

(b) *Vessels at explosives anchorages.* A weather deck hatch through which ammunition or explosives are being worked shall have all hatch covers and all hatch beams removed unless otherwise authorized by the Captain of the Port.

(c) *Vessels at explosives anchorages having a magazine constructed in the square of a weather deck hatch.* Sufficient hatch covers and hatch beams shall be removed from the weather deck hatch to expose the entire magazine.

(d) *General requirements.* (1) During the working of ammunition and explosives to or from the deep holds, the tween-deck hatch openings shall at all times be equal to, if not greater than, the weather deck hatch openings.

(2) The use of open hooks in removing or replacing hatch beams or hatch strongbacks is prohibited. Closed hooks, shackles or T bars shall be used in this operation.

§ 146.29-45 Loading or unloading military explosives and other cargo simultaneously. (a) Military explosives shall not be loaded or unloaded in a hatch at the same time that other cargo is being worked in any of the holds serviced through said hatch.

(b) Military explosives shall not be loaded or unloaded from the same hatch from both sides of the ship simultaneously, unless the hatch is fitted with cargo handling gear located at both the forward and after ends of the hatch. A vessel so equipped may use both sets of cargo handling gear simultaneously from the same side of the vessel.

(c) When military explosives are stowed in a hold below one in which any cargo is being worked the tween-deck hatch dividing the two holds will have all of its covers securely in place.

(d) Military explosives may be loaded in a hold before or after other cargo, provided that all precautions are taken to assure full protection to the explosives against the hazard of articles being dropped from the cargo sling. When possible hatches should be partially covered to assure such protection.

§ 146.29-47 Packing and marking. Military explosives shall not be offered to vessels or accepted by vessels subject to the regulations in this part unless they are in proper condition for transportation and are packed, marked, labeled, described, certified and otherwise acceptable in accordance with the applicable provisions of the regulations in this part.

§ 146.29-49 Stowage on board barges.

(a) Barges subject to the regulations in this part, engaged in the transfer of explosives between receiving points and delivery points within the harbors, bays, sounds, lakes, and rivers, including the explosives anchorages on the navigable waters, shall conform to the applicable provisions of §§ 146.10-1 to 146.10-50, inclusive. Ammunition or explosives in bulk, in combustible outside packages, stowed "On deck in open" shall after loading and during transportation be covered by tarpaulins securely lashed in place.

(b) Notwithstanding the requirements of this subpart relative to the stowage of detonators, blasting caps and fuzes, Class VIII, such articles may be stowed "On deck" on Class AA and Class AB barges with other ammunition or explosives in bulk stowed thereon, provided a sand-bag barrier of at least 2 feet in thickness intervenes between the ammunition or explosives in bulk and the detonators, blasting caps or fuzes. When both are stowed "On deck" the height of this barrier shall be at least equal to the height of the stowage of the detonators, blasting caps or fuzes, or the ammunition or explosives in bulk, whichever is highest. The barrier shall either completely surround the detonators, blasting caps or fuzes or extend across the width of the barge. With this type of barrier no additional separation is required. For Class AC barges, the stowage of detonators, blasting caps or fuzes, Class VIII, shall, when no permanent steel bulkhead intervenes, be separated from the stowage of ammunition or explosives in bulk by a distance of 40 feet; with a permanent steel bulkhead intervening, detonators, blasting caps or fuzes shall be separated from the stowage of explosives in bulk by a distance of 25 feet and from the stowage of ammunition by a distance of 10 feet. If, under deck, a 2-foot sand-bag barrier is utilized to intervene between the stowage of ammunition or explosives in bulk, it shall be considered as though a permanent steel bulkhead or deck intervenes. Notwithstanding the provisions of § 146.10-50, Class CA and Class CB barges may transport ammunition on deck.

§ 146.29-51 Stowage on board vessels.

(a) All articles of cargo classified as military explosives by the regulations in this subpart shall be stowed on board a vessel in conformity with the provisions of the regulations in this subpart.

(b) Mixed stowage of ammunition or explosives in bulk with other ammunition or explosives, or other dangerous articles or substances, or combustible liquids or hazardous articles shall be in conformity with the provisions of the explosives admixture chart, § 146.29-99, the classification, handling and stowage chart, § 146.29-100 and other applicable specific provisions of this subpart.

(c) Specifications governing construction and location of magazines and lockers and the preparation of cargo compartments to be used in the stowage of military ammunition are detailed in §§ 146.29-71 to 146.29-95, inclusive.

§ 146.29-53 Stowage of military explosives in holds containing coal. Unless

expressly authorized by the Commandant of the Coast Guard military explosives shall not be stowed in a hold containing coal as cargo nor in any hold above, below or adjacent to one containing coal.

§ 146.29-55 Stowage of military explosives in holds containing household or personal effects and/or mail as cargo. Unless expressly authorized by the Commandant of the Coast Guard military explosives shall not be stowed in a hold containing household or personal effects and/or mail as cargo nor in any hold above, below or adjacent to one containing any of these items. The foregoing does not apply on vessels having on board military explosives of the Class I category only.

§ 146.29-57 "On deck" stowage. (a) Articles classified as military explosives, the stowage of which is permitted "On deck" by the regulations in this subpart shall be properly secured. Such security may be obtained by using existing vessel's structures such as bulkheads, hatch coamings, shelter deck and poop bulkheads, as part boundaries and effectively closing in the cargo by fitting angle bar closing means, secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage permitted, provided eye pads are fitted to carry such lashings. Guard rails shall not be used to secure such lashings.

(b) Bulky articles may be secured by lashing with individual wire rope lashing or other equally efficient means.

(c) Shoring of such bulky articles of cargo shall be in addition to the foregoing means of securing.

(d) Military explosives stowed "On deck" shall not be stowed within a distance of 20 feet of an incinerator, the topside terminus of an ash hoist or a coal or oil fire galley or bake shop. For vessels fitted with electrically operated galleys and bake shops, the military explosives stowed on deck may be stowed not closer than 10 feet of such galleys and bake shop provided no incinerator or topside terminus ash hoist is within a distance of 20 feet of such stowage.

§ 146.29-59 Stowage adjacent to other dangerous articles—(a) Flammable liquids. (1) Military explosives shall not be stowed in the same hold, nor in any hold below, any hold above or a hold adjacent to one in which flammable liquids are stowed. Military vehicles including ducks, buffaloes, alligators and similar amphibious types of craft, referred to in this subpart as "vehicles" or "military vehicles", using a flammable liquid as fuel may be stowed in holds adjacent to a hold in which military explosives are stowed provided the fuel is confined to the vehicle's tank and is not in excess of approximately 75 percent of the capacity of the fuel tank.

(2) Military vehicles, landing craft and small boats using flammable liquid as fuel and having the fuel confined to the vehicle's or boat's tank and not in excess of approximately 75 percent of the capacity of said tank may be stowed "On deck" over a hold in which military explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch

is fitted with a tight raised coaming and that such stowage is not made over the square of the hatch, except that amphibious type vehicles, landing craft or boats having fuel tanks installed within a tight hull may be stowed over the square of a hatch.

(3) Flammable liquids as cargo shall not be stowed "On deck" immediately above a hold in which military explosives are stowed. The applicable provisions of §§ 146.21-1 to 146.21-100, inclusive, shall be observed in the stowage of flammable liquids "On deck".

(b) *Flammable solids or oxidizing materials.* (1) Military explosives shall not be stowed in the same hold nor in any hold above or below or a hold adjacent to one in which flammable solids or oxidizing materials are stowed except as specifically authorized by the provisions of § 146.29-100.

(2) Flammable solids or oxidizing materials may be stowed "On deck" over a hold in which military explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And provided further*, That such stowage is not made over the square of the hatch.

(c) *Corrosive liquids.* (1) Military explosives shall not be stowed in the same hold nor in the hold below one in which corrosive liquids are stowed except as specifically authorized by the provisions of § 146.29-100. Corrosive liquids may be stowed "On deck" over a hold in which military explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And further provided*, That such stowage is not made over the square of the hatch.

(2) The substances listed below shall not be transported on board a vessel which is carrying in excess of 100 tons of ammunition or explosives:

Acid sludge.
Bromine.
Chloroacetyl chloride.
Dimethyl sulfate.
Hydrofluoric acid, anhydrous.
Nitrating (mixed) acid.
Nitric acid.
Phosphorous oxychloride.
Phosphorus tribromide.
Phosphorus trichloride.
Spent acid (sulfuric or mixed).
Sulfur chloride.

(d) *Military vehicles with electrolyte.* Notwithstanding the provisions of §§ 146.23-1 to 146.23-100, electrolyte of not over 47 percent strength (39° Baumé) may be accepted for transportation and be stowed on board vessels carrying military explosives under the following conditions of packing:

(1) In glass or earthenware containers, not exceeding 160 ounces capacity (one

imperial gallon) in fiberboard cartons of a size to permit cushioning with an incombustible, absorbent material of a sufficient amount to absorb the contents of the container in event of breakage. The outside container shall consist of a wooden box (ICC 15A, 16B or Army Specification) in which 1, 2, 3, or 4 fiberboard cartons may be packed. The outside containers shall carry the white (acid) label. No military ammunition shall be included within this package.

(2) Electrolyte packed in accordance with provisions set forth in subparagraph (1) of this paragraph may be stowed:

(i) "On deck in open" including deck areas over holds containing military explosives;

(ii) "Tween-deck" or "Under deck" in holds adjacent to or in any hold below a hold containing military explosives.

(3) Electrolyte, when packed in accordance with the provisions of subparagraph (1) of this paragraph, may be accepted for transportation when securely fastened within or on a military vehicle or other military equipment whether such vehicle or equipment is shipped crated, boxed, or without crating or boxing. Such military vehicle or military equipment, when shipped crated or boxed, may be accepted for transportation when the container of electrolyte is securely fastened on the inside of the shipping crate or box containing the vehicle or military equipment. When so shipped, the over-all crate or box shall carry the white (acid) label and shall be marked "This side up" and "Inside packages comply with prescribed specifications."

(4) Electrolyte packed in accordance with the provisions of subparagraph (1) of this paragraph when offered for transportation under the conditions set forth in subparagraph (3) of this paragraph, may be stowed as follows:

(i) "On deck in open", including deck areas over holds containing military explosives;

(ii) "Tween-deck" or "Under deck" in holds adjacent, any hold below or any hold above holds containing military explosives; or,

(iii) in the same hold containing Class I, IV-B, V, VII, or X, provided the stowage of military vehicles and the stowage of ammunition are separated by a division bulkhead or a 2-inch dunnage floor.

(5) Military vehicles (crated or uncrated) containing an electrolyte storage battery shall not be stowed in the same hold over military explosives stowed therein. Such vehicles may be stowed in the same hold under or alongside of military explosives stowed therein: *Provided*, That all the applicable provisions of this section are observed: *And provided further*, That the vehicles are processed, the fuel tank drained dry, the battery terminal leads disconnected, taped and protected against short circuit.

(6) Military vehicles or military equipment as used in this section includes naval vehicles or naval equipment.

(e) *Flammable compressed gases.* (1) Military explosives shall not be stowed in the same hold nor in any hold below,

any hold above or a hold adjacent to one in which flammable compressed gases are stowed.

(2) Flammable compressed gases shall not be stowed "On deck" over a hold in which any Class II-A, II-B, II-C, II-D, II-E, II-G, V, VI, VII, VIII, IX-A, IX-B, IX-C, X, XI-A, or XI-B is stowed.

(3) Flammable compressed gases may be stowed "On deck" over a hold in which Class I, II-F, II-J, III, IV-A, or IV-B is stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming, and such stowage is accomplished by means of skids at least 6 inches in height off the deck or a crib and platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib. Other applicable provisions of §§ 146.24-1 to 146.24-100, inclusive, shall be observed. Stowage may be over the square of the hatch.

(f) *Non-flammable compressed gases.* Ammunition of the following Classes I, II-G, IV-A, IV-B, V, and VII may be stowed in the same hold or compartment with non-flammable compressed gases provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead. This mixed stowage is not permitted for the following non-flammable gases: Boron trifluoride, chlorine, oxygen and sulphur dioxide.

(g) *Poisons.* (1) *Class "A".* Classes I and II-F ammunition may be stowed in the same hold or compartment with Class "A" poisons provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(2) *Class "B".* Ammunition of the following classes, I, II-F, IV-A, IV-B, V, VII, XI-A, and XI-B may be stowed in the same hold or compartment with class "B" poisons: *Provided*, That the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(3) *Class "C" (tear gas).* Ammunition of the following Classes I, II-F, II-G, IV-A, IV-B, V, VII, XI-A, and XI-B may be stowed in the same hold or compartment with Class "C" poisons: *Provided*, That the two stowages are separated by a type "A" dunnage floor or a division bulkhead. Class II-B may also be stowed in the same hold with Class "C" poisons: *Provided*, That the two stowages are separated by a type "A" dunnage floor or a division bulkhead: *And provided further*, That the Class II-B ammunition is given top stowage.

(4) *Class "D" (radioactive material).* Military explosives shall not be stowed in the same hold in which Class "D" poisons are stowed.

(h) *Hazardous articles.* Military explosives shall not be stowed in the same hold or in the hold below, the hold above or a hold adjacent to one in which hazardous articles are stowed.

(j) *Combustible liquids.* (1) Military explosives shall not be stowed in the same hold nor in the hold below one in which combustible liquids are stowed.

(2) Combustible liquids may be stowed "On deck" over a hold in which military explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a plat-

form so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur. *And provided further*, That such stowage is not made over the square of a hatch.

(k) *"On deck" stowage.* When containers of flammable liquids, flammable solids or oxidizing materials, corrosive liquids, compressed gases, poisons, combustible liquids or hazardous articles are stowed "On deck", such containers shall not be stowed within 12 inches of any steam pipe fitted on deck.

§ 146.29-61 *Stowage with nondangerous cargo in the same hold.* (a) Military explosives that are stowed in the same hold with nondangerous cargo shall be protected from damage likely to be caused by heavy nondangerous cargo. Shafting, steel bar, steel shapes, pipe, heavy machinery, military vehicles (uncrated), and similar types of cargo shall, when stowed in the same hold with military explosives be so isolated or dunnaged or secured as to prevent damage to military explosives or magazines containing said substances, or temporary bulkheads protecting explosive stowages, under any conditions likely to be encountered during the voyage.

(b) When nondangerous cargo is to be stowed adjacent to the exterior of a magazine, wooden cargo battens of not less than commercial 2" x 4" size spaced not more than 12 inches, center to center, shall be fitted horizontally to the uprights forming the frame of the magazine.

§ 146.29-63 *Stowage and dunnaging of ammunition and containers of explosives in bulk.* (a) Military explosives shall be so stowed and dunnaged as to prevent damage to the cargo or the vessel from shifting cargo caused by forces incident to the voyage of the vessel.

(b) Containers of military explosives marked, "This side up" or otherwise marked directing their stowage shall be so stowed.

(c) Kegs of black powder shall be stowed in an upright position, the bungs or other filling openings "up". Each tier shall be floored off.

(d) Metal containers of smokeless powder in bulk or metal tanks or other containers of propellant charges having closure means which protrude beyond the chime or the surface of the container shall be so dunnaged as to prevent damage occurring to such closures.

(e) The uppermost tier of military explosives shall be so secured, by tommying, bracing, top stowing with permissible cargo of sufficient unit weight and quantity or other effective means, that no displacement can occur either upwardly or laterally.

(f) Military explosives shall be so stowed that they or the containers are not liable to be pierced by the dunnaging or crushed by superimposed weight.

(g) Containers of military explosives shall not be "cant" stowed. They shall always be stowed in full bearing. Broken stowage may at the turn of the bilge, be dunnaged out with cordwood or otherwise so cribbed as to provide maximum bearing attainable for the container to

be stowed in the tier above. Broken stowage in other locations in the hold may be compensated for by cribbing out or by the insertion of sufficient dunnage to provide proper bearing for packages in the tier above.

(h) Fixed or semi-fixed ammunition in fiber containers, crated or uncrated, may be stowed on its base or on its side. Dunnaging shall be accomplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container.

(j) Fuzed ammunition shall, when stowed within 8 feet of the ship's side, be stowed in a position with its long axis parallel thereto in the horizontal or vertical plane.

(k) Separate-loading shells, boxed, crated, unboxed, or uncrated may be stowed on their bases or on their sides except as otherwise provided for Army WP filled ammunition in the stowage requirements for Class II-D ammunition, § 146.29-100.

(l) When tween-deck holds of cargo vessels are utilized for the stowage of military explosives, the maximum permissible deck load for such tween decks shall not be in excess of 45 pounds per square foot of tween-deck space for each foot of tween-deck height, except where the deck and hatch structure of ships have been specially designed or reinforced for the carriage of heavy loads the Captain of the Port may permit loading in accordance with these schedules of increased intensity of loading when they are furnished by the master or operator.

§ 146.29-65 *Damaged or leaking containers of explosives.* (a) Any container of explosives or chemical warfare agents showing evidence of failure, leaking of a liquid ingredient or inability to retain its contents shall not be accepted for transportation, storage, or stowage on board any vessel.

(b) Any container of an explosive when offered for transportation, storage, or stowage, showing excessive dampness or which is moldy or shows outward signs of any oil stain or other indications that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil, or similar substances. In case of doubt the container shall be refused.

§ 146.29-67 *Defective ammunition.* Ammunition found to be defective while being unloaded from a barge, freight car, or other vehicle, shall not be placed on board a vessel. If found to be defective while on board the vessel, it shall, if at all possible, be removed from the vessel to an isolated location as quickly as possible.

§ 146.29-69 *Recoopering damaged packages.* Defective packages shall not be recoopered in the hold of a vessel. Such packages shall not be recoopered elsewhere on board the vessel except upon conditions authorized by the Captain of the Port. Replacing bomb ship-

ping bands, loose covers, nose plugs or strapping containers is not classed as recoopering.

§ 146.29-71 *Constructing magazines.* (a) All work in connection with the construction of a magazine, or other conditioning of holds, decks, or hatches shall be completed before the actual loading of military explosives is undertaken except as provided in § 146.29-35 (e). Magazine construction or other conditioning of a hold in which military explosives are not actually being loaded or which do not contain any military explosives is permitted.

(b) Sizes of material used for the construction of a magazine or other conditioning of holds, decks, or hatches, as set forth in the regulations in this subpart, are minimum. Increased sizes may be used, if desired. Nails shall not protrude beyond the surface of the lumber or other material authorized.

§ 146.29-73 *Preparation of magazines, decks, hatches and holds for handling military explosives.* (a) The floors of all magazines and holds shall be cleared of all rubbish and discarded dunnage and be swept broom clean before commencing to load any military explosives. Bilges shall be examined and any residue of previous cargo removed therefrom.

(b) All decks, gangways and hatches over or through which military explosives must be passed or handled in loading or unloading shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading.

(c) The hatches or cargo ports opening into a compartment in which military explosives are stowed shall be kept closed at all times except during the operation of loading or unloading of the compartments or during periods of short stoppages such as lunch breaks or while shifting of barges or railway vehicles. During the period of such stoppages the hold shall be protected as prescribed by the Captain of the Port. When a hatch is closed wooden hatch covers shall be covered with tarpaulins.

(d) No debris of any description which creates a fire hazard or a hazardous condition for persons engaged in the explosives handling operation shall be permitted to stand on the weather deck of a vessel while military explosives are being worked.

(e) (1) Hatch beams and hatch covers shall, where possible, be stowed on the opposite side of the hatch from that over which the military explosives are being worked. If this is impossible, they may be stowed on the working side of the hatch.

(2) Hatch beams shall be stowed or secured in a manner that will prevent them from rolling, rocking, turning or sliding.

(3) Hatch covers shall be so stowed as to form as level a platform as possible.

(f) During the time a hatch is open and military explosives are being worked or stowed, the vessel's officer on duty supervising the handling of explosives shall warn the masters of other vessels coming alongside and the operator of any dock equipment (capable of produc-

ing sparks) to stay clear of the area adjacent to open hatches as far as practicable.

§ 146.29-75 *Location of magazines and ammunition stowage.* (a) A cool location being an important factor, magazines shall be built and military explosives stowed in an authorized location in accordance with the following factors in the order listed.

(1) A tween-deck hold, preferably a lower tween-deck.

(2) A lower hold.

(3) In the square of a hatch.

(4) A shelter deck in a location as far removed from uptakes or engine casing as possible.

(5) A forecabin, poop or permanent deck house provided the space is ventilated and does not contain any "In use" crew accommodations, nor vessel stores, and can be closed off from traffic while at sea.

(6) "On deck" stowage.

(7) Insulated spaces normally comprising refrigerator spaces may be used for the stowage of all classes of military explosives, except chemical ammunition: *Provided*, That all regulations relative to stowage of explosives with other dangerous articles of cargo are observed and the spaces may be ventilated sufficiently to provide a temperature consistent with the temperature of other holds of the vessel. When such spaces are fully celled, the entire compartment will be considered as a magazine, however, any pipes within the compartment shall be protected by horizontal cargo battens of a size not less than commercial 2" x 4", spaced not more than 12 inches apart, center to center and secured to 4" x 6" uprights spaced not more than 36 inches apart. Refrigerator spaces, the floors of which are lined with lead, shall not be used as a stowage for picric acid in bulk or ammonium picrate.

(b) When it is necessary to construct a magazine or to stow ammunition adjacent to the collision bulkhead, engine room, boiler room or coal bunker bulkheads, or the engine or boiler room uptakes or casings the following provisions shall be complied with.

(1) A tight wooden temporary bulkhead shall be constructed at least one foot off the permanent bulkheads, uptakes or casings with the smooth side facing the stowage of the explosives or ammunition.

(2) When the permanent bulkhead is smooth on the cargo side, construction shall be of commercial 2-inch boarding secured to uprights of 4" x 6" size spaced not more than 30 inches apart in the tween or shelter deck, or 6" x 6" size spaced not more than 24 inches apart in the lower hold. Uprights shall not be stepped directly onto a metal deck or overhead. A 2" x 6" bearer to carry the uprights shall be laid on the metal deck, and a 2" x 6" header shall be fitted against the underside of the overhead deck to receive the top of uprights. Top of uprights fitted against overhead deck beams may be wedged direct to the beam with 2" x 4" spacers fitted between. Suitable horizontal stringers shall be fitted between temporary and permanent bulkhead at the top and

bottom, as well as intermediate stringers spaced a maximum of 5 feet. Uprights shall be securely fastened to horizontal stringers or horizontally braced at the top, bottom and center.

(3) When the permanent bulkhead stiffeners are on the cargo side, suitable uprights of not less than 2" x 4" may be installed against the permanent vertical stiffeners to give the required 12 inches off the bulkhead. If the permanent stiffeners are over 30 inches apart, center to center, 2½-inch boarding shall be used. Uprights shall be stepped and braced as required by the provisions of subparagraph (1) of this paragraph. Bulkhead stiffeners that do not extend the full depth of the cargo space shall not be used for this purpose.

(4) Other methods of construction using steel or wooden uprights, bolted to plates or lugs welded to deck beams, decks, or tank tops may be used provided the strength is equivalent to that obtained by the foregoing methods of construction.

(c) Stowage provided for military explosives shall be dry and except for deep tanks well ventilated.

(d) Ammunition as cargo shall not be stowed within a distance of 10 feet of a vessel's radio shack, receiving or transmitting apparatus, radio antenna or antenna lead-in.

§ 146.29-77 *Allocation of stowage.* Military explosives that are tendered to a vessel for transportation as cargo shall be stowed on board the vessel utilizing the type of stowage authorized for the particular ammunition or explosives in bulk by the provisions of § 146.29-100.

§ 146.29-79 *Types of stowage.* The types of stowage prescribed for military explosives are described as follows:

- (a) Magazine stowage A.
- (b) Ammunition stowage.
- (c) Chemical ammunition stowage.
- (d) Special stowage.
- (e) Portable magazine stowage.
- (f) Pyrotechnic stowage.
- (g) Stowage of blasting caps, detonators, primer detonators, etc.

§ 146.29-81 *Magazine Stowage A.* The following shall be observed in the construction of a magazine required for "Magazine A" type of stowage:

(a) Magazines may be constructed of steel or wood.

(b) Magazines constructed of steel shall have the whole of the interior thoroughly protected by wood dunnage of a minimum thickness of ¾ inch. This lining may be installed during the progress of the stowage. Metal stanchions within the magazine shall be boxed with wood of a thickness of not less than ¾ inch. Bulkhead stiffeners or other structural members extending into the stowage spaces shall not be protected by dunnaging but shall be completely boarded over. When bare steel decks or tank tops are utilized to form the floor of a magazine, a wooden floor consisting of at least two layers of commercial 1-inch thick dunnaging shall be laid, the top course being laid crosswise to the lower course. When steel decks or tank tops are originally fitted with a wood flooring or are ceiled, it shall be

necessary to fit one course of dunnage. All flooring formed by these methods shall be laid with commercial 1-inch lumber of widths not less than 4 inches, fitted as close as possible, edge to edge and butt to butt.

(c) Magazines constructed of wood shall have the bulkheads forming the sides and ends constructed of commercial 1-inch lumber or of ¾-inch tongue and groove sheathing, secured to uprights of at least a 3" x 4" size, spaced not more than 18 inches apart and secured at top, bottom and center with horizontal bracing. Uprights shall not be stepped directly onto a metal deck. A 2" x 4" bearer to carry the uprights shall be laid upon the metal deck. A 2" x 4" header shall be fitted against the underside of an overhead deck to receive the top of uprights. Top of uprights fitted against channel beams may be wedged directly to the beam with 2" x 4" spacers fitted between. Care shall be taken in securing upright framing that no nails penetrate to the interior of the magazine. When a magazine is constructed as a permanent compartment in the vessel, increased size and finish of lumber and other methods of fastening may be used provided such fastenings are recessed below the surface of the boarding to avoid projections within the interior of the magazine. All boardings shall be fitted and finished so as to form a smooth surface within the interior of the magazine. Construction shall be such as to separate all containers of explosives from contact with metal surfaces of the structure of the vessel. When a metal stanchion, post or other obstruction is located within the interior area of the magazine, such obstruction must be completely covered with wood of a thickness of at least ¾ inch secured in place with nails or screws. When screws are used for fastening, the screw heads shall be countersunk below the surface of the wood. The floor of the magazine shall conform to the provisions of paragraph (b) of this section. The door of the magazine shall be of substantial construction, fitted reasonably tight into its jamb. The door may be secured in place by the use of extension battens and wedges.

(d) A magazine constructed in accordance with the provisions of paragraphs (b) and (c) of this section, in which it is proposed to stow containers of explosives within 12 inches of the overdeck beams, or hatch coaming, shall have such deck beams and coaming sheathed with wood similar to that required for metal stanchions, posts or other obstructions by the provisions of paragraph (c) of this section.

(e) When a Class A magazine measures more than 40 feet in any direction, a partition bulkhead shall be fitted within the magazine as near half length as practicable, extending from the deck to at least the top of the stowage. Such partition bulkhead shall be constructed to the same scantlings as the sides of the magazine, except the boarding may be spaced not more than 6 inches apart alternately on both sides of the uprights. This bulkhead shall be constructed before loading commences and care shall be exercised

that nail points do not protrude beyond the surface of the boarding.

§ 146.29-83 *Ammunition stowage.* Military explosives that are authorized to be given ammunition stowage by the provisions of § 146.29-100 shall be stowed in a location selected in accordance with the provisions of § 146.29-75. Dunnage shall be laid over metal decks or tank tops. Dunnaging shall be fitted to protect packages or articles or military explosives from damage. Nothing within this paragraph shall be construed as requiring the entire interior of the cargo compartment to be covered with dunnage.

§ 146.29-85 *Chemical ammunition stowage.* Chemical ammunition or chemical agents in bulk that are authorized to be given chemical ammunition stowage by the provisions of § 146.29-100 shall be stowed under the following conditions:

(a) Shall be afforded the same protection as required for ammunition stowage.

(b) Stowage shall preferably be in a deep tank or a lower hold.

(c) When stowed in a deep tank, pump suction shall be effectively sealed off to prevent the escape of any leakage which may take place. Sealing off shall be accomplished by inserting a blank flange in way of the suction side of the bilge pump manifold.

(d) When stowed in a lower hold or other compartment, the hatch covers, ventilators and pump's suction shall be effectively sealed off to prevent the escape of any leakage which may take place. Sealing off the pump's suction shall be accomplished by inserting a blank flange in way of the suction side of the bilge pump manifold.

(e) When the quantity of chemical ammunition or chemical agents in bulk exceeds the capacity of deep tanks and lower holds, other holds may be used, preference being given to other lower holds or to a tween-deck hold directly over a lower hold in which such substances are stowed.

(f) Chemical ammunition or containers of chemical agents in bulk stowed in a tween-deck shall not be stowed within 8 feet of the side of the vessel.

(g) When the quantity of chemical ammunition to be stowed on board the vessel does not justify the use of a deep tank or lower hold, a suitable tween-deck space may be selected and the ammunition stowed in a portable magazine especially constructed to prevent any leakage from the ammunition escaping outside of the magazine. Such portable magazine shall be located at least 8 feet from the ship's side.

(h) Before entering a deep tank, lower hold or other compartment containing chemical ammunition the air inside the compartment must be tested by competent personnel to ascertain if leakage has taken place. If leakage has occurred, the operation of removing the ammunition or chemical agent shall be conducted by skilled personnel, preferably representatives of the appropriate Army Technical Service (Chemical Corps or Ordnance Corps) or Navy Department.

§ 146.29-87 *Special stowage.* Special stowage may be on deck protected from the elements, in a deck house, mast house, mast locker or in a vacant stateroom: *Provided*, That such a location conforms to the distance separation rule applicable to the item so stowed and adjacent military ammunition: *And provided further*, That the space is ventilated and does not contain any vessel stores or machinery or equipment used during the navigation of the vessel and can be closed off from traffic while at sea. Dunnage shall be fitted to protect packages from damage by contacting any metal parts of the ship.

§ 146.29-89 *Portable magazine stowage.* Military explosives authorized to be given portable magazine stowage by the provisions of § 146.29-100 shall be stowed under the following conditions:

(a) Shall be located in a hold or on deck in accordance with the provisions of § 146.29-100 for the particular class of military explosives stowed therein.

(b) Portable magazines shall be constructed watertight of wood, or of metal lined with wood $\frac{3}{4}$ -inch minimum thickness, and shall be of a size not greater than 100 cu. ft.

(c) All inner surfaces of the magazine shall be smooth and free of nails, screws, or other projections.

(d) When constructed of wood the scantlings shall not be less than those required for a type "A" magazine in § 146.29-79, and a strong, close fitting hinged cover or door with an effective means of securing shall be provided.

(e) When constructed of metal, the minimum thickness of the metal shall be not less than $\frac{1}{2}$ -inch sheet, or formed material of equal strength.

(f) Ammunition or containers of ammunition or explosives in bulk when stowed in a portable magazine shall be so stowed and secured that no displacement can occur either upwardly or laterally.

(g) When stowed on deck the magazine shall be protected from the direct rays of the sun. Runners, bearers, skids, or other suitable means shall be provided to elevate it a minimum of 4 inches from the deck. Pad eyes, ring bolts, or other suitable means shall be provided for lashing the magazines and they shall be so lashed, chocked or braced as to prevent movement in any direction.

(h) Portable magazines shall carry the legend "Inflammable—Keep Lights and Fire Away", or "Flammable—Keep Lights and Fire Away."

§ 146.29-91 *Pyrotechnic stowage.* (a) Pyrotechnic ammunition shall be afforded ammunition stowage or special stowage in a location away from heat and so protected as to insure no moisture contacting the packages. This class of ammunition shall not be stowed in a hold or compartment with any other military explosives, except as permitted by the admixture chart (§ 146.29-99). Pyrotechnics shall not be overstowed with other cargo.

(b) For limited quantities of pyrotechnic ammunition an alternate stowage may be utilized consisting of stow-

ing in metal lockers or portable magazines so located as to conform with the provisions of paragraph (a) of this section as regards other explosives, over-stowage, heat, and moisture.

§ 146.29-93 *Stowage of blasting caps, detonators, primer detonators, etc.* Stowage of Classes III, VI and VIII type ammunition shall conform to the provisions of §§ 146.29-99 and 146.29-100, and to the following requirements:

(a) Class VIII ammunition, when stowed on board the same vessel with Classes II, IV, V, or VII military explosives, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 10 feet in any direction.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any direction.

(b) Class VIII ammunition, when stowed on board the same vessel with Classes IX, X, or XI military explosives, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall be not less than 25 feet in any direction.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall be not less than 40 feet in any direction.

(c) Class VIII ammunition shall not be stowed within 8 feet of the vessel's side.

(d) When Class VIII ammunition is stowed over tween-deck hatch covers, and military explosives are stowed in a hold below, a single layer of commercial 2-inch lumber is required over the tween-deck hatch cover to form the floor of the magazine. Under these conditions, wooden hatch covers may be considered an integral part of the permanent steel deck and the separation requirements of paragraphs (a) (1) and (b) (1) of this section shall apply.

(e) When Class III or VI ammunition is stowed with Class VIII ammunition the provisions governing the stowage and separations of Class VIII shall apply.

(f) When a portable magazine is used for detonator stowage, such magazine may be stowed in the square of a weather deck hatch.

(g) Upon approval by the Captain of the Port, a portable magazine containing Class VIII ammunition may be stowed in an isolated cabin or steel deck house secure from aircraft machine-gun fire and not subject to casual contact by persons on board the vessel.

§ 146.29-95 *Ventilation of magazines.* A magazine that is not fitted with ventilating ducts to the atmosphere shall be ventilated by omitting the top course of boarding on the sides of the magazine to provide a clear space at least 1 inch and not more than 6 inches below the lower flange or toe of the deck beam within the compartment or hold in which the magazine is constructed. Ventilators of systems feeding directly into a magazine or a hold in which military explosives are stowed shall be covered with a double layer of wire screen of not less than 8 x 8 mesh at the weather end of the cowl.

This screen shall be attached securely in place in such a manner as to insure a positive closure.

§ 146.29-97 *Statements of characteristic properties and hazards.* (a) In § 146.29-100 there are statements in italics setting forth certain characteristics and hazards of the substances or articles listed therein. It is not intended, nor shall it be assumed, that these statements set forth all of the characteristic properties or hazards of the particular substance or article and such statements as are shown are informative only.

(b) For the purpose of the regulations in this subpart Army Class XII explosives are treated as follows:

(1) Ammonium nitrate is classified as an oxidizing material.

(2) Dinitrotoluene (DNT) is classified as a high explosive Class IX.

(3) Wet nitrocellulose wet with 20 percent of water is classified as a flammable solid.

(4) Wet nitrocellulose wet with 30 percent of alcohol or flammable solvent is classified as a flammable liquid.

§ 146.29-99 *Explosives admixture chart.* (a) A shaded block at an intersection of horizontal and vertical columns indicates that the particular class of military explosives shown by the heading of the horizontal column to the left must not be stowed in the same hold or compartment with the particular class of military explosives indicated by the heading of the vertical column at the top of the chart. For specific provisions of stowage, and items included in each class, refer to § 146.29-100.

(b) In the chart the letters refer to the following notes:

NOTE A: Class II-F may be stowed in the same lower hold or tween-deck hold with Classes II-C, II-E, II-G, and III provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosive or ammunition is stowed in the hold or tank below.

NOTE B: Class II-F may be stowed in the same deep tank, lower hold or tween-deck hold with Classes IV-A, IV-B, V, and VII: *Provided*, That the Class II-F ammunition is bottom stowed: *And provided further*, That no other class of explosives or ammunition is stowed in the hold or tank below.

NOTE C: Propellant charges Class II-B for separate loading artillery shell filled with Class XI-A or XI-B chemical may be stowed together in the same hold or compartment: *Provided*, That the propellant charges are "top stowed", the two items being separated by a type "A" dunnage floor. When so stowed the propellant charges shall not be overstowed with any other cargo.

NOTE D: Class II-J TH incendiary filled ammunition shall be stowed only in a deep tank or lower hold, and in all cases bottom stowed, except that a limited quantity shipment not in excess of 500 lbs. net TH content may be stowed on deck in a special magazine constructed of material as set forth in § 146.29-81 (c) and provided such magazine has an outer insulation of sand at least 3 feet thick on the bottom and not less than 1 foot thick on each side. There shall be only one such stowage per vessel and that stowage shall not be over a hatch in which military explosives or other dangerous articles are stowed.

NOTE E: Class V (unfuzed and no fuzes packed in container) and Class VII (unfuzed and no fuzes packed in container) may be stowed with Class X.

LEGEND		CLASS	I	II-A	II-B	II-C	II-D	II-E	II-F	II-G	II-H	II-J	III	IV-A	IV-B	V	VI	VII	VIII	IX-A	IX-B	IX-C	X	II-A	II-B
	Shall NOT be stowed together																								
	May be stowed together																								
	Check note for proper stowage																								
Small-arms ammunition w/o explosive bullets, mechanical time fuse w/o booster and like items -----		I										D													
Bulk propellents, such as ballistite, cordite, PNH, NH and NC powder -----		II-A																							
Smokeless powder propellents, "Made-up bag charges" in outside shipping containers ---		II-B																					C	C	
Pyrotechnics (Fireworks) ----		III							A			D													
Chemical ammunition - WP or PWP filled (solid) -----		II-E																							
Chemical ammunition - HC filled (solid) -----		II-E							A																
Chemical ammunition - FS or FM filled smoke (liquid) -----		II-F				A		A		A			A	B	B	B		B							
Chemical ammunition - IM, WP or PT filled, incendiary composition (oil gel) -----		II-G							A			D													
Chemical ammunition - water activated -----		II-H																							
Chemical ammunition - TH filled incendiary composition (solid)		II-J	D			D				D				D	D										
Fuses, PD w/o booster; fuses AT mine (non-chemical) w/o booster; fuses, bomb tail w/o booster; fuses, tracer; primers; primer detonators, etc. -----		III							A																
Fixed ammunition w/o explosive projectiles (shell) and like items -----		IV-A							B			D													
Fixed and semi-fixed ammunition with explosive loaded projectile (shell) -----		IV-B							B			D													
Separate loading shells filled with explosive "D" -----		V							B													E			
ED fuses; PD fuses with booster; bomb fuses with booster; rocket fuses with booster; and like items -----		VI																							
Separate loading shells filled with HE other than explosive "D" -----		VII							B													E			
Blasting caps; detonators; AT mine fuses (chemical); etc. --		VIII																							
Explosives in bulk, such as black powder, smokeless powder for small-arms, etc. -----		IX-A																							
High explosives, such as dynamite TNT, demolition blocks, etc.		IX-B																							
Initiating and priming explosives in bulk -----		IX-C																							
Explosive bombs, mines torpedoes etc. -----		X														E		E							
Chemical ammunition-lethal -----		II-A			C																				
Chemical ammunition - non-lethal		II-B			C																				

§ 146.29-100 Classification, handling and storage chart.

Class	Description	I. C. C. marking	Hazard	Storage	Handling
1 Small-arms ammunition w/o explosive bullets, mechanical time fuse w/o booster, and like items.	Small-arms ammunition is fired ammunition, blank ammunition, shotgun shells designed to be fired from a pistol, revolver, rifle, shotgun or similar weapon held by the hand, or by the hand and shoulder, or machine guns of caliber less than .45, or blank remover cartridges for pilot seat ejectors and canopy removing catapults, and consists of a metallic or paper cartridge case, a primer and a propelling charge, with or without bullet, shot, tear gas material, tracer components or incendiary compositions or mixtures, but not including bullets loaded with high explosives. (For small-arms ammunition with explosive bullets or projectiles see Class IV-B.) Other items of ammunition or component parts of ammunition having similar hazard characteristics to small-arms ammunition are also included in this class. Includes but is not limited to: Boxoon motion fuse (Use only ignition fuse). Cartridges: Aircraft engine starter. Armor piercing. Armor piercing incendiary. Armor piercing incendiary tracer. Blank. Carbine. Casualty aircraft personnel. Gallery practice. Guard. High pressure test. Incendiary. Incendiary. Powder, actuated tool, shipped separately. Remover, aircraft canopy. Rifle grenade. Slick marker (MK1). Subsailer. Tear gas. Tracer. Casualty w/cartridge, Aircraft Personnel, M1. Chemical delay pencil. Coardean detonant.	"Cannon primers" "Combination" primers. "Coardean detonant." "Empty" cartridge case, primed." "Explosive rivets." "Grenade, empty, primed." "Incendiary, empty, primed." "Perforation cap." "Safety fuse." "Small-arms ammunition." "Small-arms ammunition, tear gas container." "Small-arms primer." "Time fuse (mechanical w/o booster)."	The principal hazard in connection with the storage of this class of ammunition is its involvement in fire from outside source. Under such conditions the presence of this type of ammunition will not contribute excessively to the fire. Fire may be controlled and extinguished by flooding or spraying with large amounts of water. Miscellaneous burning ammunition will not be protected with any considerable velocity. Fire fighting personnel should take normal precautions and not expose themselves unnecessarily.	Any compartment or hold may be stored in any hold above, any hold below or a hold adjacent to one in which flammable liquids, flammable solids or oxidizing materials, flammable compressed gases, hazardous articles or combustible liquids are stored. Provisions of § 146.29-99 (Storage adjacent to other dangerous articles) shall be complied with unless specifically exempted by the above paragraph. May be overruled.	1. Observe marking on package to be certain that no small-arms ammunition with explosive bullets is included. 2. Do not subject packages to rough handling. 3. Maximum weight per draft shall not exceed 3,000 lbs. plus 10%. 4. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 5. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

NOTE: The U. S. Army and Navy definitions of small-arms is based on tactical considerations. The Coast Guard definition shall take precedence in all cases in relieving transportation, handling and storage as cargo on board merchant vessels which are subject to the regulations in this part.

Class	Description	I. C. C. marking	Hand	Storage	Handling
II-A Bulk propellants such as Ballistite, Cordite, FNH, NFI, and NO pow- ders.	Smokeless powder for cannon in bulk. Rocket propellants in bulk. Includes but is not limited to: Ballistite (balls) for any purpose in large grains, sheets, or masses. Cordite. FNH powder. NO powder. NH powder. SFOA powder. SPOA powder.	"Propellant explo- sives".	Loose powder may be ig- nited by spark, friction, or intense heat. Powder dust is especially hazardous. Burns rap- idly with excessive heat. Burning powder in ships hold may explode, pro- ducing structural damage and missiles. May become sensitive if sub- jected to high tempera- tures. If involved in a fire, imme- diately apply water freely and in quantity.	Ammunition storage Shall not be over-stowed with any other kind of cargo except bomb fin assemblies, empty water fillable prac- tices, and empty auxiliary gas tanks. When Class I ammunition is stowed in the same hold or stowage space with this Class the two stowages must be sepa- rated by a partition bulk- head or type "A" damage floor. For stowage adjacent to other dangerous articles see § 146.50-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 5. In event package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 6. Remove damaged container and residue of pow- der to a safe location. 7. Gravity roller conveyors shall not be used unless authorized by the Captain of the Port in ports or facilities under his jurisdiction. At other ports or facilities authority for such use may be granted by the Officer in Charge. 8. Cargo handling stowage gear may be trays, skipboards, pallets, or pile plates provided they are fitted with cargo nets or sideboards. Bins or trays with fixed or removable sides are author- ized. 9. Cargo nets w/o trays, skipboards, pallets, or pile plates are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pileplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
II-B Smokeless powder Propellants Made-up bag charges in outside shipping contain- ers.	Smokeless powder propellant charges (made-up charges) in cloth powder bags with knitter attached and with or without its primer and packed in outside metal or fiberpack containers. Includes but is not limited to: Propellant charges for separate loading ammunition such as: 4.3", 5"/100, 5"/81, 6"/47, 6"/55, 6"/58, 7", 8", 10", 12", 14", 15", 16", 155- mm, 240mm, 280mm. Charges, propelling for red, earth blast driven.	"Propellant explo- sives".	Loose powder may be ig- nited by spark, friction, or intense heat. Powder dust is especially hazardous. Burns rapidly with ex- cessive heat. Burning powder in ship's hold may explode produc- ing structural damage and missiles. May become unsafe if sub- jected to high tempera- tures. If involved in a fire, immedi- ately apply water freely and in quantity.	Ammunition storage Shall not be over-stowed with any other kind of cargo ex- cept bomb fin assemblies, empty water fillable practices and empty auxiliary gas tanks. When Class I ammunition is stowed in the same hold or stowage with this class the two stowages must be sepa- rated by a partition bulk- head or type "A" damage floor. Propellant charges, of this class, for separate loading ammunition shall, filled with Class XI-A or XI-B chem- ical may be stowed together in the same hold or compart- ment provided the propel- lant charges are "top- stowed", the two items be- ing separated by a type "A" damage floor. When so stowed the propellant charges shall not be over- stowed with any other cargo. For stowage adjacent to other dangerous articles see sec- tion 146.50-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 6. Remove damaged container and residue of powder to a safe location. 7. Gravity roller conveyors shall not be used unless authorized by the Captain of the Port in ports or facilities under his jurisdiction. At other ports or facilities authority for such use may be granted by the Officer in Charge. 8. Cargo handling stowage gear may be trays, skipboards, pallets, or pileplates provided they are fitted with cargo nets or sideboards. Bins or trays with fixed or removable sides are author- ized. 9. Cargo nets w/o trays, skipboards, pallets, or pileplates are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pileplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to pre- vent the upper tier or tiers from shifting or falling from the draft.

Class	Description	I. C. C. marking	Hazard	Storage	Handling
II-C Pyrotechnics (fireworks)	Fireworks are all manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Includes but is not limited to: - Blossomp. - Bomb, target identification. - Delay electric lighters. - Depth charge markers, day. - Firecrackers. - Fire starter. - Fireworks—bombs. - Fireworks—shell. - Flares of all types, such as: - Airport. - Bombardment. - End identification. - Hill altitude parachute. - Hooded (7"). - Parachute trip. - Signal. - Tow target. - Trip. - Flash cartridge under 72 grains. - Flash crackers. - Flash reducer (non black powder). - Flash sheets (ad. packing, ICC). - Flash lights. - Fuse lighters. - Igniters, M1 and M2. - Illuminating grenades. - Instantaneous fuse. - M1, A3" aircraft rocket. - Metal powder (ad. packing, ICC). - Firewheel. - Photographic flash powder (ad. packing, ICC). - Pull wire fuse lighter. - Quick match. - Railway fuses.	"Common fireworks". "Electric signals". "Fuse lighters". "Safety signals". "Special fireworks".	The principal hazard is involvement in a fire. Some pyrotechnics may become spontaneously if exposed to moisture or high temperature, but under these conditions most types tend to become less sensitive and more difficult to ignite. Aircraft flares and high burst rockets are not to be stored in a fire may explode. Most other types burn with intense heat and without serious explosion. If involved in a fire immediately apply water freely and in quantity. Steam or fog is also effective but less so than water. Fire fighting personnel should work from behind barriers and not expose themselves unnecessarily.	Ammunition storage, deplink storage or pyrotechnic locker. Shall be stored away from heat and in a dry location, protected against moisture contacting the storage. Shall not be overtopped with any other kind of cargo. May be stored in the same deep tank, lower hold or between-deck hold with Class II-F provided the Class II-F ammunition is bottom stored and provided that no other class of explosives or ammunition is stored in the hold below such stowage. May be stored in the same deep tank or lower hold as Class II-F provided the II-F ammunition is bottom stored. For storage adjacent to other dangerous articles see I 146-29-56.	- Handle by hand or mechanical means. - Do not drag, drop, tumble, walk or otherwise subject packages to shock. - Do not load during excessive rainy weather, unless complete protection against moisture coming in contact with the package is provided. - Do not use chains in loading or unloading. - Carriage handling stowage gear may be trays, shipboards, pallets, or pigplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. - Carriage nets without trays, shipboards, pallets, or pigplates are not permitted. - Packages or containers shall be stowed in the position indicated by their marking. - The maximum permitted weight per draft when handled by pallet, shipboard, tray, or pigplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. - Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. - Lifts of palletized units shall not be lifted except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Note: Photoflash bombs, see Class X. Flashlight powder in bulk see Class IX-A. Illuminating projectiles, see Class IV-B.

Class	Description	L. C. C. marking	Hazard	Storage	Handling
II-D Chemical ammunition, WP or PWP filled (solid).	All chemical ammunition, including fixed, semi-fixed and separate loading, filled with WP or PWP (white phosphorus) when the cartridges or packed with or w/o their ignition elements, burning charges, fuses or projectiles, shall be classified as a flammable solid, WP or PWP, when shipped in bulk in drums, barrels, or other authorized containers. WP or PWP shall be classified as a flammable solid, WP or PWP, when shipped in authorized ICG specification containers or Chemical Corps specification containers of integrity equal to ICG containers (including projectiles, bombs, and rocket heads, w/o ignition elements, burning charges or fuses), may be headed and stored either as a flammable solid or as chemical ammunition Class II-D. Includes but is not limited to: - Bombes, aircraft, WP or PWP filled. - British Calling Cards. - Fire leaves. - Grenades, rifle, WP or PWP filled. - Grenades, hand, WP or PWP filled. - Incubators, phosphorus filled. - Projectiles (shells) WP or PWP filled. - Rocket Heads, WP or PWP filled. - Rockets, assembled w/motors, WP or PWP filled. - Rockets, assembled w/motors, WP or PWP filled. Notes: The U. S. Army and Navy, when shipping ammunition filled with white phosphorus mark such ammunition and the containers thereof with the word "smoke" and the symbol WP or PWP. The ammunition is also marked with one yellow band.	"Ammunition for chemical warfare." "Explosive projectile." "Explosive bomb." "Ammunition for chemical warfare." "Grenade, hand, smoke."	The principal characteristic of white phosphorus is that of spontaneous ignition of upon exposure to air, burning with an intensely hot flame, and giving off large volumes of white smoke. The fumes are highly disconcerting. Burning phosphorus gives off phosphorus oxide which is toxic upon sustained exposure thereto. Phosphorus is intensely poisonous when taken internally. It becomes highly volatile at 111 °F. Leakage which sometimes occurs, usually gives warning by smoke. Ammunition fitted with fuses and boosters, if involved in a fire will usually explode with moderate violence thus tending to spread the fire rapidly. Apply water freely and in quantity to control spread of fire. Steam or fog is also effective but less so than water. It is necessary to keep the WP or PWP completely covered with water to prevent re-ignition. Organic material contaminated with WP or PWP, such as dunnage in the holds of vessels, must be removed and disposed of by burning. Otherwise, after drying out, these substances are likely to re-ignite. Rockets, WP filled, assembled with motor and involved in a fire will present an additional hazard due to the propulsive nature of the rocket. Loose phosphorus in contact with skin tissue will adhere causing painful burns and continue to consume skin tissue until removed. A solution of copper sulphate is effective in counteracting this action. Use rubber protective gloves, boots, aprons, and gas masks to provide effective protection.	Ammunition (except, chemical ammunition storage, or deep tank storage) It is important to store in temperatures above 100 °F. When shipments of Army ammunition cannot be so stored the following shall be complied with: WP or PWP filled rifle grenades or rockets shall be stored nose down. All other WP or PWP filled items of ammunition shall be stored in a nose up position. The position of the nose end of the item of ammunition is marked on the outside package or container. Drums or other authorized ICG or Chemical Corps specification containers filled with WP or PWP may be stored in the same hold or compartment with ball or compartment with chemical ammunition Class II-D. For storage adjacent to other flammable articles see 114.25-26. When given chemical ammunition storage, see 114.29-35 for additional requirements.	- Handle by hand or mechanical means. - Do not drop, drag, tumble, walk or otherwise subject packages to shock. - Do not use chute in loading or unloading. - Observe packages or projectiles (shells) for leakage and reject any showing such signs. - Packages or containers shall be stored in the position indicated by their marking. - Cargo handling save-dere gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. - Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. - The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,000 lbs. plus 10%. - Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. - Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. - Wire rope slings are permitted when handling unsecured items or containers filled with WP or PWP. (See also Limiting Cases, Class V.) - Drums of WP or PWP shall not be handled by attaching hooks to the calms of the drums.

Class	Description	I. C. C. marking	Hazard	Storage	Handling
II-E Chemical ammunition. H.C. filled (solid).	All chemical ammunition including fired, semi-fired and separate loading filled with HC (hexachloroethane, a smoke mixture) when assembled or packed with their ignition elements, bursting charges, section charges, fuses or propellants. HC mixture shipped in bulk in drums, barrels or other authorized shipping containers shall be classified as an oxidizing material. H.C. containers shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including drums and bombs) with limited elements, bursting charges or fuses may be handled and stored either as an oxidizing material or as chemical ammunition Class II-E. Includes but is not limited to: Bombs, aircraft, smoke, HC filled. Bombs, floating, smoke, HC filled. Bombs, smoke identification, HC filled. Float, smoke, HC filled. Granades, hand, HC filled. Granades, signal, HC filled. Granades, colored smoke, HC filled. Pots, smoke, HC filled. Shells, artillery, smoke, HC filled. Shells, mortar, smoke, HC filled. Note: The U. S. Army and Navy when shipping ammunition filled with HC smoke or colored smoke mark such ammunition HC smoke or colored smoke and mark the ammunition with one yellow band.	"Ammunition for container with smoke projectile." "Explosive bomb." "Explosive projectile." "Granade, hand." "Granade, hand."	HC (hexachloroethane mixture) is subject to spontaneous ignition through the action of moisture through the HC mixture. Once started, the temperature rises quickly and may be sufficient to cause adjacent containers of HC to ignite. The reaction once started is self-supporting and requires no oxygen. Water can be applied freely to prevent spread of fire. The use of Foamite, CO ₂ or fog is less effective. Personnel handling fire involving HC articles of ammunition should be instructed in the use of a self-contained breathing apparatus or gas mask. As there will probably be an oxygen deficiency in dense smoke, self-contained breathing apparatus should always be used in preference to gas masks.	Ammunition storage, chemical ammunition storage, or deep tank storage. It is important to store in locations not subject to temperatures above 100° F., and protected from moisture. Storage shall be accessible from cargo hatch or other access means to the hold or compartment. Drums or other authorized ICC or Chemical Corps specification containers filled with HC may be stored in the same hold or compartment with chemical ammunition Class II-E. May be stored in the same deep tank, lower hold or lower-deck hold with Class II-F ammunition in bottom stowage provided that they are not stored with other classes of munitions or explosives stored in the hold or tank below. For storage adjacent to other dangerous articles see § 146-25-39. When given chemical ammunition storage, see § 146-25-45 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chits in loading or unloading. 4. Observe packages or projectiles (shells) for leakage and reject any showing such signs. 5. Packages or containers shall be stored in the position indicated by their markings. 6. Cargo handling stowage gear may be trays, skipboards, pallets or platforms provided they are fitted with cargo nets or skidboards. Bows or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skipboards, pallets, or platforms are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or platform fitted with cargo net shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lots of palletized units so designated as to prevent the upper tier or tiers from shifting or falling from the draft. 11. No scope chits are permitted when handling munitions or explosives in containers filled with HC mixture. (See table of Limiting Loads, Class X.) 12. Drums of HC mixture shall not be handled by attaching hooks to the chime of the drums.
II-F Chemical ammunition. FS or FM smoke filled (liquid).	All chemical ammunition including fired, semi-fired and separate loading filled with smoke, FS (further trioxide in chlorosulfonic acid) or FM (fuming sulfuric acid) when assembled or packed with their ignition elements, bursting charges, section charges, fuses, or propellants. FS or FM shipped in drums, barrels, cylinders or other authorized containers shall be classified as a corrosive liquid. FS or FM when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including drums and bombs) with limited elements, bursting charges or fuses may be handled and stored either as a corrosive liquid or as a chemical ammunition Class II-F. Includes but is not limited to: Granades, frangible, smoke, FS or FM filled. Rockets, smoke, FS or FM filled. Rockets, FS or FM filled. Shells, artillery, FS or FM filled. Shells, mortar, FS or FM filled. Spotting charges, FS filled. Note: The U. S. Army and Navy when shipping ammunition filled with FS or FM smoke mark such ammunition and the containers thereof with the word "Smoke" and the symbol FS or FM. The ammunition is also marked with one yellow band.	"Ammunition for container with smoke projectile." "Explosive projectile." "G r a n a d e, h a n d, s m o k e."	FS (further trioxide in chlorosulfonic acid) and FM (fuming sulfuric acid) are liquids which become very viscous when heated. They react violently with small amounts of water and form a dense white smoke upon release to the atmosphere. FS is highly corrosive both as a liquid and as a smoke. FM is corrosive in liquid form, but its smoke is very irritating. FS or FM should be washed off immediately with large volumes of water. Personnel working in a confined space where high concentrations of FS or FM smoke exists should use rubber protective gloves, boots, aprons and gas masks for effective protection.	Ammunition storage, chemical ammunition storage, deep tank storage. It is important to store away from heat and to protect from moisture. May be stored in the same deep tank, lower hold or lower-deck hold with Class II-C, II-E, II-G, and III provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stowed in the hold or tank below. May be stored in the same deep tank, lower hold or lower-deck hold with Class II-A, II-B, V, and VII provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stored in the hold or tank below. Drums or other authorized ICC or Chemical Corps specification containers filled with FS or FM may be stored in the same hold or compartment with chemical ammunition Class II-F. Shall not be stored over other types of ammunition. For storage adjacent to other dangerous articles see § 146-25-39. When given chemical ammunition storage, see § 146-25-45 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Observe packages or projectiles (shells) for leakage and reject any showing such signs. 4. Containers or projectiles shall be stored in the position indicated by their markings. 5. Cargo handling stowage gear may be trays, skipboards, pallets, or platforms provided they are fitted with cargo nets or skidboards. Bows or trays with fixed or removable sides are authorized. 6. Cargo nets w/o trays, skipboards, pallets, or platforms are not permitted. 7. The maximum permitted weight per draft when handled by pallet, skipboard, tray or platform fitted with cargo net or skidboards shall not exceed 2,400 lbs. plus 10%. 8. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 9. Lots of palletized units so designated as to prevent the upper tier or tiers from shifting or falling from the draft. 10. Drums of FS or FM shall not be handled by hooks attached to the chime of the drums.

Class	Description	I. C. C. marking	Hazard	Storage	Handling
II-G Chemical ammunition composition, IM, PT or NP filled (oil gel).	Chemical ammunition filled with IM, PT or NP (thickened fuses) when assembled or packed with or w/o ignition elements, bursting charges or fuses. IM, PT or NP shall be classified as a flammable solid. IM, PT or NP when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including bombs w/o ignition elements, bursting charges or fuses) may be handled and stored either as a flammable solid or as chemical ammunition Class II-G. Includes but is not limited to: Bombs. Bombs, cluster incendiary. Fragible grenades. Note: The U. S. Army and Navy when shipping ammunition filled with these incendiary compositions mark such ammunition or containers thereof with the Chemical Corps symbol of the filler and one purple band.	"Explosive bomb"----- "Grenade, hand." "Incendiary."	The principal hazard of IM, PT or NP filled items is involvement in a fire. They burn rapidly with intense heat. Extinguishment of fires is best accomplished by means of water fog, foam or a foam steam (mechanical or chemical) is likewise effective. CO ₂ should not be used unless the fire is small and in its incipient stage. In holds of a vessel large volumes of water are recommended as a cooling agent provided same may be employed without risk of flooding or burning fuel. The vapors from burning sodium are toxic and severe heating operations should be avoided while working in molten or concentrated. Chemicals of incendiary bombs in this category may contain a certain percentage of bombs having a high explosive charge capable of causing fragments which would be dangerous to fire-fighting personnel. Incendiaries of this type may contain ignition components of WP adding an additional hazard.	Ammunition storage, chemical tank storage Shall not be stored within 10 feet of a heat bulkhead. May be stored in the same deep tank, lower hold or tween deck hold with Class II-G ammunition in bottom stowed and provided further that no other class of explosive or ammunition is stowed in the hold or tank below. May be stored in a deep tank or lower hold with Class II-G ammunition provided the Class II-G is bottom stowed. For storage adjacent to other dangerous articles, see § 146.29-59. When given chemical ammunition storage, see § 146.29-85 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Do not load during excessive rainy weather unless complete protection against moisture coming in contact with the package is provided. 5. Observe packages or containers for evidence of shifting or inability to retain contents and reject any showing such signs. 6. If evidence of a package is damaged and powder is exposed, immediately stop operations and sweep away loose powder. 7. Remove damaged container and residue of powder to a safe location. 8. Cargo handling stowage gear may be trays, skipboards, pallets or placards provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w/o trays, skipboards, pallets or placards are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skipboard, tray or placard fitted with cargo net or sideboards shall not exceed 2,800 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lids of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
II-H Chemical ammunition. Water activated.	Chemical ammunition filled with sodium, calcium carbide, calcium phosphide, lithium hydride, with or w/o explosive components. Includes but is not limited to: Bombs, NEA. Depth charge markers, night. Grenades, sodium filled. Incendiary, sodium filled. Pots, torpedo launch. Shell, false target.	There are no provisions in the current ICC regulations for the marking of this class of ammunition.	On contact with moisture, metallic sodium or lithium hydride will liberate large quantities of hydrogen gas thus producing an explosive hazard. The reaction of metallic sodium with water is sufficiently violent to cause ignition of the liberated hydrogen. Fumes from burning sodium are caustic. On contact with moisture, calcium carbide or calcium phosphide will liberate phosphine and acetylene gases. The phosphine is toxic but extremely unstable, ignites spontaneously and at the same time ignites the acetylene gas. Fires involving these items cannot be extinguished by water, carbon dioxide or foam. Smothering with an inert substance such as dry sand or dry soda ash offers effective control. Jettisoning should not be accomplished in a port or roadstead as the floats will continue to burn until filler is consumed, jeopardizing other vessels and planes.	Special storage On deck in a portable magazine, in a deck house or other location readily accessible for jettisoning. Storage shall be waterproof. Shall not be stored with any other class of military explosives or any other dangerous articles.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Do not load during excessive rainy weather unless complete protection against moisture coming in contact with the package is provided. 5. Observe packages or containers for evidence of shifting or inability to retain contents and reject any showing such signs. 6. If evidence of a package is damaged and powder is exposed, immediately stop operations and sweep away loose powder. 7. Remove damaged container and residue of powder to a safe location. 8. Cargo handling stowage gear may be trays, skipboards, pallets or placards provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w/o trays, skipboards, pallets or placards are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skipboard, tray or placard fitted with cargo net or sideboards shall not exceed 2,800 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lids of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Class	Description	I. C. C. marking	Hazard	Storage	Handling
II-J Chemical ammunition, TH composition, AT composition, filled (solid).	All chemical ammunition filled with incendiary composition TH (thermite, thermate or thermate magnesium) with or w/o fuse or explosive element. Includes but is not limited to: Bombs, incendiary cluster. Incendiary rocket. Incendiary rocket. Thermite burning charges. Thermite charges under water. Thermite igniters. Thermite units 10 lbs. Note: The U. S. Army and Navy when shipping ammunition filled with these incendiary compositions, mark such ammunition or containers thereof with the Chemical Corps symbol of the filler and with one purple band.	"Explosive bomb," "Grenade, hand incendiary."	The principal hazard of TH filled items is involvement in a fire. They burn rapidly with intense heat and usually form large quantities of molten iron. The presence of a small explosive charge in some TH items forms an additional hazard in case of a fire. Carbon dioxide and carbon tetrachloride extinguishers should not be used to combat fires involving TH because the reaction of carbon tetrachloride with molten metal produces toxic gases and that of carbon dioxide on magnesium may produce an explosion. In the hold of a vessel large volumes of water are recommended as an extinguishing agent. Fire fighters should work from behind barriers when possible.	Deep tank storage or ammunition storage Shall be stored only in a deep tank or lower hold, and in all cases bottom stowed. For storage adjacent to other dangerous articles see § 146.29-39. A limited quantity shipment not in excess of 300 lbs. net TH content may be stowed on deck in a special magazine constructed of material as set forth in § 146.29-31 (c) and provided such magazine has an outer insulation of sand at least three feet thick on the bottom and not less than one foot thick on each side. There shall be only one such storage per vessel and that storage shall not be over a hatch in which military explosives or other dangerous articles are stored.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages or containers for evidence of failure or inability to retain contents and reject any showing such signs. 5. Cargo handling stowage gear may be trays, skipboards, pallets or platforms provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets w/o trays, skipboards, pallets or platforms are not permitted. 7. The maximum permitted weight per draft when handled by pallet, skipboard, tray or platform, fitted with cargo net or sideboards shall not exceed 4,000 lbs. plus 10%. 8. Drums consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 9. Lids of palletized units shall be tied except when using a sling so designed as to prevent the upper tier or tiers from tilting or falling from the drum. 10. Wire rope slings are permitted when handling unboxed bombs or containers filled with TH. (See table of Limiting Loads, Class X.)
III Fuses, PD w/o booster; fuses, AT mines, non-chemical, w/o booster; fuses, bomb tail, w/o booster; fuses, booster; fuses, tracer; primer detonators; primers, etc.	Point fuses w/o boosters for projectiles and rockets; anti-tank mine primer detonators, cannon primers, other than lock primers, when packed in separate shipping containers. Includes but is not limited to: Cannon primers. Cannon percussion primer. Cannon electric primer. Cannon percussion ignition primer. Combination electric and percussion primer. Fuses, anti-tank, mine (non-chemical) w/o booster. Fuses, base percussion. Fuses, bomb tail, w/o booster. Fuses, PD w/o booster. Fuses, percussion. Fuses, MTSQ w/o booster. Fuses, tracer. Fuses, TSQ w/o booster. Igniter, Jato, such as M118. Magazine, extension primers. Percussion primers other than lock. Primer detonators.	"Combination fuses," "Cannon primers," "Defusing fuses," "Percussion fuses," "Tracer fuses."	The amount of explosives in single items of this class varies from 30 to 500 grains. It is likely they will explode progressively. Structural damage caused by the pressures generated would probably be limited to the immediate vicinity. Minuses are light and usually fall within 300 feet. These types of ammunition are loaded with explosives that are sensitive to shock and friction. Shock and fire are the principal hazards to this type of ammunition. If involved in a fire, fire fighting personnel should take normal precautions and not expose themselves unnecessarily. Fire may be controlled and extinguished by flooding or spraying with large amounts of water.	Ammunition storage, special storage, or portable magazine which may be stored in a hold or on deck This class of ammunition shall not be overstowed with any other cargo or ammunition except Classes VI and VIII. May be stored in the same lower hold or tween-deck hold with Class II-F provided the Class II-F is bottom stowed and provided further that no other class of military explosives is stored in the hold below or the deep tank directly below. For storage adjacent to other dangerous articles see § 146.29-39.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Gravity roller conveyors not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous cargo. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material. 9. Packages shall be stored in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drums consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lids of palletized units shall not be tied except when using a sling so designed as to prevent the upper tiers from tilting or falling from the drum. 13. A portable magazine in which this class of ammunition is stored and hoisted on board a vessel as a unit load shall not exceed 4,000 lbs. plus 10%.

Class	Description	I. C. C. marking	Hazard	Storage	Handling
IV-A Fixed ammunition without explosive projectile (shell) and like items.	Fixed ammunition with solid projectile, blind headed projectile, empty projectile or without projectile—(the explosive components consisting of the primer and powder charges in a cartridge case); Cartridge cases primed and containing powder charges; practice grenades, practice and target rockets. Includes but is not limited to: Ammunition for cannon: Blank. Blind headed and plugged (BL & P). Blind headed with tracer (BL & T). Empty projectile. Solid projectile. Without projectile. Ammunition, armor piercing, shot (w/o HE). Cartridges, blank, saluting. Cartridges, semifused for Navy type guns: 8"/38, 8"/31, 8"/24, 8"/17. Cartridges, semi-fused 4.7" (Army w/o projectile). Charges: Caisson (other than aircraft personnel). R. gun. Spotting (black powder) M1A1, M3, M4. Aircraft incendiary bombs. Grenade hand, practice. Rocket target. Rocket motor (w/o rocket heads). Rocket, packed with but not assembled to inert rocket heads. Rocket, practice, assembled with inert head.	"Ammunition for cannon with empty projectile." "Ammunition for cannon with solid-headed projectile." "Ammunition for cannon with solid projectile." "Ammunition for cannon w/o projectile."	The principal hazard associated with this class of ammunition is its involvement in a fire. Pressures which would cause serious structural damage are not usually generated. If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire-fighting personnel should take appropriate precautions and not expose themselves.	Ammunition storage Boxed and crated ammunition may be overstocked with non-dangerous cargo and permitted explosives. Tanked ammunition may be overstocked with bomb fin assemblies, empty water filled practice bombs and empty auxiliary gas tanks. May be stored in the same deep-tank hold with Class II-F ammunition provided the Class II-F is bottom stored and provided further that no other class of military explosives is stored in the hold or the tank below. May be stored in the same deep tank or lower hold with Class II-J ammunition provided the Class II-J is bottom stored. For storage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Cargo handling stowage gear may be trays, skipboards, pallets, or pupalates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 4. Cargo nets without trays, skipboards, pallets or pupalates are not authorized. 5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pupalate fitted with cargo net or sideboards shall not exceed 2,600 lbs. plus 10%. 6. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
IV-B Fixed and semifused ammunition with explosive projectile or shell.	Fixed and semifused ammunition, packed as complete rounds (including artillery, mortar and gun ammunition) grenades and rockets, when assembled with explosive projectile or bursting charge. Small-arms ammunition with explosive bullets or projectiles. Includes but is not limited to: Anti-personnel mine, M2 and M3. Artillery ammunition of calibers 0.75" to 5" inclusive, with explosive, illuminating or incendiary projectiles. Grenades, hand, defensive. Grenades, hand, defensive, TNT filled, fused or unfused. Grenades, hand, fragmentation. Grenades, rifle, A.T. Grenades, rifle, HE filled. Gun ammunition of calibers 0.75" to 5" inclusive, with explosive, illuminating or incendiary projectiles. Mortar ammunition (explosive or illuminating). Rockets 2.39" A. T. (Bazooka). Rockets, with explosive or illuminating heads packed in the same container with, but not assembled to motors. Rockets, 3.5" HE A.T. Rockets, 2.75" FFAB, not assembled to but packed with rocket heads (explosive). Small-arms ammunition with explosive bullets.	"Ammunition for cannon with explosive projectiles." "Ammunition for cannon with incendiary projectile." "Ammunition for small arms with explosive bullets." "Ammunition for small arms with explosive projectiles." "Hand grenades." "Rifle grenades." "Rocket ammunition with explosive projectiles." "Rocket ammunition with illuminating projectiles." "Rocket ammunition with explosive projectiles."	Articles in this class present a severe fire hazard and usually explode progressively, only a few boxes at a time, many explosions of individual rounds being of a very low order. Pressure which would cause serious structural damage is not usually generated. Most missiles would fall within 600 feet. If involved in a fire it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire fighting personnel should take appropriate precautions and not expose themselves unnecessarily.	Ammunition storage Boxed and crated ammunition may be overstocked with non-dangerous cargo. Tanked ammunition may be overstocked with bomb fin assemblies, empty water filled practice bombs and empty auxiliary gas tanks. May be stored in the same deep tank, lower hold or two-deck hold with Class II-F ammunition provided the Class II-F is bottom stored and provided further that no other class of military explosives is stored in the hold or tank below. May be stored in the same deep tank or lower hold with Class II-J ammunition provided the Class II-J is bottom stored. For storage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Cargo handling stowage gear may be trays, skipboards, pallets or pupalates, provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 4. Cargo nets without trays, skipboards, pallets or pupalates are not authorized. 5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pupalate fitted with cargo net or sideboards shall not exceed 2,600 lbs. plus 10%. 6. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Class	Description	L. C. C. marking	Handled	Storage	Handling
V	Separate loading shell of all calibers filled with explosive "D", fused or unfused; and shell filled with explosive "D", fused or unfused. "D" is used as a bursting charge for all projectiles which must withstand severe stresses and shocks before detonating. Includes but is not limited to: Armor piercing shells. Deck piercing shells. NOTE: In general, Classes V and VII types of projectiles will be shipped in accordance with the following basic rules: Point fused shells with false ogives will be crated. Point fused shell without false ogives will have grommets and eyebolt lifting plugs. Base fused shell with relatively fragile parts such as false ogives, steel cages and windshields will be crated. Base fused shell without false ogives will not be crated but will have grommets.	"Explosive projectile"	If involved in a fire will very likely detonate as a result of explosion to test. These shells usually do not contain all cases with live order explosion. There is no certainty that an explosion will not occur. Most missiles will fall within 1,200 feet.	Ammunition storage This ammunition, boxed, unpacked, or palletized units, boxed, may be stored in the same manner as other ammunition. Care must be taken not to damage rotating bands of shells that are not in containers. May be stored in the same manner as other ammunition in deep tank, lower hold or II-F ammunition provided the Class II-F is bottom stored and provided further that no other class of military explosives is stored in the same hold below or in the tank below. Class V when unfused and no fuses packed in container may be stored with Class X. For storage adjacent to other dangerous articles see § 146.29-38.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject package to shock. 3. Do not use chain in lifting or unloading. 4. Base fused shells (all) shall not be rolled except by hand control and on a level surface without appreciable incline. 5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from bores. 6. When handling items packed in outside containers, cargo handling stoves gear may be used. Trays, skidboards, pallets, or platforms, provided they are fitted with cargo nets or skidboards. Bases or trays with removable sides are authorized. 7. Shell tops or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used. 8. Cargo nets without tray, skidboards, pallets, or platforms are not permitted. 9. The maximum permitted weight per draft pallets fitted with cargo net or skidboards shall not exceed 2,400 lbs. plus 10%. 10. Single shells weighing in excess of 2,201 lbs. must be loaded or unloaded one at a time. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lots of palletized units shall not be stored except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stored and hoisted on board a vessel as a unit load shall not exceed 4,000 lbs. plus 10%.
VI	Base detonating fuses (for all calibers) and PD fuses with boosters; bomb and rocket fuses with boosters; auxiliary booster assembled to or packed with the fuse; depth charge pistol with detonator and with or without booster assembled to or packed with pistol. (For boosters, auxiliary boosters, boosters, etc., having no initiating or priming elements and packed independently, see Class X.) Includes but is not limited to: Adapter booster, with detonator. Auxiliary booster, with detonator. Burner, with detonator. Fuse: Auxiliary detonating. Base detonating (for all calibers). Bomb nose. Bomb tail with booster. Hydrostatic bomb. Hydrostatic bomb tail. Point detonating with booster. Rocket. V-T with or without booster. Depth charge pistol, with detonator and with or without booster. Mine firing mechanism, C-1.	"Detonating fuses"	The amount of explosives in single items does not usually exceed one-half pound. It is likely they would explode progressively. Structural damage caused by the pressure generated would probably be limited to the immediate vicinity. Missiles are light and usually fall within 800 feet. These types of ammunition are loaded with explosives that are sensitive to shock and heat. If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire fighting personnel shall take appropriate precautions and not expose themselves unnecessarily.	Ammunition storage, special storage, or portable magazine, which may be stored in hold or deck This class of ammunition shall not be overstored with any other cargo or military explosives except Classes III and VIII. For storage adjacent to other dangerous articles see § 146.29-38.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject package to shock. 3. Gravity roller conveyers not authorized. 4. Do not use chain in loading or unloading. 5. Trays with skidboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its skidboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous cargo. 8. Trays shall be bolted and lowered carefully and deposited without undue shock on a mattress or other shock-absorbing material. 9. Packages shall be stored in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with skidboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lots of palletized units shall not be stored except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stored and hoisted on board a vessel as a unit load shall not exceed 4,000 lbs. plus 10%.

Class	Description	I. C. C. marking	Hazard	Storage	Handling
VII	Separate loading shells with H. E. other than explosive "D". Separate loading shell of all calibers, fused or unfused, except those loaded with explosive "D", and loaded shell except those loaded with explosive "D", fused or unfused, not assembled to or packed with cartridge cases; fused cluster fragmentation bombs, rocket heads fused or unfused and less than 200 lbs. gross weight, anti-tank mines, packed with fuses in same container or box. Includes but is not limited to: Anti-tank mines, packed with fuses in same container or box, without cluster fuses. Cluster fragmentation bomb (with individual bombs fused, but without cluster fuses). High explosive anti-tank shell. High explosive shell. Rocket heads fused or unfused and under 200 lbs. not assembled to or shipped with rocket motors. Waders of fragmentation bombs (with individual bombs fused). Note: In general, Classes V and VII types of projectiles will be shipped in accordance with the following basic rules: Point fused shells with false ogives will be crated. Point fused shells without false ogives will have grommets and eyebolt lifting plugs. Base fused shells with relatively fragile parts such as false ogives, steel caps, and windshields will be crated. Base fused shells without false ogives will not be crated but will have grommets to protect rotating bands.	"Explosive bomb"----- "Explosive mine"----- "Explosive projectile."	The principal hazard in transportation will be involvement in fire from sources other than the ammunition itself. Shells or bombs in this class may explode progressively but very likely on mass. Most missiles will fail within 1,500 feet and detonation will result in severe structural damage increasing in severity and range in relation to the amount of high explosives involved.	<i>Ammunition storage</i> This ammunition, boxed, unboxed, or palletized units thereof, may be overstored. Care must be taken not to damage rotating bands of unboxed shells. This class of ammunition when unfused and no fuses packed in container may be stored with Class X. For storage adjacent to other dangerous articles see § 146.29-50.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Bare projectiles (shells) shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from barrel. 6. When handling items packed in outside containers, cargo handling servicers gear may be trays, skipboards, pallets or platforms provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 7. Shell tongs or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used. 8. Cargo nets without trays, skipboards, pallets, or platforms are not permitted. 9. The maximum permitted weight per draft when handled by trays, skipboards, pallets, or platforms fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus 10%. 10. Single shells weighing in excess of 2,200 lbs. must be loaded or unloaded one at a time. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
VIII	A T mine fuses (chemical) etc. Blasting caps. Detonators. Blasting caps of all types; detonators; grenade fuses, detonating fuses; anti-tank mine (chemical). Includes but is not limited to: Blasting caps. Detonators. Detonating caps with safety fuse. Detonator AN-M1 and AN-M1. Detonating grenade fuses. Detonators, all types. Detonators, torpedos. Electric blasting caps. Fuses, A T mine (chemical). Perforated elements (Army). Priming assembly for demolition outside MK 104.	"Blasting caps"----- "Blasting caps with safety fuse."----- "Detonating fuses."	The two primary hazards in the transportation of these devices are shock and involvement in fire. A collision hazard in the event of the detonating of these articles upon other explosives or ammunition stored in proximity to such articles. All of this class ammunition in a unit stowage may explode at one time, but as the total amount of explosives involved is limited structural damage would not tend to be great. Light missiles having limited range would be formed.	<i>Magazine storage "A", special storage, or period magazine, which may be stored in a hold or on deck</i> The location of magazines is restricted to a hold or compartment in which no other explosives or ammunition (except Classes I, III, and VI) are stored. Shall not be stored within 8 feet of the vessel's side. This class of ammunition shall not be overstored with any other cargo. For details of stowage see § 146.29-50. For storage with other dangerous articles see § 146.29-50.	Ammunition of Class VIII constitutes a distinct class of ammunition when not assembled in projectiles, bombs, or other ammunition. These types of ammunition are loaded with explosives that are sensitive to shock. The handling and storage provisions of these regulations give consideration to the probable effect accidental detonation of these devices may have upon the vessel, ammunition or explosives stored within the vessel. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Gravity riding conveyors are not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous articles. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material. 9. Packages shall be stored in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 1,000 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 2,400 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stored and hoisted on board a vessel as a unit load shall not exceed 2,400 lbs. plus 10%.

Class	Description	I. O. C. marking	Hazard	Storage	Handling
IX-B High explosives such as: Demolition blocks, etc. Dynamite, TNT.	High explosives in bulk, items of high explosive such as shaped charges for demolition or other purposes, and powder in bulk, possessing the characteristics of being likely to detonate en masse. Includes but is not limited to: Amolox. Amolox. Ammonium picrate. Ammonium. Anchor charges. Aqueous snakes. A. S. A. pellets. Atlas amodyn. Balls of cellulose nitrate. Bumox. Beeflike charges. Blasting gelatin. British beehive. C. K. pellet. Chain demolition. Chlorate explosives, dry. Chlorate propellants. Chums, M.I. Composition "B," "B2," etc. Composition "C," "C2," etc. Cooking charges. Cordite, RDX. Cordite. Demolition blocks. Depth bomb explosives. Dinitrobenzene. (DNT) Dynamite. Edmold. Explosive "D," (Ammonium picrate). Explosive gelatin. SBS plastic. Gelatine dynamite. Gelignite. General waste. Granite. Gunpowder. H.B.X. Haleite. Hayrick charges. Hexonite. Hexonite. Hogon.	"High explosives"-----	High explosives in bulk, and demolition blocks have relatively similar hazard characteristics. They may be considered stable in storage. Can be ignited by spark or friction and detonated by shock. When limited will burn vigorously. Bulk shipments in amounts likely to be found on board vessels would, if ignited, be very likely to detonate.	Ammunition storage Shall not be stored in the same hold or compartment with other permitted ammunition, or explosives, unless the two are separated by a partition, bulkhead or a type "A" dunnage floor. Shall not be oversawed with any other kind of cargo. For storage adjacent to other dangerous articles see § 146.29-29. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chains in loading or unloading. 4. Packages shall be handled in such a manner as to ensure that no spark or friction will occur. 5. Observe packages or containers for evidence of shifting or inability to retain contents and reject any showing such signs. 6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up loose powder. 7. Remove damaged containers and residue of powder to a safe location. 8. Gravity roller conveyors not authorized. 9. Packages or containers shall be stored in the position indicated by their markings. 10. Cargo handling stowage gear may be trays, skipboards, pallets, or platforms provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 11. Cargo nets without trays, skipboards, pallets, or platforms are not permitted. 12. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or platform fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus 10%. 13. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 14. Lifts of palletized units shall not be there except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
IX-C Initiating and priming explosives in bulk.	Initiating and priming explosives when shipped in bulk includes but is not limited to: Glaucodinitrophenol (DDNP, DINOL). Guanyl-nitrosamino-guanidine-hydrate. Guanyl-nitrosamino-guanyl-tetrazene. Lead azide. Lead styphnate. Lead trinitroresorcinate. Mercury fulminate. Nitro manila. Nitroguanidine. Penterythrite tetrakisulfate. PETN. Tetrazene. Note: Bulk priming or initiating explosives in dry condition are not permitted to be transported on board vessels.	"Initiating explosive"-----	Bulk initiating and priming explosives constitute a distinct class of explosives. They are extremely sensitive to shock. The only permitted packing for transportation in bulk consists of a slit proof cotton duck, rubber or rubbered cloth bag in a metal barrel or drum or wooden barrel or keg and wet with 20 to 40% of water or water alcohol mixture. Mercury fulminate and lead azide also have 9 of sawdust saturated with water between the bag and the outer container.	Magazine storage "A", special storage or portable magazine storage Shall not be stored in the same hold or compartment with other ammunition or explosives. When tiering containers of explosives of this class in a magazine, have each tier dunnage floor. The location of a magazine is restricted to a hold or compartment in which no other military ammunition (except Class I) is stored. Shall not be stored within 5 feet of vessel's side. This class of ammunition shall not be oversawed with any other cargo. For storage adjacent to other dangerous articles see § 146.29-29. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chains in loading or unloading. 4. Do not roll barrels on their blisks. 5. Gravity roller conveyor not authorized. 6. Barrels or drums contain 20 to 40% water or water alcohol mixture. 7. Observe barrels, drums or containers for evidence of leakage or inability to retain contents and reject any showing such signs. 8. In event a container is damaged immediately stop operations and carefully remove damaged container to a safe location. 9. Drums and kegs shall be stored on end with bungs up. Containers shall be stored in the position indicated by their markings. 10. Trays with sideboards shall be used when handling by mechanical means. 11. Containers shall not be stacked on a tray to a height above its sideboard. 12. The maximum permitted weight per draft when handled by tray fitted with sideboards shall not exceed 1,000 lbs. plus 10%. 13. Trays shall be loaded and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material.

Class	Description	I. C. C. marking	Hazard	Stowage	Handling
X Explosive bombs, mines, torpedoes, etc.	Bombs, bomb clusters, mines, depth charges, warheads (all unfused), rocket heads (fused or unfused and without motors 200 lbs. or more gross weight), projector charges (unfused and without motors), torpedo bases (unfused), and other unfused ammunition filled with relatively large amounts of H.E.; all possessing a similar hazard characteristic of en masse detonation. Includes but is not limited to: Activator—without detonator. Bomb— Armor-piercing. Demolition. Depth. Depth charge. Fragmentation. G. F. Light case. Photoflash. S. A. F. Shallow water depth. Boosters—without detonators. Boosters, adapter—without detonators. Boosters, auxiliary—without detonators. Bursar—without detonator. Gas units. Jet thrust units (JATO). Mines: Aerial. Aircraft. Anti-personnel (unfused). Anti-tank (unfused). Anti-tank non-metallic (unfused). Gas case. High explosive. Incendiary. L. A. Piercing charges. Rocket heads (fused or unfused and without motors 200 lbs. or more gross weight). "Long John". "Mortar". "Big Dick". Torpedo buoys. Torpedo warheads.	"Explosive bombs" — "Explosive mines" — "Explosive torpedoes" — "Jet thrust units (JATO) Class A."	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of their tendency to detonate en masse or involved in a fire or subjected to shock. Detonation will result in severe structural damage, increasing in severity and range in relation to the amount of high explosives involved. All high explosive loaded items in this class having thin container walls are relatively easily ruptured or deformed. Detonating of the container walls by impacts, though not sufficiently severe to rupture them has occasionally resulted in partial or complete detonation, and such kind of ammunition is said to possess "container-dent sensitivity". A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact apparently causes instantaneous rupture. But whatever the mechanics of this phenomenon, the kinds of impacts known to have caused explosion of these items include such impacts as dropping on or striking against a rounded corner, similar to a batch canning, impact of one bomb against another, or being struck by handling and transportation equipment. In placing or removing damaged, as accidental or misdirected blow from a sledge hammer, punch bar or other hand tool may cause such explosions. The impact need not be violent. A short drop of only 2 feet caused a low order detonation of a depth bomb. Warheads, depth bombs, depth charges, Naval mines, and this item are in the "Container-dent sensitivity" category. All of the foregoing also apply to substantial effort to containers of this class of ammunition that are not thin walled.	Items in this class having thin container walls and said to possess "container-dent sensitivity" shall not be stored one layer on top of another unless they are boxed, crated or damaged in such a manner that they are properly protected to withstand the superimposed weight. Items having thin walls and possessing "container-dent sensitivity" may be over-stowed only with very light cargo such as bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. Items of this class having thick walled containers may be stored one layer on top of another provided they are so stored, dunnaged, blocked and/or braced as to prevent movement that is likely to damage the ammunition, the vessel or other cargo. Shall not be over-stowed with inert permitted cargo having lesser bearing surface or greater unit weight than any item stored below. Class X items shall not be stored in the same hold or compartment with permitted military explosives other than this class unless the two are separated by a partition bulkhead or a type "A" damage floor. Except for wooden barrels or boxes and fiberboard containers no flammable or combustible material as cargo or containers of same shall be stored in a hold in which this class of ammunition is stored. When photoflash bombs are stored with any other military explosive, including items of this class the two storages must be separated by a partition bulkhead or a type "A" damage floor. For storage adjacent to other dangerous articles see § 16.25-38. Shall not be loaded at an ammunition loading pier.	- Handle by hand or mechanical means. - Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. - Do not use chains in loading or unloading. - Cargo nets shall not be used except to enclose a pallet, skipboard, or tray, or as a preventer or save-all. - Bombs, not crated or boxed, without external fittings or with external fittings protected by leg guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surfaces or conveyors are relatively level and free from projections. - Unboxed or uncrated warheads, depth bombs, depth charges, or other thin walled items shall not be stored in "making up" drails (baskets). - No "cant" or barrel hooks shall be used on this class of ammunition. - Depth charges and rocket heads that are not boxed or crated shall be loaded by use of pallet, skipboard or tray fitted with cargo net or sideboards. - Bombs, except depth bombs, may be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. - Depth bombs shall be loaded only by using pallet, skipboard, or tray fitted with cargo net or sideboards. (See § 16.25-38.) - Slings for use in loading this class of ammunition must be approved for use by the Captain of the Port. - Single slings made up in multiple assembly with spreader may be used in handling bombs that do not exceed 1,100 pounds each. Two-legged slings shall be used in handling bombs of more than 1,100 pounds each.

Class	Description	I. C. C. marking	Hazard	Storage	Handling
XI-A Chemical ammunition, lethal.	Chemical ammunition filled with lethal gases such as mustard gas (H), lewisite gas (L), phosgene gas (CG), hydrocyanic acid (AC), nitrogen mustard gas (HN), dipospones (DP), chlorophen gas (PS), cyanogen chloride (CK) when shipped assembled with or without their limitation elements, bursting charges or fuses. When these substances are shipped in drums, barrels, cylinders or other authorized containers they shall be classified Class A, Poison Gas. When these substances are shipped in authorized IOC specification containers or Chemical Corps specification containers of integrity equal to IOC containers (including shells, bombs and rockets without ignition elements, bursting charges or fuses) they may be handled and stored either as Class A poison gas or chemical ammunition Class XI-A. Includes but is not limited to the following items when filled with any of the above agents: Ammunition for cannon with gas projectile (shell). Bombs, chemical. Fragile grenade. Hand grenade. Land mine. Litters projector shell. Mortar shell. Rockets, chemical. Separate loading projectile. Note: The U. S. Army Chemical Corps or U. S. Navy when shipping chemical ammunition mark such ammunition and the containers thereof, in green, as follows: (a) By the use of color bands painted upon the ammunition and the containers thereof; by letter stenciled to indicate the particular kind of chemical agent and the word "Gas" stenciled upon the ammunition of the container thereof. (b) Persistent gases are marked with two (2) green bands. Non-persistent gases with one (1) green band. (c) The word "Gas" will be stenciled upon shells and upon the outside container of shells, grenades, bombs, candles, etc., the stenciling to be of the same color as the designating band. (d) The bodies of all ammunition containing gas will be painted gray.	"Ammunition for cannon with gas projectile." "Explosive bomb." "Explosive projectile." "Explosive mine." "Hand grenade, gas." "Rifle grenade, gas."	This type of ammunition or bulk shipments of these substance in containers other than ammunition represents a particular and special hazard. Minute quantities of either liquid or vapor can cause serious burns and death. The liquid or vapor will contaminate everything with which it comes in contact, cause serious and painful burns to exposed portions of the body and the eyes, and attack the respiratory system usually with fatal results.	Chemical ammunition description, special storage, or portable magazine. Bulk shipments of chemical agents in IOC cylinders, tanks or Chemical Corps specification containers of integrity equal to IOC containers may be stored in a shelter deck space or in a deck house suitable for such storage. Chemical ammunition (explosive) shall be stored in a deep tank, lower hold or tween deck, and such storage shall be effectively sealed off to prevent the escape of any gases which may leak from the containers. Drums (See § 146.29-85.) IOC or Chemical Corps specification containers filled with Class A poison gas may be stored in the same hold or compartment with chemical ammunition Class XI-A. A. For storage adjacent to other dangerous articles see § 146.29-39. May be loaded at a temporary location authorized by the Captain of the Port for the specific loading. When given chemical ammunition storage, see § 146.29-85 for additional requirements.	When possible send the amount of such ammunition or containers of chemical substance warrant, the loading and storage of chemical ammunition or chemical agents for such should be supervised by a representative of the appropriate Army technical service (Chemical Corps or Ordnance Corps) or Navy Department. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chains in loading or unloading. 4. Shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement. 6. Packages or containers shall be stored in the position indicated by their markings. When packages are stacked, boxes shall be stored on the most stable side, and arranged in such a manner that the joints be against the least staggered. 7. No packages shall be sent stacked. 8. Damage shall be applied to the sides, ends and tops of the boxes before bracing is applied. 9. Cargo handling stowage gear may be trays, skiboards, pallets, or platforms provided they are fitted with cargo nets or skiboards. Boxes or trays with removable sides are authorized. 10. Cargo nets without trays, skiboards, pallets, or platforms are not permitted. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with this class of chemical warfare material. 12. The maximum permitted weight per draft when handled by trays, skiboards, pallets or platforms fitted with cargo nets or skiboards shall not exceed 2,400 lbs. plus 10%. 13. Single bombs or other unit containers weighing in excess of 2,200 lbs. must be loaded one at a time. 14. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 15. Lifts of palletized units shall not be lifted except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Class	Description	I. C. O. marking	Hazard	Storage	Handling
XI-B Chemical ammunition nonlethal.	Chemical ammunition filled with non-lethal gases such as Chloroacetylene gas (CN), Chloroacetylene solution (CNB) or (CNS), Bromoacetylene (BBC) and Adamsite (DM) when shipped assembled with or without their ignition elements, burning charges or fuses. When these substances are shipped in drums, barrels, cylinders or other authorized containers, they shall be classified as tear gases or irritating substances, Class C—poisons. When these substances are shipped in authorized ICC specification containers or Chemical Corps containers of integrity equal to ICC containers (including shell, bombs and rockets, without ignition elements, burning charges or fuses) they may be handled and stored either as Class C—poisons or as chemical ammunition Class XI-B. Includes but is not limited to the following items when filled with any of the above agents: Ammunition for cannon with gas projectiles (shell). Bombs, airoball. C.N. capsules. Gas identification sets. Grenades, hand. Grenades, fraggible, hand. Grenades, rifle. Rockets. Shell, Livens projector. Shell, mortar. Tear gas candles. Tear gas pots. NOTE: The U. S. Army and Navy when shipping harassing gas ammunition, mark such ammunition and the containers thereof with the word "gas" and Chemical Corps symbol of the gas with one red band.	"Ammunition for cannon with gas projectiles." "Explosive bomb." "Explosive projectile." "Gas hand grenade." "Gas rifle grenade." "Tear gas candle." "Tear gas grenade."	Fire and intolerable vapors. The fire hazard of some of these items is similar to that of uninitiated powder. The vapors are usually lethal as concentrations far below the lethal range are intolerable. Gas mask provides complete protection.	Chemical ammunition except special storage, or portable magazine. It is important to store in locations not subject to temperature above 100° F. Storage shall be accessible from cargo hatch or other access means to the hold or compartment. Drums or other authorized ICC or Chemical Corps specification containers filled with Class C poison gas may be stored in the same hold or compartment with chemical ammunition, Class XI-B. For storage adjacent to other dangerous articles see § 146.29-20. May be loaded at a temporary location authorized by the Captain of the Port for the specific loading. When given chemical ammunition storage, see § 146.29-85 for additional requirements.	When possible and the amount of such ammunition or containers of these chemical substances warrants the loading and storage of chemical ammunition or chemical agents for such should be supervised by a representative of the appropriate Army technical service (Chemical or Ordnance Corps) or Navy Department. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement. 6. Packages or containers shall be stored in the position indicated by their markings. When not so marked, boxes shall be stored on the most stable side and arranged in such a manner that the joints between boxes are staggered. 7. No packages shall be "vacant" stored. 8. Damage shall be applied to the sides, ends and tops of the boxes before bracing is applied. 9. Cargo handling stowage gear may be trays, skiboards, pallets, or pieplates provided they are fitted with removable sides or skiboards. Boxes or trays with removable sides are authorized. 10. Cargo nets without trays, skiboards, pallets, or pieplates are not permitted. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with this class of chemical warfare material. 12. The maximum permitted weight per draft when handled by trays, skiboards, pallets, or pieplates fitted with cargo nets or skiboards shall not exceed 2,400 lbs. plus 10%. 13. Single bombs or other unit containers weighing in excess of 2,200 lbs. must be loaded or unloaded one at a time. 14. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 15. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Dated: April 2, 1954.

[SEAL]

Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54-2623; Filed, Apr. 7, 1954; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 103.217]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

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

- Effective as of the beginning of the first pay period following April 10, 1954, paragraph (a) is amended by the deletion of the following posts:
Eleuthera Island, British West Indies.
Grand Bahama Island, British West Indies.
Grand Turk Island, British West Indies.
Laos, Philippines.
Legaspi, Philippines.
Mayaguana Island, British West Indies.
San Salvador Island, British West Indies.
Tuguegarao, Philippines.
- Effective as of the beginning of the first pay period following April 10, 1954,

paragraph (b) is amended by the deletion of the following posts:

Philippines, all posts except Angeles, Baguio City, Bayombong, Cavite (including Sangley Point), Davao, Legaspi, Manila and Tuguegarao.

- Effective as of the beginning of the first pay period following April 10, 1954, paragraph (c) is amended by the deletion of the following post:
Narsarsuaq, Greenland.

- Effective as of the beginning of the first pay period following January 17, 1953, paragraph (a) is amended by the addition of the following post:

Run Jungle, Australia.

- Effective as of the beginning of the first pay period following December 19, 1953, paragraph (b) is amended by the addition of the following post:

Jenane Krater, Morocco.

- Effective as of the beginning of the first pay period following February 27, 1954, paragraph (b) is amended by the addition of the following post:

Saldia, Morocco.

- Effective as of the beginning of the first pay period following April 10, 1954,

MERLIN O'NEILL.

paragraph (b) is amended by the addition of the following posts:

Narsarsuaq, Greenland.
Philippines, all posts except Angeles, Baguio City, Bayombong, Cavite (including Sangle Point), Davao and Manila.

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

Effective: April 12, 1954.

For the Secretary of State.

EDWARD T. WAILES,
Assistant Secretary.

MARCH 29, 1954.

[F. R. Doc. 54-2625; Filed, Apr. 7, 1954;
8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 481]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF VAPOR-HEAT TREATMENT OF CERTAIN FRUITS AND VEGETABLES FROM HAWAII

Pursuant to the authority conferred on him by § 301.13-4 (b) of the regulations supplemental to Hawaiian Fruit and Vegetable Quarantine No. 13 (Notice of Quarantine No. 13, 7 CFR and Supp. 301.13) under section 8 of the Plant Quarantine Act of 1912 (7 U. S. C. 161), the Chief of the Plant Quarantine Branch hereby issues administrative instructions to appear as § 301.13-4c in Title 7, Code of Federal Regulations, as follows:

§ 301.13-4c *Administrative instructions prescribing method of vapor-heat treatment of certain fruits and vegetables from Hawaii.* Approved vapor-heat treatment, in accordance with the following procedure, is hereby designated as an administratively approved procedure that meets the requirements for the certification, in accordance with § 301.13-4 (b), of papayas, bell peppers, eggplants, pineapples (other than smooth Cayenne), Italian squash, and tomatoes for domestic movement from Hawaii:

(a) *Approved vapor-heat method of treatment.* (1) In the approved vapor-heat treatment the fruit and vegetables are heated by saturated vapor at 110° F. which in condensing on the fruit and vegetables gives up its latent heat. This latent heat is essential in assuring mortality of eggs and larvae of the oriental fruit fly, the Mediterranean fruit fly and the melon fly, and in raising the temperature of the fruit and vegetables evenly and quickly so as to prevent damage to the treated products. In applying the treatment the saturated vapor is accompanied by a fine water mist and air admixture. The fruit and vegetables are cooled immediately after treatment and no wax or paraffin, either dry or in solution, may be used until after the treatment has been completed. Vapor-heat treatments are approved only if the

vapor conditions within the heat treating room, the manner of stacking the boxes containing the fruit and vegetables in the room, and all other conditions affecting the efficacy of the treatment are satisfactory to the supervising inspector, to assure mortality of eggs and larvae of the oriental fruit fly, the Mediterranean fruit fly, and the melon fly.

(2) In applying this treatment, in accordance with these principles, the temperature of the fruit and vegetables shall be raised to 110° F., at the approximate center of the fruit, within a period designated by the inspector, and shall be held at that level during the following 8¾ hours.

(3) This treatment must be conducted in a heat-treating room approved by the Plant Quarantine Branch and must be conducted under the supervision of an inspector of that Branch, who at all times shall have access to the fruit and vegetables while they are undergoing treatment.

(4) The Branch will approve only those rooms which are properly constructed and adequately equipped to handle and treat the fruit or vegetables, at locations acceptable to the inspector in areas where required supervision can be furnished. Hereafter no treating plant will be approved until it is equipped with a self-recording temperature and humidity indicator acceptable to the inspector.

(b) *Subsequent handling.* All handling in Hawaii subsequent to treatment of fruits and vegetables intended for shipment elsewhere in the United States must be carried out to meet requirements of and under the supervision of the inspector.

(c) *Costs.* All costs of treatment and prescribed post-treatment safeguards, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall, as required by § 301.13-4 (b), be borne by the owner of the fruits or vegetables, or his representative.

(d) *Department not responsible for damage.* In the tests and experiments so far conducted, fruits and vegetables (other than eggplants) have not been injured and the results following treatment have been successful. It is however, emphasized that inexactness and carelessness in using the approved method of treatment may result in injury to the fruit and vegetables treated. In approving this treatment the United States Department of Agriculture does not accept responsibility for fruit or vegetable injury.

(e) *Conditioning.* (1) The treatment set forth in paragraph (a) of this section is in addition to any other procedure or practice that may be found to be desirable to condition or otherwise handle fruit or vegetables that may be offered for treatment.

(2) Eggplants require conditioning before they will tolerate the approved vapor-heat treatment. Even when conditioned, darkening of their seeds usually occurs. In tests of eggplant tolerance to vapor-heat treatment, 6 to 8 hours conditioning at 110° F. and approximately 40 percent relative humidity before the

prescribed 8¾-hour holding period has been found effective. This conditioning procedure or any other that the shipper has developed and found satisfactory may be used for eggplants at the shipper's risk.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The purpose of these instructions is to prescribe a method of vapor-heat treatment that meets the requirements for the certification of papayas, bell peppers, eggplants, pineapples (other than smooth Cayenne), Italian squash, and tomatoes for domestic movement from Hawaii. The Chief of the Bureau of Entomology and Plant Quarantine had previously authorized such treatment as an administratively approved procedure meeting the certification requirements for papayas, bell peppers, pineapples, Italian squash, and tomatoes. These instructions add eggplants to the commodities that may be so treated and certified for domestic movement. Heretofore such movement has been prohibited. The instructions therefore relieve a restriction previously imposed. In order to be of maximum benefit to eggplant shippers, the newly authorized procedure should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may properly be made effective under said section 4 less than thirty days after publication in the FEDERAL REGISTER.

These administrative instructions shall be effective April 8, 1954.

Done at Washington, D. C., this 29th day of March 1954.

[SEAL]

E. P. REAGAN,
Chief,
Plant Quarantine Branch.

[F. R. Doc. 54-2620; Filed, Apr. 7, 1954;
8:53 a. m.]

[P. Q. 609]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF FUMIGATION OF MANILA MANGOES FROM MEXICO

Pursuant to the authority conferred on him by § 319.56-2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR and Supp. 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), the Chief of the Plant Quarantine Branch hereby issues administrative instructions to appear as § 319.56-2j in Title 7, Code of Federal Regulations, as follows:

§ 319.56-2j *Administrative instructions prescribing method of fumigation*

of Manila mangoes from Mexico. Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit for all shipments of Manila mangoes from Mexico.

(a) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Branch. Such chambers must be equipped with a gas-tight glass window to permit a view inside the chamber while fumigation is in progress. The Plant Quarantine Branch will approve only those fumigation plants that are properly constructed and adequately equipped to handle and treat Manila mangoes at locations acceptable to the inspector, in areas where required supervision can be furnished. The dosage shall be applied at the rate of 1 pound of ethylene dibromide per 1,000 cubic feet of space for 2 hours at a minimum temperature of 77° F. Cubic feet of space shall include the load. The 2-hour period of exposure shall begin when all of the fumigant has been introduced into the chamber. The required temperature applies to both air and fruit. The ethylene dibromide must be applied in the liquid state and volatilized within the sealed fumigation chamber by direct contact with a highly heated metal surface over an electric hot plate or other suitable heating medium. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

(2) Manila mangoes to be fumigated must be placed in open field boxes or slatted containers that will cause no interference with the movement of the gas throughout the load. When loaded in the fumigation chamber the boxes or containers shall be separated by at least 2 inches on all sides by wooden strips or other means. The chamber shall not be loaded to more than one-third capacity.

(b) *Supervision of fumigation.* (1) Inspectors of the Plant Quarantine Branch will supervise the fumigation of Manila mangoes and will prescribe such safeguards as may be necessary for the handling, packing, and transportation of the fruit from the time it leaves the treating plant until it reaches the United States port of entry. The final release of the fruit for entry into the United States will be conditioned upon compliance with the prescribed safeguards.

(2) Supervision of fumigation at places in Mexico contiguous to ports of entry where inspectors are regularly stationed will be furnished without cost to the owner of the fruit, or his representative during regularly assigned hours of duty.

(c) *Costs.* All costs of constructing, equipping, maintaining and operating fumigation plants and facilities, and carrying out precautions prescribed for post-treatment safeguards shall be

borne by the owner of the fruit or his representative.

(d) *Approval of fumigation plants.* Approval of fumigation plants in the interior of Mexico or at places removed from ports of entry where inspectors are regularly stationed will be contingent upon compliance with the provisions of paragraph (a) (1) of this section and upon the availability of qualified personnel for assignment to supervise the treatment and post-treatment handling of Manila mangoes. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Chief of the Plant Quarantine Branch with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all salaries, transportation, per diem, and other incidental expenses for the supervising inspectors, including the payment to the inspectors of additional compensation for their services in excess of 40 hours weekly, according to the rates established for the payment of inspectors of the Plant Quarantine Branch.

(e) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with Manila mangoes, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of post-treatment safeguards.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U. S. C. 159)

The purpose of these instructions is to authorize the importation from Mexico under permit of Manila mangoes that have been given an approved fumigation treatment. Heretofore the only method of treatment for such fruit was by means of a vapor-heat treatment. The newly authorized procedure provides an alternative treatment that may be applied in a much shorter time with less expensive equipment. The new treatment therefore is a relieving of restrictions previously imposed. In order to be of maximum benefit to Manila mango importers, the newly authorized procedure should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may be made effective under said section 4 less than thirty days after publication in the FEDERAL REGISTER.

These administrative instructions shall be effective April 8, 1954.

Done at Washington, D. C., this 29th day of March 1954.

[SEAL] C. P. REAGAN,
Chief, Plant Quarantine Branch.

[F. R. Doc. 54-2621; Filed, Apr. 7, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas [Sugar Reg. 814.11]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1954

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of allotting the 1954 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 1954 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico. The basis of the order is more fully explained below.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments," respectively.

Omission of recommended decision and effective date. The record of the hearing regarding allotment of the 1954 sugar quotas for Puerto Rico shows that production of sugar from the 1953-54 crop, together with stocks in the hands of allottees on January 1, 1954, will exceed by about 150,000 tons the sum of the local and mainland quotas established by the Secretary of Agriculture (R. 6). Some of the allotments made by this order could be exceeded by the marketing of the 1953 carryover plus a comparatively small quantity of new crop sugar. Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar

or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a preliminary finding was made that allotment of the quotas is necessary and a notice was issued on February 1, 1954 (19 F. R. 654) of a public hearing to be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building, on February 24, 1954, at 10:00 a. m., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the 1954 mainland quota (including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota) and the 1954 local quota among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The hearing was held at the place and time specified in the notice.

Summary of testimony. With respect to the necessity for allotment of the 1954 mainland and local quotas, the government witness testified that the supply of sugar in prospect in 1954 exceeds the combined quotas sufficiently to result in disorderly marketing and that interested persons would not be afforded equitable opportunities to market sugar unless the quotas are allotted (R. 6). This testimony on the necessity for allotments was not controverted by any witness.

With respect to the manner in which the allotment should be made, the government witness proposed that the mainland and local quotas be allotted on the basis of percentages determined as follows (R. 8):

(1) Processings from proportionate shares cane to be measured by the percentage distribution among the allottees of production of sugar from 1953-54 crop sugarcane, weighted 60 percent.

(2) Past marketings to be measured by the percentage distribution among the allottees of average mainland and local marketings (including refined sugar marketed in the Virgin Islands) for the five years 1949-53, weighted 10 percent.

(3) Ability to market to be measured by the percentage distribution among the allottees of the sum of production of sugar from 1953-54 crop sugarcane and sugar which was in inventory on January 1, 1954, weighted 30 percent.

The method of calculation of allotments from the percentages derived from the above weighting of the factors was proposed to be as follows (R. 11-13):

(1) The combined mainland and local allotments for each allottee would be determined by applying the weighted percentages of the three factors as stated above to the total quantity of sugar to be allotted.

(2) To determine the local allotments, the average percentage which the local marketings of each allottee (including shipments to the Virgin Islands) were of its total mainland and local marketings in the years 1952 and 1953 would be multiplied by its combined allotment and the resulting quantities would be adjusted pro rata so that their sum would equal the local quota.

(3) To determine the mainland allotments the local allotments computed under (2) above would be subtracted from the combined allotments computed under (1), above.

The government witness proposed that the provisions of the allotment order dealing with participation in allotments by producers of sugarcane, restrictions on marketings, exchange of allotments and specific charges against allotments, should be substantially the same as in the 1953 order except for changes in dates and citations, and the addition of language to clarify that sugar from previous crops of cane held by producers who do not receive sugar in settlement for 1953-54 crop cane from that processor shall be charged to the allotments of the processor who processed such sugar (R. 13-14).

Representatives of 16 of the allottees testified at the hearing and 3 of these and 1 other allottee submitted briefs. A representative of some producers of sugarcane who settle in sugar also testified.

Testimony of 9 of the allottees supported the government proposal (R. 14, 15, 16, 29, 31, 39, 41). The testimony and briefs of the 6 other allottees and of the producers of sugarcane proposed that the factors, measured as proposed by the government witness should be weighted 80 percent to "processings * * * from proportionate shares," 10 percent to "past marketings" and 10 percent to "ability to market," and argued that these weightings are necessary to make allotments fair and equitable to allottees who sold non-quota sugar at discounted prices in previous years, thereby increasing the current "processings from * * * proportionate shares" for all allottees (R. 16, 35, 41, 44; Briefs of Antonio Roig Suc. S. en C., Central Mercedita, Inc., Land Authority of Puerto Rico, South Porto Rico Sugar Company of Puerto Rico). Two witnesses proposed the measurement of ability to market by each processor's largest marketings in any of the years 1948 through 1953 as somewhat preferable to that proposed by the government witness (R. 42, 48; Briefs of Antonio Roig Suc. S. en C., South Porto Rico Sugar Company).

One witness proposed that local allotments should be made only to allottees who are refiners or are closely affiliated with refiners because local demand is now almost wholly for refined sugar (R. 29).

All allottees stipulated for the record at the hearing (R. 51-65) or subsequently in writing as follows:

(1) The initial allotment of the 1954 sugar quotas for Puerto Rico shall be based on the data on processings from proportionate share cane, past marketings and January 1, 1954 carryover included in the record of the hearing. Without further hearing and without change in the initial allotment formula,

the order shall be revised on the basis of (1) "processings from proportionate shares" equal to the production from 1954-crop sugarcane by each allottee as shown by the records of the Agricultural Stabilization and Conservation Caribbean Area Office; and (2) the quantity of carryover sugar of each allottee on hand on January 1, 1954, whether in Puerto Rico, afloat, or in bond in continental United States, based on the final outturn weights and polarization of such sugar.

(2) Sugar shipped to the Virgin Islands in past years shall be regarded as sugar marketed for local consumption in Puerto Rico.

(3) Sugar shipped to the Virgin Islands in 1954 shall be regarded as local allotment sugar and charged to the local allotment of the allottee concerned.

(4) To give effect to any change in the 1954 sugar quotas for Puerto Rico made after the issuance of the initial allotment order, such order shall be revised without further hearing, using the same allotment formula as was used in the initial order. This does not apply to changes in the local quota.

(5) If any allottee voluntarily notifies the Department in writing that it will be unable to fill its 1954 allotment, an amount of sugar equal to such deficit shall be allotted, without further hearing and without change in the original allotment formula, to other allottees able to supply the additional sugar.

(6) Each allottee waives its (his) right to object to the validity of the 1954 allotment order by reason of any action taken by the Secretary of Agriculture in conformity with the provisions of this stipulation.

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *

All three factors specified in the foregoing provision of law have been considered and each is given a percent weighting by the formula on which this allotment of the 1954 quotas for Puerto Rico is based. Under this formula the factors are measured and weighted as follows: Processings from sugarcane to which proportionate shares pertained, measured by such processings from the 1953-54 crop proportionate shares cane, 70 percent weight; past marketings, measured by average mainland and local marketings during the years 1949 to 1953, inclusive, 10 percent weight; ability to market, measured by the sum of processings from 1953-54 sugarcane and the quantity of 1952-53 crop sugar carried over into 1954 by such allottee, 20 percent weight.

To determine combined mainland and local allotments the weightings indicated were applied to the percentages for each allottee of the sum for all allottees of the measures for each factor. The sum of such weighted percentages for each allottee was then multiplied by 1,180,000 short tons, raw value, the sum of the 1954 mainland and local quotas for Puerto Rico. The "proportionate shares" certified to and claimed by each allottee as

of January 27, 1954, will be used as estimates of production of sugar from 1953-54 crop sugarcane until actual data are available.

Local allotments are determined by applying to each "combined mainland and local allotment" the percentage that the allottee's local marketings were of its total marketings in the calendar years 1952 and 1953 and by adjusting the resulting quantities so that the total of such allotments will equal the local quota. The mainland allotment for each processor is determined by subtracting such local allotment from the combined allotment.

The conflict in testimony and argument shown in the hearing record centered upon the tendency of allotments to readjust inventories of sugar among the allottees. The government proposed 30 percent weight to "ability to market" measured in part by inventories. A substantial group of allottees contended that 10 percent weight to that factor would be more equitable and there was less support for an alternative measure of "ability" that would give no weight at all to inventories. The treatment and weighting of the "ability" factor in a manner which will permit a gradual readjustment of inventories among processors appears appropriate and the method of allotment adopted involves a rate of readjustment about midway between the extremes proposed.

The initial allotments established by this order are based largely upon incomplete certification to the allottees of the quantities of sugar that may be produced from 1953-54 crop sugarcane to which proportionate shares pertained, for which actual production data are to be substituted later. Therefore, in order to prevent any allottee from marketing sugar in excess of the allotment established on the basis of the completed data, only 80 percent of the allotments may be filled until such time as the order may be revised on the basis of completed data.

Paragraphs (b), Producers Marketings Under Allotments; (c), Restrictions on Marketings; (d), Exchange of Allotments and (e) Specific Charges Against Allotments, in the order are a continuation of provisions which operated satisfactorily in 1953 except that language has been added to paragraph (b) to formalize a practice which has prevailed as a result of the application of paragraph (a) to marketings occurring prior to the effective date of allotments. The added wording is as follows: Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1953-54 shall be permitted to market such sugar within that processor's mainland allotment.

These provisions have provided a satisfactory basis of operations in 1953 and nothing appears in the hearing record that would provide a basis for any other procedure.

Findings and conclusions. On the basis of the record of the hearing and the stipulations of the interested parties, I hereby find and conclude that:

(1) For the calendar year 1954 Puerto Rican processors will have available for marketing on the mainland and in Puerto Rico an amount of sugar which exceeds the combined mainland and local quotas by approximately 150,000 short tons.

(2) The allotment of the 1954 mainland quota for Puerto Rico (including raw sugar transferred for further processing to be brought in within the direct-consumption portion of the quota) and the 1954 local quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons equitable opportunities to market such sugar in the continental United States and in Puerto Rico.

(3) To assure a fair, efficient and equitable distribution of the mainland and local quotas for Puerto Rico for 1954 the three statutory standards should be weighted as follows: "Processings" * * * from * * * proportionate shares," 70 percent; "past marketings," 10 percent; and "ability to market," 20 percent.

(4) Actual "processings" * * * from * * * proportionate shares," for the 1953-54 crop by each allottee constitutes

a fair and equitable measure of such processings and in the initial order the sum of all proportionate shares certified to and claimed by each allottee as of January 27, 1954, should be used as suitable estimates thereof.

(5) A fair and equitable measure of past marketings for each processor is its average mainland and local marketings during the years 1949 to 1953, inclusive.

(6) The sum of processings of sugar from 1953-54 crop sugarcane plus the quantity of sugar carried into 1954 constitutes a fair and equitable measure of the ability of each processor to market sugar during 1954. In the initial order the estimate of processings indicated in paragraph (4), above, shall be used.

(7) The percentages that local marketings were of combined mainland and local marketings for each processor during the years 1952 to 1953, inclusive, are representative for the purpose of dividing the combined 1954 allotment for each processor into a mainland allotment and a local allotment.

(8) The quantities of sugar referred to in paragraphs (4), (5), (6) and (7), above, are as set forth in the following table:

[Short tons, raw value]

Processor	(1) Processings	(2) Average marketings	(3) Ability to market	(4) Local marketings 1952-53 as percent of total marketings
Antonio Roig, Sucrores, S. en C.	50,138	46,261	54,188	47.498
Arturo Linbomas (Estate of) y Sobrinos (San Francisco)	8,113	6,337	9,404	23.167
Asociación Azucarera Cooperativa (Lafayette)	43,568	33,135	43,568	.449
Central Aguirre Sugar Co., a trust	115,197	113,298	123,254	1.542
Central Coloso, Inc.	64,345	52,477	72,894	.749
Central Eureka, Inc.	42,868	39,454	47,816	11.333
Central Guamaní, Inc.	12,667	10,417	13,689	41.353
Central Igualdad, Inc.	47,577	42,538	54,786	4.398
Central Juanita, Inc.	47,271	34,179	61,033	.479
Central Mercedesita, Inc.	77,145	73,712	78,850	.374
Central Monserrate, Inc.	27,284	25,006	29,675	.000
Central San Vicente, Inc.	71,819	53,541	84,852	.000
Compañía Azucarera del Camuy, Inc. (Rio Llano)	16,078	14,489	16,696	.000
Compañía Azucarera del Pozo	38,758	29,962	48,163	.000
Cooperativa Azucarera Los Caños	36,747	34,574	41,002	.000
Corporación Azucarera Sauri & Sabira (Constancia Ponce)	12,259	11,718	13,730	.000
Eastern Sugar Associates, a trust	134,257	127,026	151,972	.000
Fajardo Sugar Co.	127,345	115,888	151,288	.000
Land Authority of Puerto Rico	77,071	71,065	77,071	.000
Mario Mercado e Hijos (Rufina)	36,580	30,373	38,232	.000
Mayaguez Sugar Co., Inc. (Rechalatse)	11,076	10,366	11,076	.000
Plata Sugar Co.	55,309	44,865	61,949	.000
Soller Sugar Co.	14,692	12,703	14,692	.000
South Puerto Rico Sugar Co. of Puerto Rico	99,808	99,761	106,854	.000
Total	1,367,682	1,126,953	1,400,724	

(9) The combined local and mainland quotas should be allotted on the basis of the weightings of the factors specified in paragraph (3) above and the measures of those factors listed for each allottee in paragraph (8) above; and the combined allotments so established should be divided into local and mainland allotments on the basis of the percentages listed in paragraph (8) above.

(10) Any producer who receives sugar in payment for sugarcane (a) should be permitted to market, within the allotment of the processor who processed his sugarcane, a quantity of sugar equal to the same percentage of the producer's 1953-54 crop sugar that the sum of the processor's mainland and local allotments is of the total of 1953-54 crop proportionate shares certified to be

processed by such processor, and (b) such permitted quantity should be within the mainland allotment unless the producer requests local allotment. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1953-54 shall be permitted to market such sugar within that processor's mainland allotment.

(11) In order to prevent any allottee from marketing a quantity of sugar in excess of the allotments established therefor on the basis of final data relating to carryover and certifications of proportionate shares under this order marketings shall be limited to 80 percent of the allotments.

(12) An efficient distribution of the quotas requires exchanges between allot-

tees of quantities of mainland allotment for like quantities of local allotment, subject to the approval of an officer of the Department designated in the order.

(13) Upon availability of data on processings of 1953-54 crop sugarcane the allotments shall be revised to substitute such processings by each processor for "certified proportionate shares" in the measures of the factors described in (4) and (6), above.

(14) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the quotas, as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.9 *Allotment of 1954 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1954 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1954 sugar quota for local consumption in Puerto Rico, are hereby allotted, to the extent shown herein, to the following processors in amounts which appear in columns (1) and (3) opposite their respective names:

Processor	Mainland		Local	
	(1)	(2)	(3)	(4)
	Total	80 percent	Total	80 percent
Antonio Rolg, Sucesores, S. en C.	25,503	20,402	21,107	16,886
Arturo Lluberas (Estate of) y Sobrinos (San Francisco)	5,865	4,692	1,663	1,330
Asociacion Azucarera Cooperativa (Lafayette)	39,000	31,200	164	131
Central Aguirre Sugar Co., a trust	100,010	84,808	1,582	1,266
Central Coloso, Inc.	59,223	47,378	426	341
Central Eureka, Inc.	38,529	30,823	930	744
Central Guanani, Inc.	10,377	8,302	1,268	1,006
Central Igualdad, Inc.	27,020	21,621	17,590	14,072
Central Juanita, Inc.	42,745	34,196	1,871	1,497
Central Mercedita, Inc.	51,155	40,924	20,058	16,047
Central Monserrate, Inc.	25,257	20,200	113	90
Central San Vicente, Inc.	66,398	53,118	237	190
Compania Azucarera del Camuy, Inc. (Rio Llano)	14,785	11,828		
Compania Azucarera del Toa	30,226	28,081		
Cooperativa Azucarera Los Canos	34,444	27,555		
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	10,259	8,207	1,268	1,006
Eastern Sugar Associates, a trust	111,246	88,997	15,038	12,030
Fajardo Sugar Co.	120,400	96,320		
Land Authority of Puerto Rico	70,588	56,470		
Mario Mercado e Hijos (Rafina)	32,597	26,078	856	685
Mayaguez Sugar Co., Inc. (Rochelaise)	10,037	8,030	123	98
Phata Sugar Co.	50,830	40,664	358	286
Seller Sugar Co.	13,369	10,695		
South Porto Rico Sugar Co. of Puerto Rico	78,041	62,433	15,368	12,295
All other persons				
Total	1,080,000	864,000	100,000	80,000

(b) *Producers' marketings under allotments.* Each processor shall reserve a share of its mainland allotment for the marketings of each producer with whom settlement for sugarcane is made in sugar equal to the same percentage of the producer's 1953-54 crop sugar that the sum of the processor's mainland and local allotments is of the processor's total production of 1953-54 crop sugar: *Provided*, That upon written request to the processor within 30 days of the effective date of this order, the producer's share shall be divided between local and mainland allotments as the sum of the processor's allotments is divided between mainland and local allotments. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1953-54 shall be permitted to market such sugar within that processor's mainland allotment.

(c) *Restrictions on marketing.* (1) During the calendar year 1954 each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into the continental United States for consumption therein, or marketing to a local refiner or any other person for that purpose, and from marketing for local consumption in Puerto Rico, any sugar in excess of the applicable quantities established

in columns (2) and (4) of the table in paragraph (a) of this section.

(2) During the calendar year 1954 all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the sum of (i) the quantity of sugar acquired for such purpose under the limitations specified in § 814.9, as amended (18 F. R. 2493, 5053, 7510), and held in inventory on December 31, 1953, and (ii) the quantity of sugar acquired for such purpose within the limits specified in this section.

(d) *Exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (b) of this section, shall not be exchanged without the approval of the Chief of the Quota and Allotment Branch, Sugar Division, Commodity Stabilization Service of the Department.

(e) *Specific charges against allotments.* Sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local consumption in Puerto Rico during 1954 shall be charged to the applicable allotment of the processor who processed such sugar.

(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 5th day of April 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2637; Filed, Apr. 7, 1954; 8:56 a. m.]

[Sugar Reg. 814.12]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT CONSUMPTION PORTION FOR PUERTO RICO, 1954

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (herein called "act"), for the purpose of allotting the portion of the 1954 sugar quota for Puerto Rico which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States. The basis and purpose of the order are more fully explained below.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the sum of 126,033 short tons, raw value, of such sugar which may be marketed in the continental United States under the act and the quantity of sugar needed for local consumption in Puerto Rico (R. 67). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the quota to prevent disorderly marketing and to afford each interested person an equitable opportunity to market direct-consumption sugar in the continental United States (R. 68). Some of the allotments made by this order are small and delay in the issuance of the order might result in some persons marketing more than their fair share of the direct-consumption portion of the quota. Therefore, it is imperative that this order become effective at the earliest possible date in order fully to effectuate the purposes of section 205 (a) of the act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 207 (b) of the act provides that not more than 126,033 short tons, raw value, of the sugar quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar.

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate

flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the direct-consumption portion of the quota is necessary and a notice was issued on January 29, 1954 (19 F. R. 654) of a public hearing to be held in Santurce, Puerto Rico, on February 24, 1954, for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the direct-consumption portion of the 1954 sugar quota for Puerto Rico.

The hearing was held at the time and place specified in the notice.

Summary of evidence. With respect to the necessity for making allotments, the government witness stated that in the notice of this hearing the Secretary made a preliminary finding that allotment of the direct-consumption portion of the 1954 sugar quota for Puerto Rico is necessary. That finding was based on the fact that the capacity to produce refined sugar in Puerto Rico far exceeds the sum of 126,033 and 100,000 short tons, raw value, which are the maximum quantities of Puerto Rican direct-consumption sugar that may be marketed within the mainland and local quotas. Thirty-six weeks' continuous operation for each of the prospective allottees at its highest biweekly rate for 1953 would result in the production of over 350,000 short tons, raw value, of refined and turbinado sugars. If a suitable market for the sugar were available, the government witness stated, the period of operation could be extended and some of the allottees probably could push their rate of production beyond that demonstrated in 1953 (R. 68). Thus, to prevent disorderly marketing of sugar and to afford each interested person an equitable opportunity to market sugar within the area's quota, as required by section 205 (a) of the act, allotment of the direct-consumption portion of the 1954 sugar quota for Puerto Rico was found to be necessary. This testimony on the necessity for allotments in 1954 was not controverted by any witness.

The government witness presented a proposed method of allotment and estimated individual allotments thereunder. The proposed method of allotment consisted of equal weightings of (1) past marketings as measured by marketings of sugar for direct consumption in the continental United States in the years 1949 through 1953 (R. 70) and (2) ability to market as measured by the highest marketings in any of the years 1935 through 1953 for each allottee (R. 70). This method was applied to 125,500 short tons, raw value, of the quota and the balance of 533 tons would be set aside

as an unallotted reserve for the marketing of raw sugar for direct consumption (R. 70). In order to limit effectively the quantity brought into the continental United States by any refiner in Puerto Rico to no more than the allotment of the quota available to him, the witness proposed that a paragraph on Restrictions on Marketings should be included in the order the same, in substance, as that appearing in Sugar Regulation 814.10 (R. 72).

Representatives of four of the five allottees testified at the hearing and all expressed approval of the government proposal (R. 78, 80, 81, 82). One stated a preference for omitting 1935 and one for omitting all years prior to 1945 from the years considered in measuring "ability" (R. 81, 82). A representative of another allottee stated that years prior to 1941 should be included in measuring ability to market (R. 78).

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

*** Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him ***

In the allotments for the years 1948 through 1953 no percentile weight was given to "processings of sugar or liquid sugar from *** sugarcane to which proportionate shares *** pertained" because the allottees accounting for over 95 percent of the marketings of Puerto Rican direct-consumption sugar in the continental United States do not themselves process sugar from sugarcane. This situation continues to prevail and no percentile weight is given this factor in 1954 (R. 68).

The factor of past marketings is measured by marketings of direct-consumption sugar in the continental United States in the years 1949 through 1953. These years represent experience under marketing conditions, including allotments, similar to those which may be expected in 1954 and take into account long-run changes as well. The inclusion of earlier years would not afford as representative a measure of past marketings as the years used. The present action merely adds the most recent year to and drops the most remote year from the series used in allotting the quota for the preceding year. Use of the most recent data provides for progression in the basis data and the period of five years provides adequate stability to offset short-run factors affecting data for a single year.

In five preceding allotments the factor "ability to market" was measured by the largest marketings for each allottee in any year beginning with 1935, expressed as a percentage of the sum of such largest marketings for all allottees. As in prior years, actual performance as reflected in shipments of direct-consumption sugar to the continental

United States is considered the most practical measure of ability to market and marketings during a single year is deemed an adequate measure if a year is selected for each refiner which will properly reflect relative abilities. Accordingly, the period was extended back to 1935 in order that a year could be selected for such refiner in which its operations were at or near the highest level in its history. A comparison with present plant capacity show no impairment in the ability of any of the allottees to produce direct-consumption sugar. Therefore, performance in the years selected is considered a reasonable measure of "ability," and this measure is used in determining the allotments established herein.

Since there have been no apparent developments which would indicate the desirability of a change in the formula used for 1953 allotments, equal weighting of the two factors, "past marketings" and "ability," is again used for 1954 allotments. Accordingly, the portion of the 1954 sugar quota for Puerto Rico that may be brought into the continental United States as direct-consumption sugar is allotted by (1) setting aside 533 short tons, raw value, as a reserve for entries of raw sugar for direct consumption and (2) distributing the balance of 125,500 short tons, raw value, among the five allottees on the basis of equal weight to the percentage distribution of the total marketings of all allottees in the five years 1949 through 1953 and the percentage distribution of the sum of the largest marketing of each of the allottees in any calendar year since 1935.

During the calendar years 1950 through 1953 totals of 875, 289, 429 and 533 short tons, respectively, of Puerto Rican raw sugar were marketed for direct consumption in the continental United States. It is not practicable to allot such a small quantity among 24 prospective allottees. Such an allotment would disrupt customary trade practices and interfere with the efficient distribution of such sugar. The 533 short tons set aside as a reserve for the marketings of such sugar is approximately equal to the average actual marketings of Puerto Rican raw sugar for direct consumption in 1950 through 1953.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) The potential capacity of Puerto Rican refiners to produce direct-consumption sugar during the calendar year 1954 exceeds 350,000 short tons and this quantity is far greater than the total quantity of such sugar which may be marketed within the 1954 sugar quotas for Puerto Rico.

(2) The allotment of the direct-consumption portion of the 1954 sugar quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of a percentile weight to the "proportionate shares" factor in the final allotment formula would not result in fair, efficient and equitable allotment.

(4) The best measure of the "past marketings" factor for each allottee is its percentage of the average marketings of direct-consumption sugar of all allottees in the continental United States during the years 1949 through 1953.

(5) The best measure of the "ability to market" factor for each allottee is its percentage of the sum of the largest quantities of direct-consumption sugar of all allottees marketed in the continental United States during any calendar year during the period 1935-53, inclusive, and the ability so measured is within the present plant capacity of each refiner.

(6) The quantities of sugar marketed referred to in paragraphs (4) and (5) above are as follows:

[Short tons, raw value]

Allottee	Average 1949-53	Highest year 1935-53
Arturo Lluberac, estate of, y Sobrinos (San Francisco).....	554	2,500
Central Aguirre Sugar Co., a trust.....	5,378	10,640
Central Roig Refining Co.....	20,391	28,665
Porto Rican American Sugar Refinery, Inc.....	78,599	116,611
Western Sugar Refining Co.....	19,761	20,988
Total.....	124,683	188,804

(7) A small part of the direct-consumption portion of the mainland quota is normally marketed in the continental United States as raw sugar for direct consumption. Five hundred and thirty-three short tons, raw value, should be reserved for this purpose in 1954.

(8) Allotments totaling 125,500 short tons, raw value, should be established by giving fifty percent weight to past marketings, measured as provided in paragraph (4) above, and fifty percent weight to ability to market, measured as provided in paragraph (5) above.

(9) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.12 *Allotment of the direct-consumption portion of 1954 sugar quota for Puerto Rico—(a) Allotments.* The direct-consumption portion of the 1954 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons, raw value)
Arturo Lluberac, estate of, y Sobrinos.....	1,141
Central Aguirre Sugar Co., a trust.....	6,249
Central Roig Refining Co.....	19,805
Porto Rican American Sugar Refinery, Inc.....	78,377
Western Sugar Refining Co.....	19,928
All other persons (raw sugar only).....	533
Total.....	126,033

(b) *Restrictions on marketings.* (1) During the calendar year 1954, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the quantity transferred to such allottee and charged against a 1954 mainland allotment under § 814.11.

(2) During the calendar year 1954, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except (i) that acquired from an allottee within the quantity established in this section, and (ii) or within the quantity established in this section for "all other persons".

(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 5th day of April 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2638; Filed, Apr. 7, 1954;
8:56 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 384, Amdt. 5]

PART 79—SCRAPIE IN SHEEP

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 79.2, as amended, Part 79, Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the disease of sheep known as scrapie and establishing a quarantine because of such disease, is hereby further amended to read as follows:

§ 79.2 *Notice and quarantine.* Notice is hereby given that the contagious, infectious, and communicable disease of sheep known as scrapie exists in the following areas in the specified States. Such areas are hereby quarantined because of said disease.

(a) *Connecticut:* That part of the Town of Salisbury, in Litchfield County, lying south of Farnam Road; north of Welles Hill Road, west of Old Asylum Road, and east of U. S. Route No. 44 and State Route No. 41.

(b) *New York:* (1) That part of the Town of Aiden, in Erie County, lying east of the Millgrove West Aiden Road, south of North Road, west of the Aiden-Chittenden Road, and north of Main Street and U. S. Route No. 20.

(2) That part of the Towns of Bergen and Byron, in Genesee County, lying west of County Route No. 31, south of County Route No. 13, east of Tripp Road and of a line extending south from Tripp Road to the New York Central Railroad, and north of the New York Central Railroad.

(c) *Ohio:* (1) That part of Eden Township, in Licking County, lying west of County Road No. 217, north of County Road No. 217 and No. 210, and east of County Road No. 209.

(2) That part of Buckskin Township, in Ross County, lying south of State Route No. 28, west of Lyndon-South Salem Road, north of Frogtown Road, and east of Coyner Road and Moon Road.

(3) That part of Turtle Creek Township, in Shelby County, lying south of County Road No. 47, west of County Road No. 49, north of State Route No. 47, and east of County Road No. 85.

(4) That part of Elk and Swan Townships, in Vinton County, lying south of John Lowry Road, west of State Route No. 75, north of Locust Grove Road, and east of George Thomas Road.

Effective date. This amendment shall become effective upon issuance. It includes within the areas in which scrapie has been found to exist, and in which a quarantine has been established:

That part of the Town of Salisbury, in Litchfield County, lying south of Farnam Road, north of Welles Hill Road, west of Old Asylum Road, and east of U. S. Route No. 44 and State Route No. 41, in Connecticut.

That part of the Towns of Bergen and Byron, in Genesee County, lying west of County Route No. 31, south of County Route No. 13, east of Tripp Road and of a line extending south from Tripp Road to the New York Central Railroad, and north of the New York Central Railroad, in New York.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR, 1952 Supp., Part 79, as amended, apply with respect to shipments of sheep from these areas.

The amendment imposes further restrictions necessary to prevent the spread of scrapie, a communicable disease of sheep, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended; 21 U. S. C. 111, 120, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 2d day of April 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2636; Filed, Apr. 7, 1954;
8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

REDESIGNATION OF ADIZ BOUNDARIES AND EXCEPTIONS FOR CERTAIN FLIGHTS ENTERING UNITED STATES FROM CANADA

Part 620 is hereby amended for the purpose of redesignating the boundaries of several existing Domestic, Coastal, and International Boundary ADIZ's. Portions of the Canadian (International) Boundary ADIZ are deleted, and entry is permitted below 4,000 feet into the Traverse City and Bangor ADIZ's from those portions of Canada not served by the revised Canadian (International) Boundary ADIZ. Since a military function of the United States is involved, compliance with notices, procedures, and effective date provisions of section 4 of Administrative Procedure Act is not required.

1. Section 620.13 is amended as follows:

§ 620.13 *Authorized exceptions*—(a) *Altitudes excepted*—(1) *Continental United States*. The provisions of this part are not applicable to aircraft operated at altitudes less than 4,000 feet above the immediate terrain when such aircraft are (i) operated within a domestic ADIZ, located within the Continental United States, (ii) entering a domestic ADIZ from within the Continental United States, or (iii) entering a domestic ADIZ within the Continental United States from Canada without crossing the Canadian (International) Boundary ADIZ.

2. Section 620.21 is amended as follows:

§ 620.21 *Domestic ADIZ's*—(a) *Seattle (Domestic) ADIZ*. The area bounded by a line 49°00' N., 115°00' W.; 46°30' N., 115°00' W.; 42°00' N., 120°00' W.; due west to 42°00' N., 124°38'10" W.; 43°00' N., 124°40' W.; 46°15' N., 124°30' W.; 48°00' N., 125°15' W.; 48°29'38" N., 124°43'35" W.; easterly along the U. S.-Canadian International Boundary to 49°00' N., 115°00' W. (point of beginning).

(b) *San Francisco (Domestic) ADIZ*. The area bounded by a line 42°00' N., 120°00' W.; 39°00' N., 120°00' W.; 37°40' N., 118°00' W.; 35°00' N., 121°16'45" W.; 38°50' N., 124°00' W.; 40°00' N., 124°35' W.; 42°00' N., 124°38'10" W.; due east to 42°00' N., 120°00' W. (point of beginning).

(c) *Los Angeles (Domestic) ADIZ*. The area bounded by a line 37°40' N., 118°00' W.; 35°00' N., 114°30' W.; due east to 35°00' N., 113°30' W.; 32°05'30" N., 113°30' W.; westerly along the U. S.-Mexican International Boundary to 32°32'03" N., 117°07'25" W.; 32°30' N., 117°20' W.; 32°30' N., 117°45' W.; 33°15' N., 118°30' W.; 34°00' N., 120°30' W.;

35°00' N., 121°16'45" W.; 37°40' N., 118°00' W. (point of beginning).

(e) *Knoxville (Domestic) ADIZ*. The area bounded by a line 38°11' N., 81°58' W.; 35°37' N., 81°01' W.; 35°09' N., 82°57' W.; 34°31' N., 82°53' W.; 34°15' N., 83°23' W.; due west to 34°15' N., 84°38' W.; 35°07' N., 85°06' W.; 36°08' N., 86°30' W.; 36°25' N., 86°30' W.; 36°52' N., 86°10' W.; 37°40' N., 85°30' W.; 37°50'20" N., 84°45'40" W.; 38°11' N., 81°58' W. (point of beginning).

(g) *Great Falls (Domestic) ADIZ*. The area bounded by a line 49°00' N., 104°00' W.; 46°00' N., 104°00' W.; due west to 46°00' N., 110°39' W.; 46°18' N., 110°55' W.; 46°41' N., 111°54' W.; 46°43' N., 113°09' W.; 47°20' N., 115°00' W.; 49°00' N., 115°00' W. due east along the U. S.-Canada International Boundary to 49°00' N., 104°00' W. (point of beginning).

(h) *Minneapolis (Domestic) ADIZ*. The area bounded by a line 49°00' N., 104°00' W., easterly along the U. S.-Canadian International Boundary to 48°03' N., 90°00' W.; 44°00' N., 90°00' W.; 46°00' N., 94°00' W.; due west to 46°00' N., 104°00' W.; 49°00' N., 104°00' W. (point of beginning).

3. Section 620.22 is amended as follows:

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

4. Section 620.23 is amended as follows:

§ 620.23 *International Boundary ADIZ's*—(a) *Canadian (International) Boundary ADIZ*. A line from 44°30' N., 66°45' W.; 44°30' N., 67°07' W.; 44°46' 36" N., 66°54'11" W.; westerly along the U. S.-Canada International Boundary to 46°00' N., 70°18'14" W. and from 46°00' N., 83°26'05" W. westerly along the U. S.-Canada International Boundary to 48°29'38" N., 124°43'35" W.

(b) *Mexican (International) Boundary ADIZ*. A line from 32°05'30" N., 113°30' W. westerly along the U. S.-Mexico International Boundary to 32°32'03" N., 117°07'25" W. to 32°30' N., 117°20' W.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 1201-1204, 64 Stat. 825; 49 U. S. C. Sup. 701-704)

This amendment shall become effective May 1, 1954.

[SEAL]

F. B. LEE,

Administrator of Civil Aeronautics.

[F. R. Doc. 54-2578; Filed, Apr. 7, 1954; 8:45 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-135; Order No. 170]

PART 20—AUTHORIZATION OF THE ISSUANCE OF SECURITIES BY LICENSEES AND COMPANIES SUBJECT TO SECTIONS 19 AND 20 OF THE FEDERAL POWER ACT

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

APPLICABILITY

In the matter of amendment of §§ 20.1 and 34.1 of the Commission's general rules and regulations; Docket No. R-135, Order No. 170.

By this order, the Federal Power Commission is (1) amending § 20.1 (18 CFR 20.1), of its general rules and regulations (rules), by substituting therefor two new sections, to be designated as §§ 20.1 and 20.2, incorporating certain changes which were shown, by the Commission's experience under the present § 20.1, to be necessary for the exercise of the regulatory powers over the issuance of securities, conferred upon the Commission by sections 19 and 20 of Part I of the Federal Power Act (act), in a manner consistent with the exercise of those regulatory powers concerning similar matters conferred upon it by section 204 of Part II of the act; and (2) amending § 34.1 (18 CFR 34.1), of the rules by incorporating therein those minor language changes which consistency dictates to be necessary as a consequence of the changes referred to in (1) above.

The present rule in requiring prior Commission approval of a security issuance by a licensee of the Commission which is a public service company or other company coming within the provisions of sections 19 or 20 of the act except where,

(1) Within the purview of section 19 of the act, "a State in which such licensee or other company included within the provisions of this section [19], is operating in the public service shall have provided a commission or other agency for the regulation and control of the amount and character of securities to be issued by such licensee or company," or

(2) Within the purview of section 20 of the act, "the power or any part thereof generated by such licensee shall enter into interstate commerce and the States concerned agree, through their properly constituted authorities, on the amount or character of securities proposed for issuance,"

it appears, may work inconsistent results, under Parts I and II of the act, in those situations wherein the issuer, of the security thus required to be approved, would be without the scope of any similar requirement under the regulation contemplated by section 204 of the act.

Within the discretion implicit within the provisions of sections 19 and 20 of the act, it was the Commission's inten-

tion in adopting the existing rule that security regulation under those provisions be exercised consistently with that under section 204 of the act, insofar as possible.

Accordingly, the Commission by this amendment of § 20.1 of its rules is making plain its intention that prior Commission approval of any security issuance within the provisions of sections 19 or 20 of the act shall not be required if issued by a person organized and operating in a State under the laws of which its security issues are regulated by a State Commission or by anyone enumerated in subsection 201 (f) of the act, in the absence of a special proceeding to provide such regulation.

The Commission finds:

(1) Adoption and promulgation of the respective amendments to the rules as hereinafter ordered and provided are necessary and appropriate for carrying out the provisions of the Federal Power Act.

(2) From the circumstances as set forth in the recital above, it appears that good cause exists and it is unnecessary in the public interest that notice and public proceedings be had prior to the adoption of such amendments.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly section 3 (16) (41 Stat. 1063, 49 Stat. 838, 16 U. S. C. 796), sections 19 and 20 (41 Stat. 1073; 16 U. S. C. 812, 813), 204 and 309 (49 Stat. 850; 16 U. S. C. 824c, 825h), and subject to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), orders:

(A) Effective as of the date of issuance of this order, § 20.1 (18 CFR 20.1), of the rules be and the same is hereby amended by substituting therefor two new sections, to be designated as §§ 20.1 and 20.2, reading as follows:

§ 20.1 *Applicability*—(a) *Without special proceeding for regulation.* Every security issue within the scope of the jurisdiction conferred upon the Commission by sections 19 and 20 of the Federal Power Act shall be subject to the provisions of § 20.2, except a security issue by a person organized and operating in a State under the laws of which its security issues are regulated by a State commission, or by any one described in subsection 201 (f). No other security issue within the scope of sections 19 and 20 shall be subject to § 20.2 except as provided in paragraph (b) of this section.

(b) *Reservation of possibility of regulation in other cases.* Not later than 10 days prior to any proposed security issuance which is within the scope of section 19 or section 20 of the act, but excepted by paragraph (a) of this section, any person or state entitled to do so under section 19 or section 20, may file a complaint or request in accordance with the applicable rules of the Commission, or the Commission upon its own motion may by order initiate a proceeding, raising the question whether issuance of such security should be subjected by Commission order to the provisions of § 20.2. After notice of such filing or order, and until such request or com-

plaint is denied or dismissed or the proceeding initiated by such order is terminated without subjecting the issuance of the security to the provisions of § 20.2, the security in question shall not be issued except it be issued subject to and in compliance with § 20.2.

§ 20.2 *Regulation of issuance of securities.* The licensee or other person issuing or proposing to issue any security subjected to this section by or pursuant to § 20.1, shall be subject to and shall comply with the same requirements as the Commission would administer to it if it were a public utility issuing the security within the meaning and subject to the requirements of section 204 of the act and Part 34 of this subchapter.

(B) Effective as of the date of issuance of this order, § 34.1 (18 CFR 34.1) of the rules be and the same is hereby amended through incorporation of the underlined portions hereinafter set forth to read as follows:

§ 34.1 *Applicability.* The requirements of this part will apply to licensees and others seeking authority under sections 19 and 20 of the Federal Power Act (41 Stat. 1073; 16 U. S. C. 812, 813) in accordance with Part 20 of this subchapter and to public utilities seeking authority under section 204 of the Federal Power Act (49 Stat. 850; 16 U. S. C. 824c).

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: March 31, 1954.

Issued: April 2, 1954.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2601; Filed, Apr. 7, 1954; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABELING OF IMPORTED CRABMEAT

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 338), the following statement of policy is issued:

§ 3.34 *Labeling of imported crabmeat.* (a) For many years canned crabmeat has been imported into the United States from Japan. Such imports have consisted primarily of a product designated as "King crabmeat." There have been limited importations of articles designated as "Korean crabmeat" and "Snow crabmeat." Two closely allied species of crab have been packed in Japan for export to the United States, under the designation "King crabmeat." These species are *Paralithodes cam-*

tschatica (taraba-gani) and *Paralithodes platypus* (abura-gani). A third species of crab, *Paralithodes brevipes*, has been labeled either as "King crabmeat" or "Hanasaki crabmeat" when intended for export to the United States. The Department of Health, Education, and Welfare considers the term "King crabmeat" as an acceptable common name for the product prepared from any one of the three species *Paralithodes camtschatica*, *Paralithodes platypus*, and *Paralithodes brevipes*. The Department also considers the name "Hanasaki crabmeat" as an alternative common name for the product prepared from *Paralithodes brevipes*.

(b) Prior to World War II, there was a limited pack of crabmeat from the species *Erimacrus isenbeckii* at canneries located on the coast of Korea, but only a small quantity of this product was imported into the United States. To distinguish the product from the various species of *Paralithodes* and to connote its geographic origin, the article was designated by the name "Korean crab." For the past several years there has been a limited amount of the species *Erimacrus isenbeckii* packed in Japan or on Japanese factory ships operating in the Bering Sea. This species of crab is generally known in Japan as "Kegani." This product, packed in Japan, when offered for entry into the United States has been designated by a variety of names, including "Korean crabmeat," "Snow crabmeat," "Eliza crabmeat," "Kegani crabmeat," and "Zuwal crabmeat," with resulting confusion to importers and consumers. The term "Korean crab" is no longer applicable to the product as an indication of its geographic origin. The long absence of the product from the domestic market, until its recent reintroduction under a variety of names, has largely eliminated consumer recognition of the identity of the product under the name "Korean crabmeat." The Department therefore considers the designation "Korean variety crabmeat" or, alternatively, "Kegani crabmeat" as suitable common names for the product packed from the species *Erimacrus isenbeckii*.

(c) There has also been a limited pack of *Chionectes opilio* (zuwal-gani) offered for entry into the United States. This product has for many years been designated by the name "Snow crabmeat." The Department regards the designation "Snow crabmeat" as the common or usual name for the product when distributed in the United States.

(d) Section 403 (i) (1) of the Federal Food, Drug, and Cosmetic Act requires that the label of a food for which there is no definition and standard of identity shall bear the common or usual name of the food, if any there be. No definition and standard of identity has been established for crabmeat under the act. The Department of Health, Education, and Welfare regards the label designations for canned crabmeat prepared from the various species of crab as stated in paragraphs (a), (b), and (c) of this section as satisfactory compliance with section 403 (i) (1) of the act.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371, Interprets or applies sec. 403, 52 Stat. 1048; 21 U. S. C. 343)

Dated: April 2, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-2608; Filed, Apr. 7, 1954;
8:51 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTI- BIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMY- CIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- OR DIHYDROSTREPTO- MYCIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, Parts 146, 146a, 146b, 146c; 18 F. R. 2335, 7673; 19 F. R. 672, 674, 1171, 1421) are amended as indicated below:

1. In § 146.25 *Penicillin for use in animal feed* * * *, change the citation reference "§ 146a.62", in the introduction to the section and in paragraph (b) to read "§ 146.26".

2. In § 146a.66 *l-Ephenamine penicillin G for aqueous injection*, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the colon after the word "certified" to a comma and by changing the remainder of subdivision (iii) to read as follows: "except that the blank may be filled in with the date which is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

3. In § 146b.111 *Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary* * * *, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the colon after the word "certified" to a comma and adding the following clause: "except that the blank may be filled in with the date which is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)

of this section: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

4a. Section 146e.411 (a) (2) is amended to read:

§ 146e.411 *Bacitracin-neomycin ointment*. (a) * * *

(2) It may contain hydrocortisone or a suitable ester of hydrocortisone.

b. Section 146e.411 (a) (3) is amended by adding the following new sentence at the end thereof: "If it contains hydrocortisone or an ester of hydrocortisone and it is intended for use by humans, its outside wrapper or container shall bear the statement 'Caution: Federal law prohibits dispensing without prescription'."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: April 2, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-2609; Filed, Apr. 7, 1954;
8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

SHORT AND SPECIAL TOURS OF ACTIVE DUTY

Section 861.1155 is revised to read as follows:

§ 861.1155 *Place of duty*. All reservists ordered to short or special tours of active duty will perform the duty at the place to which assigned, unless otherwise ordered. Reservists not on active duty who are assigned to activities located within the zone of interior will not be ordered to short tours of active duty for training at places located outside the continental limits of the United States; nor will they be ordered to duty within the zone of interior and then placed on temporary duty outside the United States.

[AFR 35-76A] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interprets or applies sec. 32, 41 Stat. 776 as amended; 35 Stat. 780, 40 Stat. 72 as amended; 10 U. S. C. 361, 369, 371, 371b, 422, 426, 427)

[SEAL] K. E. THIERAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-2576; Filed, Apr. 7, 1954;
8:45 a. m.]

Subchapter G—Personnel

PART 886—MILITARY PERSONNEL SECURITY PROGRAM

The caption of Part 886 (32 CFR Part 886) and the regulations contained therein are revised as follows:

GENERAL PROVISIONS

Sec.
886.1 Purpose.
886.2 Policy.
886.3 Reporting of information.

STANDARD AND CRITERIA

886.4 Standard.
886.5 Criteria for application of standard.
886.6 Type of discharge.

PROCESSING OF CASES

886.7 Action by commander.
886.8 Action by Headquarters USAF.
886.9 Notice of proposed termination and statement of reasons.
886.10 Hearing boards.
886.11 Preparatory action by hearing boards.
886.12 Hearings.
886.13 Findings and recommendations.
886.14 Review.
886.15 Effect of favorable decision.

REJECTION FOR MILITARY SERVICE

886.16 Rejection for military service.
886.17 Loyalty certificate.
886.18 Applicants for appointment.
886.19 Applicants for enlistment.
886.20 Members of components of the Armed Forces.
886.21 Inductees and other nonvolunteers.

AUTHORITY: §§ 886.1 to 886.21 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 35-62.

GENERAL PROVISIONS

§ 886.1 *Purpose*. The regulations contained in this part prescribe the standard, criteria, and administrative procedures for the discharge of military personnel from the Air Force and the rejection of applicants for appointment or enlistment in the Air Force, when retention in or acceptance into the Air Force is not clearly consistent with the interests of national security. The regulations in this part do not preclude trial by courts-martial when such action is considered appropriate by commanders exercising court-martial jurisdiction, nor do they preclude separation under other applicable regulations on grounds other than security. Further, the regulations in this part should not be used in those cases in which security is not the primary reason for initiation of discharge action (see § 886.5 (f)).

§ 886.2 *Policy*. (a) The Air Force will assume that the acceptance or retention of any officer or airman is clearly consistent with the interests of national security unless information to the contrary is received. However, because of the vital role of the Air Force in national defense, when information which raises the question of security is received, action will be taken to determine whether acceptance or retention of any individual is clearly consistent with the interests of national security.

(b) A person who has been discharged under this part, or whose records reflect that he was separated from the Air Force under other authority prior to final determination after action has been initiated under this part, will not be

appointed or enlisted in the Air Force without the specific approval of the Secretary of the Air Force. Action will be considered to have been initiated as of the date that the Deputy Chief of Staff, Personnel, approves such recommendation of the Military Personnel Security Committee.

§ 886.3 Reporting information. (a) Every person in the Air Force will report to his commander information of any sort which may come to his attention which indicates that retention of any member of the military service is not clearly consistent with the interests of the national security. Reports concerning personnel of the Air Force Reserve not on active duty will be referred to the Commander, Air Reserve Records Center (ConAC), 3800 York Street, Denver 5, Colorado. Reports concerning personnel in active military service with the Air Force will be forwarded through channels to the commander of the person who has an inspector general or wing inspector assigned. If the status of the personnel concerned is unknown or if other reasons so indicate, the report will be forwarded through channels to The Inspector General, Headquarters USAF, Attention: Director of Special Investigations, Washington 25, D. C.

(b) Investigations by activities of the Air Force establishment will develop all relevant facts in favor of, as well as against, an investigated person, with special emphasis being given to that information which supports or refutes an allegation stemming from the "criteria" hereinafter described. Whenever possible, information will be so presented that its use is not precluded in the interests of national security and, sufficient information will be reported about informants whose identities are not disclosed to permit adequate evaluation of the information furnished by them.

STANDARD AND CRITERIA

§ 886.4 Standard. The basic standard for discharge of military personnel and the rejection of persons for military service will be: That based on all the available information, retention in or acceptance into the Air Force is not clearly consistent with the interests of national security.

§ 886.5 Criteria for application of standard—(a) National security. As used herein, the term "national security" relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all other illegal acts designed to destroy or weaken the United States.

(b) *Sensitive and nonsensitive positions.* An officer or warrant officer of the Air Force holds a sensitive position by virtue of his commission or appointment and, therefore, in a case involving an officer or warrant officer his duties and responsibilities in his present assignment will not be considered. Likewise, airmen whose qualifications would normally require that they have access to

classified information, their duties and responsibilities in their present assignments need not be considered. On the other hand, airmen whose grade or education and training do not qualify them for assignment to duties which require access to classified information, may be assigned to nonsensitive positions provided that such assignment will not endanger the national security. Nothing herein will serve to preclude the use of assignment to nonsensitive positions as a security measure; however, indefinite assignment to such positions will be made only upon the approval by Headquarters USAF of the recommendation of a board of officers. Upon receipt of a completed investigation, commanders must initiate one of the actions prescribed in § 886.7 on persons assigned to nonsensitive positions for security reasons.

(c) *Factors to be considered in making security determination.* In making the security determination, consideration must be given to loyalty, habits, activities, attitudes, associations, trustworthiness, and discretion, and their bearing on the question, of whether, because of access to Government installations, information and material by virtue of being in the military service, an individual might, either intentionally or inadvertently, disclose classified information to unauthorized persons or otherwise act against the security interests of the United States.

(d) *Grounds for initiation of action.* The following or similar reasons warrant initiation of action:

(1) Commission of any act of sabotage, espionage, treason or sedition, or attempts thereof or preparation thereof, or conspiring with, or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(2) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(3) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of Government of the United States by unconstitutional means.

(4) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights, under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means.

(5) Willful violation or disregard of security regulations.

(6) Intentional unauthorized disclosure to any person of classified information, or of other information disclosure of which is prohibited by law.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct.

(9) Participation in the activities of an organization established as a front for an organization referred to in subparagraph (4) of this paragraph, when his personal views were sympathetic to the subversive purposes of such organization.

(10) Participation in the activities of an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was a part of or sympathetic to the infiltrating element or sympathetic to its purposes.

(11) Participation in the activities of an organization referred to in subparagraph (4) of this paragraph in a capacity where he should reasonably have had knowledge of the subversive aims or purposes of the organization.

(12) Sympathetic association with a member or members of an organization referred to in subparagraph (4) of this paragraph. (Ordinarily, this will not include chance or occasional meetings, or contacts limited to normal business or official relations.)

(13) Currently maintaining a close continuing association with a person who has engaged in activities or associations of the type referred to in subparagraphs (1) through (11) of this paragraph. A close continuing association may be considered to exist if the individual lives at the same premises as, frequently visits, or frequently communicates with such person.

(14) Close continuing association of the type described in subparagraph (13) of this paragraph, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.

(15) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security. Among matters which should be considered in this category would be the presence of a spouse, parent, brother, sister, or offspring in a nation, a satellite thereof, or an occupied area thereof, whose interests might be inimical to the United States.

(16) Any deliberate misrepresentations, falsifications, or omission of material facts.

(17) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(18) An adjudication of insanity, or treatment for serious mental or neuro-

logical disorder without satisfactory evidence of cure.

(19) All other behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(e) *Application of criteria.* The activities and associations listed in paragraph (d) of this section are of varying degrees of seriousness. Therefore, the ultimate determination of whether acceptance or retention in the Air Force is clearly consistent with the interests of national security must be an over-all common sense one based on all available information.

(f) *Discharge under appropriate regulations.* Persons who fall within the criteria prescribed in paragraphs (d) (16) through (19) of this section, are examples of persons whose retention may not be clearly consistent with the interests of national security. However, action under this part will not be initiated unless action under other regulations has been determined to be inappropriate.

(g) *Proscribed organizations.* A list of organizations designated by the Attorney General is set forth in Air Force Regulation 124-5. Membership in, affiliation with, or sympathetic association with one of those organizations is simply one piece of information which will be considered in arriving at a conclusion as to the action which is to be taken in a particular case.

NOTE: The list of organizations designated by the Attorney General as coming within the purview of E. O. 10450, April 27, 1953, also appear at 18 F. R. 2714, 4240, 6364; and 19 F. R. 655.

§ 886.6 *Type of discharge.* Personnel whose discharge is ordered under this Part ordinarily will be discharged under honorable conditions; however, unless otherwise prescribed by law, personnel may be discharged under other than honorable conditions upon approval of the recommendation of a board of officers. Entry in item 8, DD Form 214, "Report of Separation From the Armed Forces of the United States" will be "AFR 35-62."

PROCESSING OF CASES

§ 886.7 *Action by commander.* (a) Action may be initiated as a result of information received during routine investigation for clearance or as a result of information received as outlined in § 886.3.

(b) A commander receiving a report as outlined in § 886.3 will refer this report to his inspector general or wing inspector who will, in turn, forward a request for investigation to the appropriate district commander, Office of Special Investigations.

(c) During an investigation or upon its completion, the commander will take such interim action as may be considered necessary to preserve the security of his command, including measures designed to deny the investigated person access to classified information. If an investigation is pending, the commander will consult with the nearest representative of the investigative agency prior to effecting a change in duty assignment or clearance status in order to determine

whether such action will prejudice the investigation.

(d) Within 10 days following receipt of the results of the investigation requested, or other completed investigation, the commander will initiate action as prescribed in subparagraphs (1) and (2) of this paragraph. A recommendation for "no action" may be made only after receipt of the completed investigation. Further, the commander will include a statement that trial by court-martial or action under other regulations has been considered and is not considered appropriate.

(1) If the commander determines that retention of the individual is clearly consistent with the interests of national security as defined in § 886.5 (a), he will recommend that the case be closed and will forward copies of the reports of investigations and all other information considered with his recommendation through command channels to The Inspector General, Headquarters USAF, Attention: Director of Special Investigations, Washington 25, D. C. The commander will retain copies of all information pertinent to the case in a special file, pending receipt of instructions from the Director of Military Personnel, Headquarters USAF, concerning that file. The commander will provide the appropriate district commander, Office of Special Investigations, with an information copy of the action taken.

(2) If the commander determines that action should be initiated, he will forward his recommendations and reasons therefor, together with copies of the reports of investigations and all other information considered through command channels to The Inspector General, Headquarters USAF, Attention: Director of Special Investigations, Washington 25, D. C. Copies of all information pertinent to the case will be retained in a special file. Unless the following material is already in the file, the commander will include in the file a copy of all security investigative data forms such as DD Form 98, "Loyalty Certificate," and WD AGO Form 643A or DD Form 398, "Statement of Personal History," which the individual has completed, and other similar documents and information which are available to him. If a statement of personal history is not available, the individual will be requested to complete a DD Form 398. If the individual is an airman, the commander will also include a copy of DA AGO Form 20, "Soldier's Qualification Card." The commander will provide the appropriate district commander, Office of Special Investigations, with an information copy of the action taken. Commanders will take necessary action to assure that personnel upon whom action is recommended are not reassigned from the major air command or placed on duty outside the continental United States pending final action under this part, unless otherwise specifically authorized by the Director of Military Personnel, Headquarters USAF.

§ 886.8 *Action by Headquarters USAF.* (a) All cases arising under this part will be reviewed by the Military Personnel

Security Committee. Action will be initiated to discharge only after such review and upon the approval of the Deputy Chief of Staff, Personnel.

(b) If the person is not serving in active military service and is a civilian employee of the Air Force establishment, the Director of Special Investigations will forward the case with his recommendation to the Executive Secretary, Central Security Board, for review under Part 889 of this chapter (19 F. R. 1503). When a decision is made under Part 889 of this chapter, a copy of this decision, together with the complete record in the case, will be forwarded to the Director of Military Personnel for consideration by the Military Personnel Security Committee. Actions hereinafter prescribed will then be taken.

(c) If the person does not come within the purview of paragraph (b) of this section, the Director of Special Investigations will forward the case to the Deputy Chief of Staff, Personnel, for consideration by the Military Personnel Security Committee together with a recommendation, and a summary of essential facts upon which the recommendation is based, so presented as to provide clearly a basis for the preparation of specific reasons if, in the opinion of the Military Personnel Security Committee, issuance of a statement of reasons appears warranted.

(d) Whenever the Committee considers it appropriate, a written interrogatory will be prepared and forwarded to the Office of Special Investigations for transmittal to the person or for personal interrogation of the person. The person will be informed that his answers will be considered in determining the action to be taken, and that he is not required to give any answers which might incriminate him.

(e) The Committee may return the case to the Director of Military Personnel with a request for further investigation.

(f) The Committee will make one of the following recommendations and/or such other recommendations as it considers appropriate to the Deputy Chief of Staff, Personnel, stating its reasons for each recommendation:

(1) That the case be submitted to the officer exercising general court-martial jurisdiction for consideration of trial by court-martial.

(2) That action be initiated to discharge under this part. (The Committee will prepare a proposed statement of reasons.)

(3) That the case be considered under Air Force Regulation (appropriate regulation) before being considered further under this part.

(4) That no action be initiated inasmuch as the individual's retention is clearly consistent with the interests of national security.

(g) The Deputy Chief of Staff, Personnel, will instruct the Director of Military Personnel to take one of the actions mentioned in paragraph (f) of this section, or such other action as he considers proper.

(h) In the event consideration of trial by court-martial is directed, the Director

of Military Personnel will forward the case to the officer exercising general court-martial jurisdiction. If the officer exercising general court-martial jurisdiction thereafter determines that trial is not appropriate, he will return all papers in the case to the Director of Military Personnel.

(1) If institution of discharge procedures is directed, the Director of Military Personnel will take one of the following actions, as appropriate:

(i) In the case of a Regular commissioned officer with 3 or more years' continuous active commissioned service subsequent to his acceptance of a current Regular commission, the file, including the "statement of reasons" by the Committee, as approved, will be processed under current regulations governing removal from the active list.

(2) In the case of any other Regular officer, or warrant officer, non-Regular commissioned or warrant officer, or airman, the file will be referred to the commander of the major air command concerned for transmission to the appropriate subordinate commander.

(j) Upon approval by the Deputy Chief of Staff, Personnel, of the "no action" recommendation, the Director of Military Personnel will notify the commander concerned of the decision of Headquarters USAF and direct that all information pertinent to the case be removed from the individual field personnel records and the special file, and that a copy of the letter directing those actions be placed in the respondent's field personnel records. Further, the commander will notify the appropriate district office, Office of Special Investigations, of this action.

§ 886.9 Notice of proposed termination and statement of reasons. (a) When a case is referred to a subordinate commander under § 886.8 (i) (2), the Director of Military Personnel will prepare in letter form and forward with the file a "Notice of Proposed Termination of Appointment or Enlistment." The subordinate commander will have the notice delivered to the respondent in person, if practicable, and will obtain a signed receipt therefor. If personal delivery is not practicable, the notice will be sent to the respondent by registered mail, with return receipt "addressee only" requested.

(b) The notice will include the "statement of reasons" of the Committee as approved by the Deputy Chief of Staff, Personnel. The "statement of reasons" will be in sufficient detail to enable the individual to prepare his defense and will be as complete as, in the opinion of the Committee, security considerations permit.

(c) The notice will refer specifically to the regulations contained in this part, and a copy of it (AFR 35-62) will be attached. The notice will also refer specifically to § 886.6 relating to the types of discharges which may be given.

(d) The notice will inform the respondent that:

(1) He may request retirement or transfer to the Retired Reserve, if eligible, or, if an officer, he may tender his resignation, or if an airman, he may

request discharge, in lieu of further proceedings under this part.

(2) He may answer the statement of reasons in writing within 30 days of his receipt of the notice, and submit, in connection with his answer, such statements, affidavits, or other documentary evidence to justify his retention as he may desire.

(3) He may request a hearing before a hearing board.

(4) He may present evidence, appear in person with or without counsel, or be represented by counsel before the hearing board.

(i) Military counsel will be provided at Government expense.

(ii) Military counsel of his choice will be provided, if, in the opinion of the commander concerned, such person is reasonably available.

(iii) Civilian counsel may be retained at no expense to the Government.

(iv) The board will assist him in procuring witnesses who are reasonably available.

(v) Ordinarily, he may cross-examine witnesses (see § 886.12 (b)).

(vi) He may challenge, for cause only, members of the board.

(vii) He will not be entitled to reimbursement for expenses incurred incident to the appearance or assistance of civilian witnesses or counsel.

(viii) If not in active military service, he will not be entitled to any expenses (including travel) incurred incident to his appearance.

(5) He will acknowledge receipt by indorsement within 5 days and that his indorsement will include:

(i) Date and time notice is received.

(ii) Whether he intends to resign or request discharge in lieu of further proceedings.

(iii) Whether he intends to request retirement, if eligible.

(iv) Whether he intends to answer charges in writing or submit documentary evidence.

(v) Whether he desires to appear before a hearing board, with or without counsel, or be represented by counsel.

(vi) A statement that he has withdrawn the inclosures marked "Respondent."

(e) The notice will advise the respondent that if his reply has not been received within 45 days of his receipt of the notice, his case will be considered on the complete file and without further reference to or representation from him. Further, in such event, his signature on a receipt will constitute his statement in writing that he does not desire to appear or be represented before the board.

(f) If the respondent is an airman, the notice will advise him that all commissions or appointments in the Air Force held by him will also be terminated if he is discharged as a result of this action.

(g) If the respondent is entitled to enlistment as a Regular airman or appointment as a Regular warrant officer in the Air Force, either as a selectee or vacatee, the notice will advise him that such enlistment or appointment may be effected only upon the express approval of the Secretary of the Air Force if he is discharged as a result of this action.

§ 886.10 Hearing boards. (a) The commanders of major air commands will appoint and convene hearing boards required under this part. The order will recite the fact that the board is appointed by authority of the Secretary of the Air Force. Prior to convening hearing boards, commanders of major air commands will thoroughly brief board members of their responsibility to carry out the policies announced in this part. In the interest of uniformity, insofar as practical, membership of the board should be stable. Composition of the board for consideration of any particular case will consist of not less than three officers, one of whom will be a Judge Advocate.

(1) All voting members will be serving in the grade of major or above and will be senior to the respondent in both permanent and temporary grade, except that if utilization of a field grade Judge Advocate is impracticable because of exigencies of the service, such member need only be senior in permanent and temporary grade to respondent.

(2) If the respondent is a female, a female officer will be appointed to serve in an advisory, nonvoting capacity.

(3) If the respondent is a member of a Reserve component, a majority of the board members will be Reserve officers.

(b) A standing board in which the numerical strength far exceeds the required membership will not be appointed. Where one or more standing boards are desired for referral of appropriate cases, such boards will be appointed individually with board membership as stated in paragraph (a) of this section, and in addition thereto, three alternate members.

(c) The commander concerned will designate a recorder without vote for the board. The recorder will execute the orders of the board and will supervise the preparation and maintenance of the verbatim record of proceedings.

§ 886.11 Preparatory action by hearing boards. (a) On receipt of the file from the commander, the members of the hearing board will review the file in order that they may be informed in advance of those areas in the case which will require exploration and explanation at the hearing. Every possible effort will be made to avoid forming any opinion on the eventual determination of the case until the hearing is concluded and the record complete.

(b) If a hearing is requested, the board will set a time and place for such hearing, giving proper consideration to the convenience of the respondent and the time needed to prepare his defense. Notice of the time and place for such hearing will be delivered or sent to the respondent in the same manner as the "Notice of Proposed Termination of Appointment or Enlistment," and written receipt obtained. The date of the hearing should normally be set at least 5 days after the date upon which the notice may be expected to reach the respondent. The notice will further advise the respondent that:

(1) He may request reasonable postponement of the hearing to obtain evidence and prepare his case.

(2) If he fails without reasonable excuse to appear at the time and place set

for the hearing, the board will consider the case on the complete file.

(c) If the respondent does not resign, apply for retirement, or elect discharge and does not request a hearing, the board will nevertheless give the respondent notice as provided in paragraph (b) of this section, of the time and place at which the board plans to consider the case. The notice will state that, despite his failure to request a hearing, he may appear with his counsel or other representatives and present evidence, and that his presence will greatly assist the board in its determination.

(d) If, after receipt of notification (see § 886.9), the respondent's reply is not received within 45 days or he fails to appear at the time and place set for the hearing, after inability to locate the respondent by reasonable efforts, or upon refusal by the respondent to accept delivery of registered mail, the board will consider the case upon the complete file in the respondent's absence. Dispatch of the registered mail notification and inquiries of local civil authorities or other persons who might reasonably be expected to assist in locating the respondent, will be considered to be reasonable efforts. When such action is taken a complete detailed report of the efforts made to locate the respondent, together with the registered mailing envelope (clearly marked "Return receipt requested—deliver to addressee only") or the signed return receipt will be forwarded with the board proceedings.

(e) When the respondent requests the assistance of the board in obtaining the attendance of witnesses, or when, in the opinion of the board, the testimony of persons not confidential informants might be helpful, the board may invite these witnesses or persons to appear and testify may endeavor to take their depositions, or may ask them to answer written interrogatories or to submit written statements. Hearing boards are not authorized to offer to pay the expenses of such witnesses. The refusal of such witnesses to cooperate with the board will be taken into consideration in determining the probative value of any information attributed to them in the file.

§ 886.12 *Hearings.* (a) Hearings will be conducted in such a way as to prevent unauthorized disclosure of classified information or compromise of investigative sources or methods. Disclosure will not be made which may compromise the identity of confidential informants. Classified information in the file will not be disclosed to the respondent or his counsel or person not requiring such information in the performance of official duties. As far as security considerations permit, however, the board's questions should cover all grounds for proposed discharge and should be designed to give respondent the fullest possible opportunity to explain or rebut all the information considered.

(b) The respondent and his counsel will be allowed to be present at all open sessions of the board. In exceptional circumstances, the board may take the testimony of a witness in executive session, but the fact that respondent had no opportunity to cross-examine will be con-

sidered in weighing such testimony. Witnesses will ordinarily be excluded from the hearing room except when testifying. Persons other than those having an official capacity in the case will not be permitted to be present during any of the proceedings.

(c) A verbatim transcript of the hearing will be made by a qualified reporter. At least four copies will be made, and one copy will be furnished to the respondent without cost to him. Any portion of the respondent's copy disclosing classified information will be deleted. A notation will be made on all copies retained by the Air Force of those portions which were deleted from the respondent's copy.

(d) Strict rules of evidence will not be followed, but reasonable bounds of relevancy, competency, and materiality will be maintained.

(e) The hearing will be called to order by the senior member of the board. He will state in substance that the board is not a court of law and strict rules of evidence and court procedure are not followed, that the hearing is an administrative inquiry to provide the respondent with an opportunity to be heard and to permit the board to inquire fully into the matters related to the case, and that the respondent can assist the board in arriving at a fair and just determination in the case by giving full and frank answers to all questions the board may have and by confining his presentation to matters related to the case.

(f) The recorder will then read the "Notice of Proposed Termination of Appointment or Enlistment," and the "Statement of Reasons." The order of further proceedings will lie in the discretion of the board, except that the respondent will have the right to make opening and closing statement either in person or by counsel. Ordinarily, the board will first present the unclassified information available to it, and the respondent will then be permitted to call such witnesses and introduce such evidence as he may consider appropriate. If the respondent does not have counsel, the board will assist him in making an orderly and complete presentation of his case.

(g) The respondent and each witness appearing before the board will be advised as follows:

You may refuse to answer any question, make any statement, or produce any evidence before the board which may tend to incriminate you or which may tend to degrade you and is not material to the issue.

(h) All witnesses appearing before the board will be administered the following oath by the senior member:

Do you solemnly swear (or affirm) that the testimony you are about to give in this case shall be the truth, the whole truth, and nothing but the truth, so help you God? (If affirmation is used, "So help you God" will be omitted.)

(i) The president of the board will advise the respondent that an announcement of the determination will not be made in his case except by the Secretary of the Air Force and that the findings and recommendations to be made by that board are not a final determination in the case, that the proceedings will be

reviewed by the Air Force Personnel Board which board will recommend action considered appropriate to the Secretary of the Air Force, and that final decision in all cases rests with the Secretary of the Air Force. Therefore, the respondent will be encouraged to take advantage of the opportunity afforded him to submit additional brief, argument or information subsequent to his receipt of the corrected copy of the transcript of the hearing (see § 886.13 (h)).

(j) As soon as practicable, a transcript of the hearing will be provided the respondent for his review and comments. Within 5 days after the receipt of this copy of the transcript, the respondent or his counsel may file with the board such suggested corrections as he may desire and any such suggestions will become a permanent part of the file. The board will accept or reject such suggestions and notify the respondent or his counsel of its actions thereon. Corrections will be allowed solely for the purpose of conforming the transcript to the actual testimony. Marginal notes will be used in explanation of corrections made.

§ 886.13 *Findings and recommendations.* (a) As soon as practicable after the close of the hearing, the hearing board and the recorder will meet in executive session for the purpose of arriving at its findings and recommendations. The board will consider the complete file, including the original file, the transcript of testimony at the hearing, any brief submitted by the respondent and any other relevant information.

(b) The board will take into consideration the fact that the respondent may have been handicapped in his defense by the nondisclosure to him of classified information or by the lack of opportunity to cross-examine persons constituting sources of such information, and will weigh information carefully in the light of its recency, relative seriousness, attendant circumstances, whether it was given under oath, whether it is relevant, whether the person has had an opportunity to rebut it, and whether there is similar or supporting information.

(c) The board's findings and recommendations will be signed by all concurring members. Dissenting opinions will be filed.

(d) The findings will include a determination with respect to each of the statements set forth in the "Statement of Reasons" and an analysis of information and a detailed statement of reasoning upon which each finding is based. Even though the board determines that each of the statements is true, it need not necessarily find the respondent should be discharged.

(e) The findings will also include a separate finding in the following form with respect to security:

The board finds on all the information that the respondent's retention in the Air Force (is) (is not) clearly consistent with the interests of national security.

(f) If the board finds favorably to the respondent, it will recommend retention.

(g) If the board finds unfavorably to the respondent, it will recommend that:

(1) If an officer, he be discharged from all commissions and appointments held

by him in the Air Force, and, if the respondent is entitled to enlist as a Regular airman or appointment as a Regular warrant officer in the Air Force, either as a selectee or vacatee, that he not be enlisted or appointed, as appropriate.

(2) If an airman, he be discharged from his enlistment, and also that the respondent be discharged from all commissions or appointments in the Air Force held by him.

(3) A discharge under honorable conditions be given, or, if in the opinion of the board it is so warranted, that a discharge under other than honorable conditions be given.

(4) In the case of an airman, consideration be given to assignment to a non-sensitive position as prescribed in § 886.5.

(h) The board will deliver or send to the respondent, in the same manner as the "Notice of Proposed Termination of Appointment or Enlistment," a copy of the final transcript of the hearing together with a letter:

(1) Directing him to withdraw the enclosed copy of the hearing and to acknowledge receipt of the letter within 48 hours by indorsement thereon.

(2) Informing him that he may submit to the Director of Military Personnel, Headquarters USAF, Washington 25, D. C., within 20 days of receipt of the letter, any brief, argument, or further information he may desire to have brought before the Air Force Personnel Board, and, that failure to receive additional information within 30 days of his date of receipt of the final transcript of the proceedings will cause his case to be considered without further representation from or for him.

(3) Informing him that he will not appear in person or be represented before the Air Force Personnel Board unless so requested by the board.

(i) The original and one duplicate of the report of proceedings of the board is required by Headquarters USAF. Copies of the transcript referred to the respondent or counsel will not contain classified information and will not be designated as classified information. The report will be forwarded to the convening authority for his action and will then be forwarded through channels to the Director of Military Personnel, Headquarters USAF. The report will include a statement signed by the respondent which will include the following:

(1) A statement that the respondent has read and understands §§ 886.12 (j) and 886.13 (h) (including the subparagraphs thereof).

(2) Date of receipt of copy of the hearing.

§ 886.14 *Review.* (a) The Director of Military Personnel will forward all cases to the Air Force Personnel Board for review. The board may return the case with a request that additional information be obtained. The respondent will not be heard during this review unless his presence is desired by the board.

(b) The recommendation of the Air Force Personnel Board will be transmitted to the Secretary of the Air Force for

review and final decision. Appropriate action will be taken in accordance therewith by the Director of Military Personnel.

§ 886.15 *Affect of favorable decision.* A final decision favorable to the individual ordinarily will not be reconsidered within the Air Force except upon the discovery of additional information. The records of such proceedings, together with the contents of any special file theretofore maintained on the respondent, will be forwarded, after the completion of the proceedings, to the Deputy Chief of Staff, Personnel and will not thereafter be available for examination without his permission. Nothing herein contained will relieve commanders of their responsibility for the security of their commands, nor deprive them of their authority over assignments and the extent of access to classified information.

REJECTION FOR MILITARY SERVICE

§ 886.16 *Rejection for military service.* In no case will any person who admits, or whose available records show, that he has at any time engaged in any of the activities listed in § 886.5 be appointed or enlisted in the Air Force without the specific approval of the Secretary of the Air Force.

§ 886.17 *Loyalty certificate.* The following persons will be required to read §§ 886.5 and 886.6 and requested to execute DD Form 98 "Loyalty Certificate," at the following times:

(a) Each applicant for appointment or enlistment, before his appointment or enlistment.

(b) Each member of a component of the Armed Forces voluntarily entering into active military service with the Air Force, immediately before such entry.

(c) Each inductee, member of a component of the Armed Forces entering into active military service with the Air Force other than voluntarily, and other nonvolunteers, at the earliest practicable time subsequent to their entry on active duty.

§ 886.18 *Applicants for appointment.* The completed certificate, DD Form 98, including a consolidated list of organizations designated by the Attorney General, will be attached as an inclosure to the application for appointment. If,

after instruction, an applicant fails to execute the certificate in its entirety or indicates, in its execution, that there is any reason to believe that his appointment is not clearly consistent with the interests of national security, his appointment will be withheld and the applicant and allied papers will be forwarded to Director of Personnel Procurement and Training, Headquarters USAF, Attention: Personnel Procurement Division, Washington 25, D. C., for appropriate action and decision.

§ 886.19 *Applicants for enlistment.* When the person acknowledges that he is or has been a member of an organization designated by the Attorney General, the completed DD Form 98, DD Form 398, and any other pertinent data will be forwarded to Director of Personnel Procurement and Training, Headquarters USAF, Attention: Personnel Procurement Division, Washington 25, D. C., for determination on whether he should be enlisted.

§ 886.20 *Members of components of the Armed Forces.* (a) If a member of a component of the Armed Forces voluntarily entering into active military service with the Air Force acknowledges that he is or has been a member of an organization designated by the Attorney General, or if he refuses to sign a loyalty certificate, the procedures prescribed by §§ 886.7 to 886.15 will be followed.

(b) Action concerning a member of a component of the Armed Forces entering into active military service other than voluntarily will be as prescribed in § 886.21.

§ 886.21 *Inductees and other nonvolunteers.* Any inductee or other nonvolunteer who refuses to execute a loyalty certificate or makes any falsification or misrepresentation in executing a loyalty certificate or statement of personal history, or acknowledges that he is or has been a member of an Attorney General cited organization, will be retained in service pending investigation. The procedures prescribed by §§ 886.7 to 886.15 will be followed.

[SEAL]

K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-2577; Filed, Apr. 7, 1954;
8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO 225-A5]

HANDLING OF MILK IN THE DETROIT, MICH., 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 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 Park-Shelton Hotel, Woodward and Kirby Streets, Detroit, Michigan, beginning at 10:00 a. m., e. s. t., April 20, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amend-

ed, regulating the handling of milk in the Detroit, Michigan, marketing area (7 CFR 924.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, for the Detroit, Michigan, marketing area have been proposed as follows:

By the Michigan Milk Producers' Association:

1. It is proposed to amend § 924.6 (b) of Federal Milk Marketing Order No. 24 to read as follows:

(b) A person who operates a plant other than one described in paragraph (a) of this section (1) which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac or Port Huron for the handling of milk for consumption as Class I milk in the marketing area (2) from which not less than fifty (50) percent of the milk received at such plant in the months of September, October, November and December from dairy farms is moved to a plant described in paragraph (a) of this section and such fifty (50) percent is not in excess of the Class I requirements of the receiving plant after first allocating to such requirements all milk received at such plant from producers or cooperative associations (other than the plant making such qualifying shipments). For the purpose of this paragraph Class I requirements shall mean 115 percent of Class I utilization and all plants operated by one handler, or from which milk is moved to plants operated by one handler, or from which milk is moved to plants as described in paragraph (a) of this section by one cooperative shall be considered as a unit.

2. Make such other changes as are necessary to make the order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the Market Administrator, 5701 Second Boulevard, Detroit 2, Michigan, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 5th day of April 1954.

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2619; Filed, Apr. 7, 1954;
8:53 a. m.]

Agricultural Research Service

[9 CFR Parts 71, 78, 80]

BRUCELLOSIS AND PARATUBERCULOSIS INTERSTATE MOVEMENT OF ANIMALS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of sections 6, 7, and 13 of the act of May 29, 1884, as amended (21 U. S. C. 114a-1, 115, 117), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), it

is proposed to amend Subchapter C, Chapter I, Title 9, Code of Federal Regulations, in the following respects:

1. Section 71.3 of Part 71 would be amended to read as follows:

§ 71.3 Interstate movement of diseased animals generally prohibited. Animals affected with splenic fever, scabies, dourine, hog cholera, swine plague, vesicular exanthema, tuberculosis, brucellosis, scrapie, paratuberculosis, glanders, lip-and-leg ulceration, anthrax or other contagious, infectious, or communicable disease of livestock, or which are tick infested, shall not be moved interstate: *Provided, however*, That domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of Subpart B of Part 78 of this subchapter in the case of brucellosis reactors and with the provisions of Part 80 of this subchapter in the case of paratuberculosis reactors, and that cattle which have reacted to the tuberculin test, which are not affected with any other disease referred to above and are not tick infested, may be moved interstate in accordance with the provisions of § 77.8 of this subchapter. Before offering cattle or other livestock for interstate transportation, transporting them interstate, or introducing them into any stockyards or upon routes of traffic for interstate transportation, all persons or corporations are required to exercise reasonable diligence to ascertain that such animals are not affected with any contagious, infectious, or communicable disease, and have not been exposed to the contagion or infection of any such disease by contact with other animals so diseased or by location in pens, cars, or other vehicles, or upon premises that have contained animals so diseased.

2. Part 78 would be amended to read as follows:

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

SUBPART A—GENERAL PROVISIONS

§ 78.1 Definitions. As used in this part, the following terms shall have the meanings set forth in this section except as otherwise clearly indicated.

(a) *Brucellosis*. The infectious and communicable disease of domestic animals commonly known as Bang's disease, abortion disease, contagious abortion, and brucellosis.

(b) *State*. Any State, Territory, or the District of Columbia.

(c) *Interstate*. From one State to any other State.

(d) *Person*. Any person, company, or corporation.

(e) *Moved*. Transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person.

(f) *Certified brucellosis-free herd*. A herd of cattle officially declared by the Animal Disease Eradication Branch, Agricultural Research Service, United

States Department of Agriculture, and a State as free from brucellosis and such declaration being evidenced by a currently effective certificate issued jointly by such Branch and State.

(g) *Modified certified brucellosis-free area*. A State or a political subdivision, or portion thereof, in which the percentage of cattle affected with brucellosis has been determined by the Chief of the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, not to exceed one percent and the percentage of herds in which brucellosis is present has been determined by such Chief not to exceed five percent.

(h) *Official vaccinate*. A bovine animal of a dairy breed vaccinated for brucellosis when 6 to 8 months of age, or of a beef breed vaccinated for brucellosis when 6 to 12 months of age, under the supervision of a Federal or State livestock sanitary official with a vaccine approved by the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State and Federal agency cooperating in the eradication of brucellosis.

(i) *Public stockyard*. A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(j) *Federal inspector*. An inspector of the Livestock Regulatory Programs, Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(k) *State inspector*. An inspector regularly employed in livestock sanitary work of a State or a political subdivision thereof; whose entire salary is paid by such State or political subdivision; and who is authorized by such State or political subdivision to perform the function involved.

(l) *Accredited veterinarian*. A veterinarian approved by the United States Department of Agriculture to perform the function involved.

§ 78.2 Notice relating to existence of brucellosis. On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of brucellosis exists in domestic animals in each State of the United States and in the Territories of Puerto Rico, Alaska, and Hawaii (17 F. R. 5260).

§ 78.3 Certificates pertaining to movement of animals. (a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall ac-

company such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and the consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

SUBPART B—DOMESTIC ANIMALS AFFECTED WITH BRUCELLOSIS

§ 78.4 *General restriction.* Domestic animals affected with brucellosis may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.5 *Movement of brucellosis reactors.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a public stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to such a test shall be marked for identification by branding the letter "B" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted", or "U. S. Reacted", or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 78.3, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for brucellosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are to be moved.

§ 78.6 *Reshipment of purebred brucellosis reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for brucellosis, may be reshipped interstate under this Subpart for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 78.5 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that

such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 78.5 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 78.5.

§ 78.7 *Marking of records.* Each transportation agency moving brucellosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Brucellosis Reactors" and a statement to the effect that the railroad car, boat, truck, or other vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 78.8 *Cleaning and disinfecting vehicles.* (a) Each railroad car, boat, truck, or other vehicle, in which brucellosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however,* That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian.

(b) Each railroad car, boat, truck, or other vehicle, from which brucellosis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspector or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however,* That if such supervision or proper cleaning and disinfecting facilities are not available at such point of transfer, the transportation agency may seal, bill, and forward the vehicle to a point at which such supervision and facilities are available and there clean and disinfect the vehicle.

§ 78.9 *Segregation of brucellosis reactors en route interstate.* Brucellosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to brucellosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

SUBPART C—RESTRICTIONS ON MOVEMENT OF CATTLE BECAUSE OF BRUCELLOSIS

§ 78.10 *General restriction.* Cattle may not be moved interstate except as

provided in the regulations in this subpart.

§ 78.11 *Movement of brucellosis reactor cattle.* Cattle which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate in accordance with the regulations in Subpart B of this part.

§ 78.12 *Movement of other cattle.* (a) Cattle may be moved interstate under this subpart for any purpose if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing that the cattle have been subjected to a test recognized by the Secretary of Agriculture for brucellosis under the supervision of a Federal or State livestock sanitary official within 30 days prior to the date of movement and found negative, and showing the identification tag, tattoo, or registration number of each animal.

(b) Cattle of the following classes, not known to be affected with brucellosis, may be moved interstate under this subpart if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the specific class in which the cattle fall. The provisions of paragraph (a) of this section shall not be applicable to such movements.

(1) Steers and spayed heifers.
(2) Calves of the beef type under 8 months of age moved interstate for feeding purposes only, and all other calves under 6 months of age.

(3) Bulls and female cattle of the beef type moved interstate for feeding purposes only to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, under a permit from such State of destination.

(4) Cattle originating in certified brucellosis-free herds.

(5) Cattle originating in modified certified brucellosis-free areas.

(6) Cattle identified as official vaccines and under 30 months of age on the date of movement interstate.

(7) Cattle identified as official vaccines and over 30 months of age but under 36 months of age at the time of movement interstate, which do not disclose a reaction to a test for brucellosis exceeding incomplete agglutination in a dilution of 1:100.

(c) Cattle, not known to be affected with brucellosis, may be moved interstate directly to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a slaughtering establishment operating under State meat inspection, or to a slaughtering establishment designated by the proper State livestock sanitary official of the State of destination, for immediate slaughter, or may be moved interstate to a public stockyard, without restriction under this part.

3. A new Part 80 would be added to read as follows:

PART 80—PARATUBERCULOSIS IN DOMESTIC ANIMALS

§ 80.1 *Definitions.* As used in this part, the following terms shall have the

meanings set forth in this section except as otherwise clearly indicated.

(a) *Paratuberculosis.* The infectious and communicable disease of domestic animals commonly known as Johne's disease and paratuberculosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person.

(f) *Public stockyard.* A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(g) *Federal inspector.* An inspector of the Livestock Regulatory Programs, Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock sanitary work of a State or a political subdivision thereof; whose entire salary is paid by such State or political subdivision; and who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the function involved.

§ 80.2 *Notice relating to existence of paratuberculosis.* On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of paratuberculosis exists in domestic animals in the Territory of Puerto Rico and in each State of the United States except Arizona, Maine, New Hampshire, Rhode Island, Utah, and Wyoming (17 F. R. 5260).

§ 80.3 *General restriction.* Domestic animals affected with paratuberculosis may not be moved interstate except in compliance with the regulations in this part.

§ 80.4 *Movement of paratuberculosis reactors.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis may be moved interstate under this part for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a public stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to such a test shall be marked for identification by branding the letter "T" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted", "U. S. Reacted", or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient

identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 80.9, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for paratuberculosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are to be moved.

§ 80.5 *Reshipment of purebred paratuberculosis reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis, may be reshipped interstate under this part for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 80.4 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 80.4 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 80.4.

§ 80.6 *Marking of records.* Each transportation agency moving paratuberculosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Paratuberculosis Reactors" and a statement to the effect that the railroad car, boat, truck, or other vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 80.7 *Cleaning and disinfecting vehicles.* (a) Each railroad car, boat, truck, or other vehicle, in which paratuberculosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however,* That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian.

(b) Each railroad car, boat, truck, or other vehicle, from which paratubercu-

losis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspector or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however,* That if such supervision or proper cleaning and disinfecting facilities are not available at such point of transfer, the transportation agency may seal, bill, and forward the vehicle to a point at which such supervision and facilities are available and there clean and disinfect the vehicle.

§ 80.8 *Segregation of paratuberculosis reactor en route interstate.* Paratuberculosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to paratuberculosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

§ 80.9 *Certificates pertaining to movement of animals.* (a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Chief, Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of April 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2635; Filed, Apr. 7, 1954; 8:55 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

DOMESTIC BEET SUGAR AREA

NOTICE OF RECOMMENDED DECISION AND
OPPORTUNITY TO FILE WRITTEN EXCEP-
TIONS WITH RESPECT TO THE ALLOTMENT
OF 1954 SUGAR QUOTA

Pursuant to the provisions of the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq., hereinafter referred to as the "act"), and the applicable rules of practice and procedure (7 CFR 801.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed order of the Secretary of Agriculture for the allotment of the 1954 sugar quota for the domestic beet sugar area. Interested persons may file written exceptions to this recommended decision and proposed order, together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which date shall be the date of publication of this notice in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exceptions.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure, a preliminary finding was made that allotment of the quota is necessary and a notice was issued on December 8, 1953 (18 F. R. 8175), of a public hearing to be held at Chicago, Illinois, on January 18, 1954, for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the 1954 sugar quota for the domestic beet sugar area, and also for the purpose of receiving evidence upon which the Secretary may affirm modify or change his preliminary finding that allotment of the quota is necessary.

The hearing was held at the place and time specified in the notice.

Summary of testimony and arguments. With respect to the necessity for allotment of the 1954 sugar quota for the domestic beet sugar area, the government witness testified that about 1,536,000 short tons, raw value, of beet sugar was produced from 1953-crop beets before the end of the calendar year, that additional processings in 1954 are estimated to bring the total for the crop to about 1,876,000 tons, and that price trends and acreage allotment prospects for other crops provide pressure for ex-

panded plantings of beets in 1954. The marketing of available 1953-crop sugar in 1954, amounting to about 1,442,000 tons, will permit the marketing of only about 358,000 tons of 1954-crop sugar during 1954. This quantity was exceeded by the new-crop marketings in 1950 and 1953 by 31 and 22 percent, respectively. Prices for sugar prevailing during the last two months of 1953 in areas where much of the beet sugar was marketed indicate that some disorderly marketing has already taken place as a result of the size of the 1953-crop and 1954-crop prospects. Thus, it seems clear that allotment of the beet sugar quota for 1954 is necessary (R. 27). Testimony of other witnesses generally supported the testimony of the government witness in this respect. However, the National Sugar Manufacturing Company argued in its brief (Brief 3, 4) that allotment of the quota was not necessary.

With respect to the manner in which the allotments should be made, the government witness proposed that the factors to be considered in allotting the 1954 sugar quota for the domestic beet sugar area be measured as follows: (1) "processings of sugar or liquid sugar from sugar beets . . . to which proportionate shares . . . pertained" by production of sugar by each processor from 1953-crop sugar beets; (2) past marketings by average marketings for each of the processors for the calendar years 1949-53, inclusive; and (3) ability to market by the sum of each processor's (i) effective inventory on January 1, 1954, and (ii) the highest new-crop marketings in any of the calendar years 1949 through 1952. Each measure would be converted to a percentage distribution of the total of that measure for all processors, and the factors so measured would be weighted 20, 40 and 40 percent, respectively (R. 40, 45). The allotments for the individual processors would then be computed by applying the sum of the weighted percentages for each processor to the statutory quota (R. 45).

The government witness testified that the data for the years 1948-53, inclusive, for use in measuring the three statutory factors, were derived from information submitted by the processors (R. 34; Ex. 5). The summary of the data derived from such information was introduced into evidence by the government witness (R. 34, 38; Ex. 6).

The government witness testified concerning an agreement entered into between the National Sugar Manufacturing Company and the Holly Sugar Corporation, involving molasses produced by the National Sugar Manufacturing Company and sugar processed by the Holly Sugar Corporation (R. 215). Such testimony also revealed that those companies had disputed whether the agreement was one for an exchange of molasses for sugar or a tolling agreement; and that thereafter a decision was made by the government, prior to the hearing, and based upon the information before it, that such agreement constituted an agreement to exchange molasses for sugar. The figures submitted in the record by the government witness

were based on such decision, where applicable.²

With respect to the adequacy of the measure and weighting proposed for the factor processings from proportionate shares the government witness stated that the crop year completed in the quota year affords the most current measure of processings which includes the production of sugar from a full crop for each processor. Over 80 percent of the sugar to be marketed in 1954 will be 1953-crop sugar and for most processors no other sugar will be available for marketing during the first three-quarters of the year (R. 41).

With respect to the adequacy of the measure and weighting proposed for the factor past marketings, the government witness stated that marketings of beet sugar during the years 1949-53 include the record crop of 1950 and initial marketings from the second largest crop on record in 1953, as well as three mediocre crops of 1949, 1951, and 1952 and the effective inventory remaining on January 1, 1949, from the very small crop of 1948. This period of years was, therefore, deemed long enough to provide sufficient variety of performance so that the average of marketings in these years should provide a representative measure of past marketings for each processor. Generally speaking, production and marketings from year to year tend to be relatively stable for the large multiplant companies and highly variable for single plant companies. Heavy weighting to the average marketings for the years proposed are deemed to provide a desirable degree of stability for all companies (R. 41, 42).

With respect to the adequacy of the measure and weighting proposed for the factor ability to market the government witness stated that the highest new-crop marketings in any of the calendar years 1949-52, inclusive, appear to be a fair measure of ability to market new-crop sugar in 1954 and when combined with January 1, 1954, effective inventory such measure is a fair and equitable measure of each processor's ability to market sugar within the portion of the 1954 quota allotted to him (R. 43).

The government witness stated that provision should be made for substituting in a revision of the allotment order final figures for the items for all processors whose data now in the record prove to be estimates (R. 39).

The substitution of final data as proposed by the government witness, and the revision of the allotment order for the purpose of allotting deficits in area quotas and individual allotments were agreed to by 18 of the 19 processors in a stipulation set forth in the records as follows:

(1) Without further hearing and without change in the initial allotment method, the allotment order shall be revised as soon as

²While the briefs of the National Sugar Manufacturing Company and the Holly Sugar Corporation pertaining to the agreement between those companies have been reviewed, they did not afford a basis for changing the decision that such agreement was one for the exchange of molasses for sugar.

practicable after the data are available, substituting therein the final 1953 marketings, 1953-crop production, and January 1, 1954, inventories of each processor.

(2) Without further hearing, and without change in the initial allotment method, the allotment order shall be revised for the purpose of allotting any additional quota resulting from the proration of area deficits or any deficits in the allotment for any allottee under the order.

(3) Each allottee waives his right to object to the validity of the 1954 allotment order by reason of any action taken by the Secretary of Agriculture in accordance with the provisions of this stipulation (R. 238-243).

The government witness stated that while any estimated data are included in the basis for the allotments, either somewhat less than the quota must be allotted or the use of the allotments must be restricted until the order is revised, using actual data. The error in these estimates is believed small enough to justify allotments totaling 90 percent of the quota (R. 39). There was no objection to the proposal that effective allotments be limited to 90 percent of the quota until final data are substituted for all estimated data.

Representatives of 11 of the 19 processors signified approval of the government proposal (R. 53, 73, 75, 81, 83, 86, 89, 172, 182, 208).

Franklin County Sugar Company proposed that processings from proportionate shares be measured by 1953-crop production and weighted 10 percent; that past marketings be measured by the average of the 3 highest years' marketings, 1941-53, and weighted 80 percent; and that ability to market be measured by effective inventory January 1, 1954, and weighted 10 percent (R. 62-64).

Layton Sugar Company proposed that processings from proportionate shares be measured by each processor's best year of production during the past three years and weighted 10 percent; that past marketings be measured by each processor's best three years during the period 1948-52 and weighted 80 percent; and if the factor, ability to market is measured as proposed by the government witness, that it be weighted 10 percent (Brief 5-10).

The National Sugar Manufacturing Company proposed that processings from proportionate shares be measured by the 1944-53 average production of sugar and weighted 30 percent; that past marketings be measured by the average annual marketings for the period 1944-53 or 1948-52 and weighted 30 percent; and that ability to market be measured by each processor's proportion of the total allotments in 1941 and weighted 40 percent (Brief, 10, 11, 14, 40).

Great Western Sugar Company proposed that processings from proportionate shares be given substantial weight and be measured by the average production of sugar from beets of the last two, three or four crop years; that past marketings be measured by the average annual marketings during the last two, three or four consecutive calendar years and given less weight than processings; and that ability to market need not be given any weight, as such, since this factor is adequately measured by the factors processings and past marketings (R. 142, 160; Brief 26).

Menominee Sugar Company proposed that the years 1940, 1941, 1946, 1947, and 1950 be used for historical purposes in establishing an allotment for Menominee and that it would raise no objection to other processors selecting their best years of production (R. 80).

The representative of Union Sugar Division of Consolidated Grocers Corporation stated that if there was to be any change from the government proposal processings from proportionate shares should be weighted 40 percent and a period not longer than the average of the last three crop years might be used. He further indicated that weighting of the factor past marketings could be reduced to 20 percent and that perhaps a weight of more than 40 percent should be assigned to the factor ability to market (R. 209-211).

The government proposal was criticized in the following respects. The representative of the Great Western Sugar Company testified and argued in its brief that the use of production from one crop was an improper measure of processings from proportionate shares because it does not measure trends and is an inaccurate measure of past relationships (R. 160; Brief 21). This witness questioned the propriety of including in the measure of processings from proportionate shares, 1953-crop beets harvested in 1954 (R. 152-158). National Sugar Manufacturing Company (Brief 5-7) pointed out that processings from 1953-crop beets was lower than average for National Sugar Manufacturing Company, Franklin County Sugar Company, Lake Shore Sugar Company, Garden City Company and Superior Sugar Refining Company due to bad weather, labor shortages and competition from other crops, and thus concluded that production from 1953-crop beets alone would be an improper measure of processings from proportionate shares. Layton Sugar Company also argued in its brief that production from 1953-crop beets alone did not indicate a trend of processings from proportionate shares for single-plant companies (Brief 5). The Garden City Company testified that none of the years subsequent to 1947 were representative for that company because of prices for competing crops and weather and pest problems (R. 67-69).

With respect to the measure of past marketings as proposed by the government witness, the representative of the National Sugar Manufacturing Company objected to the inclusion of 1953 marketings because of the influence of "constructive deliveries" in that year (R. 84). That company also argued in its brief that the exclusion of 1948 marketings had the effect of improving the "relative industry positions" of certain companies (Brief 10-11). The Layton Sugar Company in its brief protested against measuring past marketings by the average of annual marketings for the successive years 1949-1953, inclusive, because of unfortunate production experience during some of those years (Brief 6-7).

With respect to the measure proposed by the government witness for the factor ability to market, the representative of the Great Western Sugar Company

stated that the volume of new-crop marketings by individual processors in past years was the result of a combination of conditions prevailing at the time and is in no way a measure of ability to market either in 1954 or at any other time (R. 163). The representative of the Great Western Sugar Company also testified that the inclusion of "highest new-crop marketings" in the years 1948-52, in the measure of ability to market was particularly prejudicial to that processor, since it had on hand on January 1, 1949, over 500,000 bags of 1947-crop sugar (R. 160-161). It was also argued in the Great Western Sugar Company brief that the factor ability to market should be used only to ascertain whether allottees have the ability to market an allotment determined on the basis of the factors, processings from proportionate shares and past marketings (Brief 24).

Three other processors, Layton Sugar Company (Brief 10), Franklin County Sugar Company (Brief 2) and Menominee Sugar Company (Brief 1), objected to the inclusion of new-crop marketing in measuring the factor ability to market because processors have varying periods within which they can market "new-crop" sugar. The National Sugar Manufacturing Company objected in its brief to the inclusion of "January 1, 1954, effective inventory" in the measure of ability to market, first because it would have the effect of placing additional emphasis on 1953-crop processings and secondly because it would include an estimated quantity of sugar to be processed from beets not yet harvested and which may never be harvested or processed (Brief 10, 12).

The representatives of the Holly Sugar Company (R. 192) and Union Sugar Division (R. 210) testified in support of the government proposal to measure ability to market by January 1, 1954, effective inventories and the highest new-crop marketing during the period 1949-52. The Spreckels Sugar Company in its brief stated that the measure of ability to market as proposed by the government witness recognizes the practical necessity and normality of differences between companies as to size of January 1 effective inventories and new-crop marketings, since normally those companies having low January 1 effective inventories have high new-crop marketings, and conversely, companies having high new-crop marketings have low January 1 effective inventories (Brief 5-9).

Extensive testimony was introduced into the record by interested parties to the effect that the government proposal did not make adequate provision for small single-unit companies that had suffered hardship during recent years from crop failures and other causes (R. 60, 72, 76, 79, 85, 88, 100, 106, 169, 196, 208). The representatives of Franklin County Sugar Company (R. 59) and the Great Western Sugar Company (R. 169, 170) proposed that special provision be made for such hardship cases and in order to give effect to such proposals, a stipulation was introduced into the record which would permit such an arbitrary allocation (R. 234, 235). Fourteen of the nineteen processors represented at the hearing agreed to the stipulation.

Special consideration also was requested on behalf of the Menominee Sugar Company and the Superior Sugar Refining Company because of losses resulting from sugar beets freezing in the ground in 1951 (R. 78, 87, 96, 117).

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

*** Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him ***

All three factors specified in the foregoing provision of law have been considered and each is given a percentile weighting by the formula on which this allotment of the 1954 quota for the domestic sugar beet area is based. Under this formula the factors are measured and weighted as follows: The factor processings from proportionate shares is measured by the larger of (1) each processor's production of beet sugar from 1953-crop beets, or (2) each processor's average production of sugar from 1950, 1951, and 1952-crop beets. The factor past marketings is measured by each processor's annual average marketings of sugar during the calendar years 1949 through 1953. The factor ability to market is measured by the total sugar processed from 1953-crop beets by each processor and available for marketing in 1954 (the January 1, 1954, "effective inventory") plus the largest marketings of sugar for each processor in any one of the years 1949 through 1952 of sugar processed from beets planted in the year in which the sugar was marketed ("new-crop sugar"). The measures of each of the three factors are converted to a percentage distribution of the total of that measure for all processors, and the factors so measured are weighted 20, 50, and 30 percent, respectively. The allotments for the individual processors would then be computed by applying the sum of the weighted percentages for each processor to the statutory quota.

The basis for the allotment as set forth above differs from that proposed by the government witness at the hearing in the following respects: The factor processings from proportionate shares is measured by the larger of (a) each processor's production of sugar from 1953-crop beets or (b) the annual average production of sugar from 1950, 1951, and 1952-crop beets for each processor, instead of by production of sugar from 1953-crop beets alone. The three factors processings from proportionate shares, past marketings and ability to market are given percentile weights of 20, 50 and 30, respectively, instead of 20, 40, respectively.

Testimony at the hearing developed that production from 1953-crop beets alone would not be a proper measure of the processing factor, because some processors in 1953, through crop disaster or for other causes, suffered from rela-

tively small crops even though the output of the industry was at a near record level. Such testimony indicated that processings from proportionate shares should be measured over a period of more than one year. On the other hand, as was indicated by testimony at the hearing 1953-crop beet processings, in large measure, have created the situation which necessitates allotment of the beet sugar area quota for 1954, and the sugar from the 1953-crop beets constitutes the major portion of the sugar which will be subject to allotments. It was, therefore, deemed fair and equitable to give effect to both of these considerations by selecting as the measure of processings from proportionate shares for each processor the larger of (1) production of beet sugar from 1953-crop beets or (2) the average of sugar production from 1950, 1951, and 1952-crop beets.

Because the factor past marketings when measured by an average of marketings over the period 1949-53 tends to equalize the good years with the bad, more weight has been assigned to this factor. A corresponding reduction has been made in the weight assigned to the ability to market factor. The result of the changes in weighting is to give past marketings a weighting equal to the combined weights assigned to the other two factors, and thereby provide a balance between the factor allied entirely to the past and the two factors which tend to reflect the sugar actually to be marketed under the allotments. The weights assigned, when applied to the measures adopted, result in allotments higher than those proposed by the government at the hearing for the smaller companies faced with special problems, while minimizing differences from the government proposal for other processors.

The allotments established by this order are based on estimated data on 1953 marketings, 1953-crop production, and January 1, 1954, effective inventories for each processor for which final data are to be substituted later. Therefore, the quantity of sugar which may be marketed within each allotment is limited to 90 percent of such allotment.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) Approximately 1,442,000 short tons, raw value, of sugar produced from beets planted in 1953 will be marketed in 1954. Such marketings will permit the marketing of only about 358,000 tons of beet sugar in 1954 to be produced from beets planted in 1954. This quantity was exceeded by the new-crop marketings in 1950 and 1953 by 31 and 22 percent, respectively. Price trends and acreage allotment prospects for other crops provide pressure for the expansion in plantings of beets in 1954 as compared to plantings in 1953.

(2) In 1953, with production of new-crop sugar smaller than in prospect for 1954, disorderly marketing of beet sugar was in evidence in the last quarter of the year.

(3) The production and marketing situation described in (1) and (2) above make necessary the allotment of the

domestic beet sugar quota for 1954 to assure an orderly flow of such sugar in the channels of interstate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(4) To assure a fair, efficient and equitable distribution of the domestic beet sugar area quota for 1954 the three factors specified in section 205 (a) of the act should be measured and weighted as follows:

(i) The factor processings from proportionate shares should be measured by the larger of (a) each processor's production of beet sugar from 1953-crop beets, or (b) the average production of sugar from 1950, 1951 and 1952-crop beets for each processor.

(ii) The factor past marketings should be measured by each processor's annual average marketings of sugar during the calendar years 1949 through 1953.

(iii) The factor ability to market should be measured by the total sugar processed from 1953-crop beets by each processor and available for marketing in 1954 (the January 1, 1954, "effective inventory") plus the largest marketings of sugar for each processor in any of the years 1949 through 1952 of sugar processed from beets planted in the year in which the sugar was marketed ("new-crop sugar").

(iv) The measures of each of the three factors as set forth in (v), below, expressed for each processor as a percentage of the total of that measure for all processors should be weighted as follows: processings from proportionate shares, 20 percent; past marketings, 50 percent; and ability to market, 30 percent.

(v) The measures of the three factors computed as provided in (i), (ii) and (iii), above, are the quantities of sugar set forth below:

[100-pound bags, beet sugar]

Processor	Processings from proportionate shares (1)	Past marketings (2)	Ability to market (3)
Amalgamated Sugar Co., The.....	4,637,543	3,960,915	4,289,904
American Crystal Sugar Co.....	4,745,370	3,978,841	5,129,164
Buckeye Sugar Co., The.....	120,561	118,460	121,336
Franklin County Sugar Co.....	166,353	190,632	184,581
Garden City Co., The.....	107,986	103,433	99,833
Great Lakes Sugar Co.....	413,472	495,552	385,550
Great Western Sugar Co.....	8,636,293	7,926,104	8,780,730
Gunnison Sugar, Inc.....	219,909	243,387	178,771
Holly Sugar Corp.....	5,452,445	4,618,686	5,765,836
Lake Shore Sugar Co.....	147,429	139,235	169,064
Layton Sugar Co.....	108,977	117,255	88,066
Menominee Sugar Co.....	99,771	101,974	106,734
Michigan Sugar Co.....	1,269,140	1,242,167	1,085,638
Monitor Sugar Division of Robert Gage Coal Co.....	464,048	369,640	378,955
National Sugar Manufacturing Co., The.....	130,025	138,856	133,945
Spreckles Sugar Co.....	3,828,841	3,252,104	4,035,136
Superior Sugar Refining Co.....	137,139	149,800	120,826
Union Sugar Division of Consolidated Grocers Corp.....	1,513,521	1,119,349	1,288,410
Utah-Idaho Sugar Co.....	3,434,354	2,641,810	3,136,142
All other persons.....			
Total.....	35,823,007	30,908,269	35,745,471

(5) To prevent any allottee from marketing a quantity of sugar in excess of revised allotments based on final data relating to 1953 marketings, 1953-crop production and January 1, 1954, effective inventories for each processor, marketings under this order should be limited to 90 percent of each allotment established by this order.

(6) The quota for the domestic beet sugar area of 1,800,000 short tons, raw value, is equivalent to 33,644,860 one-hundred pound bags of beet sugar.

(7) The allotment order should be revised as soon as practicable after the data are available, substituting therein the final 1953 marketings, 1953-crop production and January 1, 1954, inventories of each processor.

(8) The allotment order should be revised for the purpose of allotting any additional quota resulting from the proration of area deficits or any deficit in the allotment for any allottee under the order.

(9) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.30 Allotment of the 1954 sugar quota for the Domestic Beet Sugar Area—(a) Allotments. The 1954 sugar quota for the domestic beet sugar area is hereby allotted to the following processors in amounts which appear in column (1) opposite their respective names:

Processors	Allotments		
	Total		90 percent
	Short tons, raw value	100-pound bags, beet sugar	
	(1)	(2)	(3)
Amalgamated Sugar Co., The	227,142	4,245,645	3,821,081
American Crystal Sugar Co.	241,884	4,521,196	4,069,076
Buckeye Sugar Co., The	6,498	121,458	109,312
Franklin County Sugar Co.	10,095	187,402	168,662
Garden City Co., The	5,616	104,972	94,475
Great Lakes Sugar Co.	24,444	456,897	411,207
Great Western Sugar Co.	450,072	8,412,561	7,571,305
Gunnison Sugar, Inc.	12,024	224,748	202,273
Holly Sugar Corp.	276,840	5,174,579	4,657,121
Lake Shore Sugar Co.	8,676	162,168	145,951
Layton Sugar Co.	5,850	109,346	98,411
Menominee Sugar Co.	5,698	104,635	94,172
Michigan Sugar Co.	65,736	1,228,710	1,105,839
Monitor Sugar Division of Robert Gage Coal Co.	20,574	384,561	346,105
National Sugar Manufacturing Co., The	7,380	137,944	124,150
Spreckles Sugar Co.	193,878	3,623,888	3,261,499
Superior Sugar Refining Co.	7,578	141,645	127,481
Union Sugar Division of Consolidated Grocers Corp.	71,892	1,343,776	1,209,398
Utah-Idaho Sugar Co.	158,292	2,958,729	2,662,850
All other persons			
Total	1,800,000	33,644,860	30,280,374

(b) Restrictions on shipment and marketings. Until final data with respect to 1953-crop production, 1953

marketings, and January 1, 1954 effective inventories for each processor are available and a revised order based on such data is issued, each person named in paragraph (a) of this section is hereby prohibited from shipping, transporting or marketing in interstate commerce or in competition with sugar or liquid sugar in interstate commerce, any sugar or liquid sugar produced from sugar beets grown in the domestic beet sugar area in excess of 90 percent of the allotments established in paragraph (a) of this section.

(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)

Issued at Washington, D. C., this 2d day of April 1954.

[SEAL]

J. A. McCONNELL,
Administrator.

[F. R. Doc. 54-2622; Filed, Apr. 7, 1954; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 695]

HOMEWORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

PIECE RATES

Notice is hereby given that, pursuant to authority provided in section 6 (a) (2) of the Fair Labor Standards Act of 1938, as amended, the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend the regulations contained in this part,

relating to homeworkers in industries in the Virgin Islands, in the following manner:

1. Amend § 695.12 by adding to piece rate Schedules A and B the following items:

SCHEDULE A

Single hemstitching of linen towels, four threads in a bundle, thread drawing included: Piece rate (based on hourly rate of 20 cents) 13 cents per dozen inches.¹

SCHEDULE B

Hand-weaving of straw table mats, 11" x 17", from 1/4" strips, including the operations of stripping, weaving the body of the mat, weaving braid 1/2" to 3/4" wide, and sewing the braid to the mat (Stock #58): Piece rate (based on hourly rate of 15 cents) 30 cents per mat.¹

Prior to the final adoption of the above proposed amendments consideration will be given to any data, views or arguments pertaining thereto, which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or to the Territorial Director of the Wage and Hour Division, United States Department of Labor, P. O. Box 906, Santurce, Puerto Rico, within 15 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 2d day of April 1954.

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-2590; Filed, Apr. 7, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 509

MARCH 12, 1954.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended; the 80-rod shorospace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

A tract of land situated on Jamestown Bay, Alaska, more particularly described as follows:

Beginning at Corner No. 4, MC, U. S. Survey 1947; thence, north 25.65 chains to Corner No. 3, U. S. Survey 1947; thence, westerly 32 chains to Corner No. 4, Tract B, U. S. Survey 407; thence, S. 25° 07' W. 4.5 chains to Corner 6, U. S. Survey 1258; thence, S. 42° 00' E. 27.35 chains to Corner No. 7, U. S. Survey 1258; thence, S. 30° 00' E. 10.21 chains to Corner No. 8, MC, U. S. Survey 1258; thence, easterly along the meander line of Jamestown Bay a distance of 19.8 chains to the point of beginning, but exclusive of U. S. Surveys 2997, 2355, and 2729, the remaining area containing approximately 73.6 acres.

A tract of land situated on the Kvichak River, Alaska, more particularly described as follows:

Beginning at Corner No. 2, MC, U. S. Survey 2444; thence, northeasterly along the right limit of the Kvichak River 80 chains; thence, northwesterly 20 chains; thence, southwesterly parallel to the river 80 chains; thence, southeasterly 20 chains to the point of beginning, but exclusive of U. S. Surveys

¹Piece rates based upon time tests conducted on products handled by Virgin Islands Cooperative, of St. Thomas. The stock number is that used by the company.

2444, 914, and 1537, the remaining area containing approximately 129.29 acres.

A tract of land situated on Mirror Lake, Alaska, more particularly described as follows:

Beginning at a point on the east shore of Mirror Lake 20 chains southerly from Corner No. 4, U. S. Survey 2736; thence, southerly, westerly and northerly along the line of mean high water of Mirror Lake approximately 36 chains to Corner No. 5, U. S. Survey 2736; thence, west 20 chains; thence, southerly, easterly and northerly parallel to the shore of Mirror Lake approximately 84 chains; thence, west 20 chains to the point of beginning, containing approximately 120 acres.

SEWARD MERIDIAN

T. 13 N., R. 3 W.

Section 5: NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 2, 3, and 4.

Section 6: Lot 1.

Containing approximately 217.76 acres.

U. S. Survey 2321: Lot L. Containing approximately 3.64 acres.

U. S. Survey 2321: Lot S. Containing approximately 3.71 acres.

U. S. Survey 2321: Lot T. Containing approximately 4.74 acres.

A tract of land situated on Lena Cove, Alaska, identified as Lot A, U. S. Survey 3056, containing approximately 0.66 acres (Petition for Small Tract Classification of Harold R. Brown, Anchorage 022047).

A tract of land situated on Thimbleberry Bay, Alaska, identified as U. S. Survey 2571, containing approximately 9 acres (Petition for Shorespace Restoration of Robert O. Brown, Anchorage 026048).

FRED J. WEILER,

Chief,

Division of Land Planning.

[F. R. Doc. 54-2581; Filed, Apr. 7, 1954; 8:46 a. m.]

ALASKA

NOTICE OF CORRECTION OF SHORESPACE RESTORATION ORDER NO. 509

MARCH 17, 1954.

Alaska Shorespace Restoration Order No. 509 of March 12, 1954, is hereby corrected as follows:

That land description concerning T. 13 N., R. 3 W., Section 5, Seward Meridian, is corrected so that this description now reads as follows:

SEWARD MERIDIAN

T. 13 N., R. 3 W.

Section 5: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 2, 3 and 4.

Section 6: Lot 1.

Containing approximately 217.76 acres.

FRED J. WEILER,

Chief,

Division of Land Planning.

[F. R. Doc. 54-2582; Filed, Apr. 7, 1954; 8:46 a. m.]

ALASKA

CORRECTION OF AIR NAVIGATION SITE WITHDRAWAL NO. 4

Notice of amended Air Navigation Site Withdrawal Alaska No. 4, issued February 17, 1954 (F. R. Doc. 54-1131) is

hereby corrected to read Amended Air Navigation Site Withdrawal No. 5.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-2584; Filed, Apr. 7, 1954; 8:46 a. m.]

[Amtd. 2]

ALASKA

PUBLIC SALE ACT CLASSIFICATION NO. 13

MARCH 31, 1954.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), Alaska Public Sale Classification No. 13 of December 29, 1953, is hereby amended as follows:

The classification for industrial and commercial purposes only, which was applied to the lands in Tract F, U. S. Survey 3292, is revised to include classification for housing purposes for Lot 78.

FRED J. WEILER,

Chief,

Division of Land Planning.

[F. R. Doc. 54-2588; Filed, Apr. 7, 1954; 8:47 a. m.]

[Misc. 5-12]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 31, 1954.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, June 26 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 1 W.,

Sec. 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 1 N., R. 9 W.,

Sec. 34, W $\frac{1}{2}$.

T. 18 N., R. 13 W.,

Sec. 33.

T. 13 N., R. 17 W.,

Sec. 23;

Sec. 27;

Sec. 33, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 35, NW $\frac{1}{4}$.

T. 17 N., R. 20 W.,

Sec. 21;

Sec. 23;

Sec. 25;

Sec. 27;

Sec. 33;

Sec. 35.

T. 23 N., R. 21 W.,

Sec. 23, W $\frac{1}{2}$.

T. 3 S., R. 1 W.,

Sec. 27, SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 1 S., R. 9 W.,

Sec. 20, W $\frac{1}{2}$.

The lands in T. 2 N., R. 1 W., T. 1 N., R. 9 W., T. 3 S., R. 1 W., and T. 1 S., R. 9 W. are in areas where interest has been shown in development of lands for agricultural purposes. The remaining lands are in rough and mountainous

areas and it is unlikely that they will be classified for homestead, desert land or small tract use. Any application filed on lands described in this order will be considered on its merits.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-2587; Filed, Apr. 7, 1954;
8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 31, 1954.

An application, serial number Idaho 04736, for the withdrawal from all forms of appropriation under the public land laws, except none of the lands described below was filed on December 1, 1953, by University of Idaho, College of Agriculture.

The purposes of the proposed withdrawal: Biological research and related purposes.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN

T. 11 S., R. 15 E.,
Sec. 23, NW¼.

The area described aggregates 160 acres.

The land described is enclosed and is known as the Berger Plot and has been used many years as an experimental plot by the University of Idaho in conjunction with the Bureau of Plant Industry, United States Department of Agriculture. The maintenance of this plot

for biological research and experimental purposes is considered to be in the public interest.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-2583; Filed, Apr. 7, 1954;
8:46 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Utah 011705, for the withdrawal from prospecting, location, entry, or purchase under the mining laws of the lands described below was filed on February 24, 1954, by the Atomic Energy Commission.

The purposes of the proposed withdrawal: For use by Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 22 S., R. 10 E.,
Secs. 23, 24, 25, 26, 34, 35, and 36.
T. 22 S., R. 11 E.,
Sec. 19,
Sec. 20, S½,
Secs. 29, 30,
Sec. 31, W½.
T. 23 S., R. 10 E.,
Secs. 1, 2, 3, 4, 9, 10, and 11,
Sec. 12, N½SE¼, N½, SW¼, SW¼SE¼,
Sec. 13, W½,
Secs. 14, 15, and 16,
Sec. 21, N½,
Secs. 22 and 23,
Sec. 24, NW¼.
T. 23 S., R. 11 E.,
Secs. 6 and 7.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-2586; Filed, Apr. 7, 1954;
8:47 a. m.]

WYOMING

CLASSIFICATION ORDER NO. 56, WYOMING NO. 5, AMENDED

APRIL 1, 1954.

1. On June 15, 1944, the vacant public lands in the following described area in

the Cheyenne, Wyoming Land District, were classified as chiefly valuable for development under the Five-Acre Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) and opened for leasing under that act as home and business sites, except certain tracts which may be found necessary for community use:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 65 W.,
Sec. 3: NW¼SE¼, S½SE¼, 120 acres (subject to rights of way for Ohio Oil Company pipeline, Cheyenne 043163 and Wyoming State Highway Cheyenne 063848).

2. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950 (15 F. R. 5639), I hereby amend the classification order of June 15, 1944 to provide for the classification of the following described lands for lease and sale for the same purposes set forth in the original classification order:

T. 35 N., R. 65 W., 6th P. M.,
Sec. 3: SW¼SE¼ and Lots 39 and 40 in the SE¼SE¼, and that portion of Lot 42 within the SE¼SE¼.

and I hereby rescind Small Tract Classification Order No. 56, Wyoming No. 5 as to the following described land:

T. 35 N., R. 65 W., 6th P. M.,
Sec. 3: NW¼SE¼, SE¼SE¼ except for Lots 39 and 40, and that portion of Lot 42 within the SE¼SE¼.

3. There are 61 lots in this amended classification order that are hereby classified for lease and sale. The lots range in size from 0.076 acre to 4.047 acres. They are located in the central portion of Niobrara County, Wyoming, approximately 48 miles northwest of Lusk, Wyoming, the county seat. Access is by oiled surfaced State Secondary Highway No. 129. The area classified for lease and sale covers substantially all of the land on which the unincorporated town of Lance Creek is situated. A small settlement immediately south of the subject land is called "Gateway".

4. Present lessees are required to construct upon the leased lands, to the satisfaction of the officer of the Bureau of Land Management authorized to sign the lease, improvements which in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. More detailed specifications as to the improvement requirements will be made part of the terms of all leases issued or renewed after the date of this order. Present lessees who have complied with the terms of their lease may file applications to purchase the lots under lease to them with the Manager, Cheyenne Land and Survey Office, Cheyenne, Wyoming.

5. Lessees or their successors in interest shall comply with all Federal, State, County, and municipal laws and ordinances, especially those governing health and sanitation and failure to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management. All new leases will be issued for a period of three years and will contain an option to purchase clause which will provide for the purchase of lots at the appraised value as follows:

Lots 4 and 18, \$100.
 Lots 3, 43 and 59, \$75.
 Lots 1, 23, 30, 31 and 52, \$50.
 Lots 2, 16, 17, 27, 53 and 54, \$30.
 Lots 13, 15, 26, 35, 36, 37, 50, 51, 56, 60 and 61, \$25.
 Lots 5, 6, 11, 22, 25, 29, 32, 48, 49, 55, 57 and 58, \$20.
 Lots 7, 8, 9, 10, 12, 14, 21, 24, 28, 33, 39, 42 and 46, \$15.
 Lots 19, 20, 34, 38, 40, 41, 44, 45 and 47, \$10.

6. The leases will be made subject to rights of way for roads and public utilities as follows:

15 feet wide along the entire west boundary of Lot 9.

15 feet wide along the entire south boundary and 15 feet wide along the entire west boundary of Lot 10.

15 feet wide along the entire north boundary of Lots 11, 13 and 17.

15 feet wide along the entire south boundary of Lots 16 and 54.

30 feet wide along the entire east boundary of Lots 25 and 27.

30 feet wide along the entire south boundary of Lot 29 and also a strip 30 feet wide along the east boundary of Lot 29 beginning at the southeast corner of the tract extending north a distance of 100 feet.

30 feet wide along the north boundary of Lots 30, 38, 47, 50, 51, 52 and 59.

30 feet wide along the north boundary of Lot 33 where this lot adjoins Lot 27.

40 feet wide along the entire north boundary of Lot 35.

30 feet wide along the south boundary of Lot 44 where this lot adjoins Lot 49.

30 feet wide along the south boundary of Lot 46 where this lot adjoins Lot 23.

30 feet wide along the east boundary of Lot 49 where this lot adjoins Lots 39 and 40.

15 feet wide along the east boundary of Lot 55 where this lot adjoins Lots 9 and 10, and also a strip 40 feet wide along the east boundary of Lot 55 where this lot adjoins Lot 11.

30 feet wide along the east boundary of Lot 56 where this lot adjoins Lot 17, and also a strip 30 feet wide along the entire south boundary of Lot 56.

30 feet wide along the west boundary of Lot 57, commencing at the northwest corner of the lot and extending southward for a distance of 83 feet.

30 feet wide along the north boundary of Lot 60 where this lot adjoins Lot 51.

7. All mineral rights will be reserved to the Federal Government, and the lease and sale of the lots will be made subject to all rights of way of record in addition to those shown in Paragraph 6 above.

8. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

W. B. WALLACE,
 Regional Administrator.

[F. R. Doc. 54-2585; Filed, Apr. 7, 1954;
 8:46 a. m.]

Bureau of Reclamation

[Public Announcement 19]

COLUMBIA BASIN PROJECT, WASHINGTON

SALE OF FULL-TIME FARM UNITS

MARCH 18, 1954.

Columbia Basin Project, Washington, South-Columbia Basin Irrigation District; public announcement of the sale of full-time farm units.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the South-Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2 p. m., April 5, 1954. In order to permit the continued

orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566), and regulations for the administration thereof.

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
12	14	109.7	85.1	4.7	74.0	6.4	24.6	\$4,970.80
	27	87.0	76.5		53.6	22.9	10.5	3,253.30
	28	138.8	131.0		96.9	34.1	7.8	7,050.40
	30	96.3	79.3		69.9	9.4	17.0	3,917.60
	44	108.1	98.0		45.4	11.1	10.1	4,999.80
	2	112.6	83.4	41.5	79.5	3.9	29.2	6,653.80
	22	158.7	75.6		33.7	41.9	83.1	2,331.30
	23	207.8	100.2		41.4	58.8	107.6	5,172.20
	25	180.7	107.6		57.2	50.4	73.1	5,881.90
	26	79.9	75.4	39.5	35.9		4.5	4,577.10
13	27	87.4	78.1	44.4		7.9	9.3	5,035.50
	30	173.9	95.4		47.4	48.0	78.5	1,465.40
	31	136.6	83.9		21.6	62.3	52.7	1,305.00
	32	144.7	103.6		28.8	74.8	41.1	1,337.10
	34	160.2	94.7		74.5	20.2	65.5	1,803.85
	37	160.9	74.6		58.0	16.6	86.3	1,703.85
	49	89.1	68.7		61.1	7.6	20.4	2,890.80
	51	155.6	114.5		114.1	.4	71.1	2,211.75
	52	110.5	60.8		46.0	14.8	49.7	1,212.00
	53	158.5	81.4	10.8	61.5	9.1	77.1	3,337.25
15	54	104.8	75.1	9.4	45.1	20.6	29.7	4,190.30
	55	89.8	68.0	28.2	23.5	6.3	21.8	4,017.00
	56	135.0	69.4	25.5	26.7	17.2	65.6	1,981.00
	57	118.4	88.6	34.4	26.0	28.2	29.8	2,055.00
	58	131.4	88.4	23.8	39.1	25.5	43.0	2,173.70
	59	150.0	91.7	34.1	35.9	21.7	58.3	4,357.60
	60	94.3	56.0	11.3	31.6	13.1	28.3	2,489.20
	61	61.2	54.1		51.8	2.3	7.1	853.70
	62	88.0	78.0		71.1	6.9	10.0	1,254.00
	63	93.5	86.7		75.1	11.6	8.8	2,176.60
16	64	96.0	76.5		57.8	18.7	19.5	1,596.95
	65	105.1	88.9		71.6	17.3	16.2	3,096.90
	68	185.4	105.4		65.7	41.7	80.0	3,388.45
	2	136.7	95.0	12.3	50.8	31.9	41.7	4,963.50
	13	88.5	76.4	52.0	24.4		12.1	5,156.30
	14	72.6	63.7	33.2	29.5		8.9	4,218.00
	109	80.8	72.1	36.9	35.2		8.7	3,648.00
	110	80.1	72.7		70.8	1.9	7.4	3,221.90
	111	74.3	66.9	24.9	30.0	2.0	17.4	2,418.80
	122	124.8	110.7		89.9	20.8	14.1	5,818.20
10	123	164.0	106.0		49.2	56.8	58.0	1,832.20
	125	198.9	84.8			84.8	114.1	2,758.30
	126	172.9	84.0		72.5	11.5	88.9	2,131.60
	127	121.5	88.5		84.7	3.8	33.0	3,392.20
	1	96.6	74.2	9.0	61.7	3.5	22.4	3,915.70
	2	108.4	76.6	24.4	17.8	34.4	31.8	4,770.30
	3	98.0	77.9	23.2	32.7	22.0	20.1	4,137.40
	4	89.8	67.5	.1	65.1	2.3	22.3	3,949.50
	5	119.8	92.0	9.9	60.4	21.7	27.8	4,483.80
	6	82.8	73.0	39.8	33.2		9.8	4,573.10
12	7	109.2	69.5	21.0	13.9	34.6	39.7	4,928.20
	8	82.9	65.5	29.0	36.5		17.4	8,583.50
	9	81.4	79.3	61.4	17.0	.9	2.1	5,156.00
	11	81.1	76.9	12.4	12.4		4.2	4,601.40
	12	110.8	73.1	5.9	57.2	10.0	37.7	5,282.80
	17	156.3	69.9		56.3	13.6	86.4	2,916.90
	19	135.8	77.6		58.3	19.3	58.2	3,718.80
	20	102.4	101.5		33.8	67.7	90.9	2,687.00
	23	90.4	76.8	3.2	66.9	6.7	13.6	4,842.40
	24	90.7	82.2	59.8	15.2	7.2	8.5	5,542.00
13	25	89.8	77.6	51.4	21.2	5.1	12.2	5,492.90
	26	82.5	64.6	32.2	12.4		17.9	4,895.40
	27	80.0	63.4	33.1	30.3		16.6	4,763.00
	28	81.2	58.8	34.1	24.7		22.4	4,565.00
	30	133.3	108.1	63.2	31.1	13.8	25.2	7,764.50
	31	77.7	65.5	29.3	36.1	.1	12.2	4,203.20
	32	151.4	115.9	4.7	73.6	35.6	35.5	8,389.00
	33	90.1	86.2	13.3	63.4	9.5	3.9	5,648.20
	34	82.3	74.4	70.2	4.2		7.9	4,581.90
	35	82.7	74.4	58.9	15.5		8.3	5,121.50
14	38	85.3	43.4	23.1	15.5		41.9	3,300.10
	39	75.2	65.1	.4	57.5	7.2	10.1	3,715.40
	42	127.7	99.1		76.7		28.6	5,203.40
	44	142.6	111.9	17.4	80.9	13.6	20.7	6,140.60
	47	100.1	75.2	21.3		36.8	24.9	3,343.70
	48	79.5	68.3				11.2	4,401.70
	49	79.1	72.3		13.6		6.8	4,766.30
	52	128.0	117.9	80.4	37.5		8.1	7,082.10
	54	118.5	98.0		87.8	10.2	20.5	4,312.40
	57	135.4	92.3	30.6	44.9	16.8	43.1	4,321.00
15	58	121.2	91.3	48.4	41.8	1.1	29.9	4,836.10
	59	181.5	100.2	44.5	38.7	17.0	81.3	5,991.50
	60	222.3	135.0		38.0	97.0	87.3	8,572.50
	61	153.4	121.8		87.9	33.9	31.6	6,779.20
	63	157.9	88.9		88.9		69.0	5,372.20
	64	140.5	113.8		98.1	15.7	26.7	6,023.30
	65	118.1	75.7	44.5	31.2		42.4	4,658.10
	67	126.9	74.3		33.6	40.7	46.6	3,716.80
	68	85.3	72.3	19.8	39.2	13.3	13.0	3,312.40
	69	109.4	78.1	10.7	62.1	5.3	31.3	1,219.05
113		101.4	73.8	64.0	19.8		27.6	3,658.50

b. *Additional farm units.* It is expected that, through the operation of its land acquisition program the United States may, within twelve (12) months following the date of this announcement, own additional farm units in the South-Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1955 irrigation season. Such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditor of Franklin County at Pasco, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region I, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the act of August 13, 1953 (67 Stat. 566), preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2 p. m., April 5, 1954, and ending at 2 p. m., May 20, 1954, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and July 3, 1952, inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7. c. of this announcement regarding the pro-

vision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region I, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two

years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* An applicant must possess assets worth at least \$4,500 in excess of liabilities. Assets must consist of cash, property readily convertible into cash or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than \$500 or a passenger car at more than \$500. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

Sec. 8. Filing application blanks. Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

Sec. 9. Priority of applications. All applications except those received from qualified exchange applicants prior to 2 p. m., May 20, 1954, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Priority Group.* All complete applications filed prior to 2 p. m., May 20, 1954, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2 p. m., May 20, 1954, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2 p. m., May 20, 1954. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

Sec. 10. Public drawing. After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9. a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

Sec. 11. Submission of evidence of qualification. After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of

this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

Sec. 12. Examination and interview. After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications together with the evidence of qualification submitted to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to

select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

Sec. 13. Order of selection. The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

Sec. 14. Failure to select. If any applicant refuses to select a farm unit or

fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. Execution of purchase contract. When a farm unit is selected by an applicant as provided in section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the Project Manager will also inform the applicant of the amount of the irrigation charges assessed by the South-Columbia Basin Irrigation District or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the Project Manager.

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

SEC. 16. Terms of sale. Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. **Down payment.** An initial or down payment of not less than 20 percent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. **Schedule for payment of balance; interest rate.** If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. **Development requirements.** In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40.....	75			
41 to 60.....	80	75		
61 to 80.....	80	65	75	
81 to 100.....	40	60	65	75
101 to 160.....	35	50	65	75

d. **Residence requirements.** A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the Project Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. **Speculation and landholding limitations.** Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable land; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. **Copies of contract form.** The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which

may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. Water rental charges. In Irrigation Blocks 12 and 15 during the irrigation season of 1954, and in Irrigation Blocks 13 and 16 during the irrigation season of 1955, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. Development period charges. Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the South-Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1955 for Irrigation Blocks 12 and 15, and 1956 for Irrigation Blocks 13 and 16. During the development period, water rental charges will average an estimated \$5.50 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. Construction period repayment charges—a. **Operation and maintenance charges.** After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system

which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water used to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the South-Columbia Basin Irrigation District. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the South-Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be \$2.12 per year. Thus, the total construction charge payment will average \$85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed \$280,782, -180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

F. E. WORMSER,

Assistant Secretary of the Interior.

[P. R. Doc. 54-2589; Filed, Apr. 7, 1954; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Case 162]

OSCAR BRUNONI

APPEALS BOARD DECISION

In the matter of: Oscar Brunoni, Bahnhofstrasse 14, Zurich, Switzerland; Case No. 162, Appeals Board Docket No. FC-20.

This appeal arises from an enforcement action by the Office of International Trade (now Bureau of Foreign Commerce, referred to herein as O. I. T.) against A. Ripley and Co., J. W. Krugel, and Oscar Brunoni. It appears that Krugel is the sole proprietor of Ripley and Co., and any reference herein to either Ripley or Krugel may be considered as including both.

The matter was initiated by a charging letter dated January 2, 1953, alleging that in December 1948, Ripley entered into negotiations with Fansteel Metallurgical Corporation (hereafter re-

ferred to as Fansteel) of North Chicago, Illinois, for the purchase of approximately \$20,000 worth of tantalum wire and sheet to be shipped to London where Ripley was located. Ripley sent an order for the tantalum in June 1949 but when it found that it was unable to obtain a British import license informed Fansteel in July 1949 that Brunoni of Zurich, Switzerland, had been retained to open a letter of credit covering the order. The charging letter further averred that Ripley and Brunoni represented and caused to be represented directly and indirectly to Fansteel that Brunoni was the consignee and purchaser and Switzerland the country of ultimate destination; that in reliance on these representations, communicated to O. I. T. by Fansteel in a license application, O. I. T., on August 22, 1949, issued its license; that shipment was made on March 4, 1950, to Brunoni, notify Furness Shipping and Agent Co., Antwerp, Belgium; that the tantalum was subsequently transhipped to Russia by Ripley and Brunoni; that the respondents knew or had reason to know that the country of ultimate destination would be Russia, and respondents intended upon its arrival in Antwerp to divert the tantalum to Russia, which fact respondents failed to disclose to Fansteel or O. I. T.

The charging letter, as to Brunoni, states that he knowingly caused various representations to be made to, and concealed material facts from, O. I. T. through an applicant for a United States license, in order to induce the issuance of the license and to effect the exportation of commodities from the United States in violation of 15 CFR, § 381.1 (b) (1) and (2) and that in addition he diverted the tantalum in violation of § 381.1 (b) (3) (i). The privileges of the respondents with reference to exports were suspended upon the issuance of the charging letter.

Respondents Krugel and Ripley entered no defense to the charging letter nor did they appear at the hearing before the Compliance Commissioner or take an appeal. The respondent Brunoni filed an answer and supplemental answer through his Swiss counsel, Dr. Herold, and joined issue on the allegations made in the charging letter. Brunoni did not appear in person at the hearing. The Compliance Commissioner found the charges sustained and on the basis of his report of August 21, 1953, an order was entered September 10, 1953, by the Assistant Director for Export Supply revoking licenses and denying export privileges to Brunoni for a period of 18 months from the date of the order and to Krugel and Ripley for the period until June 30, 1956.

An appeal was taken only on behalf of Brunoni, through local counsel who filed a brief and appeared before the Appeals Board and argued the matter.

Because there were no witnesses before the Compliance Commissioner, the matter was heard solely on various items of correspondence, together with the answer and supplemental answer of Brunoni's Swiss counsel, Dr. Herold. In setting forth the facts, therefore, it has been necessary for the Board to set out

in greater detail than usual the correspondence between the parties involved in this matter, as this is the only evidence from which the facts in this case may be reconstructed.

Statement of facts. The facts in this matter have been gathered from various documents and letters obtained from O. I. T. and from Brunoni. In addition, the Board has considered the statement and supplemental statement filed on behalf of Brunoni by Dr. Herold, and the brief of counsel on behalf of Brunoni on appeal.

In December 1948, Ripley (in London) wrote Fansteel (in North Chicago, Illinois) that it was in the market for tantalum strip. Fansteel answered Ripley with certain quotations and suggested that Ripley contact Fansteel's representative in England, Captain C. A. Barry of London. In further correspondence, Ripley told Fansteel that it had made application for an import license (for England). There was also correspondence between Fansteel and Captain Barry, who had been brought into the matter by Ripley, pursuant to Fansteel's suggestion to Ripley. In January 1949, Fansteel sent Ripley pro-forma invoices for Ripley's original proposed order, which invoices showed a discount of 30 percent. Ripley then requested Fansteel to send invoices showing the amounts without the 30 percent discount, and Fansteel did so. Ripley then asked for quotations on additional amounts of tantalum and also mentioned that it was negotiating with the English authorities for an import license. On June 9, 1949, Ripley sent a formal order for over \$19,000 to Fansteel and in letter of that date Ripley stated that in view of "present currency difficulties" they have authorized their Swiss representatives to "finalize this order with you" and payment will be effected from Zurich; that a new set of invoices should be sent to the Limor, S. A., at Zurich, and that the invoices sent to Limor should show a discount of only 5 percent and the balance of the discount (25 percent) should not be referred to but should be put to Ripley's credit with Fansteel.

Fansteel then made an application to O. I. T. for export license, dated July 5, 1949, showing Limor of Zurich as purchaser and consignee, and Switzerland as country of ultimate destination. An export license was issued on the basis of this application. Fansteel also sent invoices showing a discount of 5 percent to Limor. On July 12, 1949, Limor wrote Fansteel acknowledging receipt of the invoices and advising that they would inform Fansteel when a letter of credit would be opened.

On July 23, 1949, Ripley wrote Fansteel that they felt "unable to place this order with the Limor, S. A." and were making new arrangements. On July 28, 1949, Brunoni wrote Fansteel that per instructions from Ripley, he was preparing a letter of credit and that he would send Fansteel definite instructions later. On this same date, there was executed by Krugel and Brunoni an agency contract whereby Brunoni as agent agreed with Krugel as principal that the agent was to act as a representative and to invoice

industrial products in the steel and machinery field; that Krugel was to pay 1 percent commission; that Krugel gave Brunoni an exclusive agency for the activities mentioned; that the contract was firm until June 30, 1950, and that thereafter either party could give six month's notice. The agency agreement is dated at Zurich. Also, on July 28, Krugel sent Fansteel a letter advising Brunoni that Ripley has entrusted Brunoni "to transact the business in question." On August 3 Fansteel wrote Brunoni acknowledging Brunoni's letter of July 28. Copies of this letter were sent to Barry and Ripley. The evidence discloses that the copies sent to Barry and Ripley contained a postscript which did not appear on the original letter to Brunoni. The postscript states that the above letter was Fansteel's answer to Brunoni but that Fansteel must have immediate clarification of the name and address to which the merchandise was to be shipped because Fansteel had applied for an export license in the name of Limor and would have to amend the application. On August 5 Barry wrote Fansteel that Krugel had just returned from Switzerland where he had been negotiating the dollar payment for "his tantulum order" and that this would now be made by Brunoni. On August 9 Barry again wrote Fansteel about several matters and in one part of it under the heading "Brunoni", Barry mentions that with regard to Fansteel's letter of August 3 to Brunoni, "and your subparagraph to me" the export license should now be in the name of Brunoni, Zurich. (The subparagraph mentioned by Barry is evidently the postscript to Fansteel's letter of August 3 mentioned above.)

On August 16, 1949, Fansteel returned the original export license in the name of Limor to O. I. T. In its accompanying letter, Fansteel mentioned that it had been informed by Limor (sic) that the consignee for this shipment will be Brunoni and that Fansteel is accordingly attaching its application showing Brunoni, Zurich, as the consignee. A new export license was accordingly issued by O. I. T. to Fansteel showing Brunoni as ultimate consignee and Switzerland as country of ultimate destination. (There is no explanation as to why Fansteel mentioned that it had been informed by Limor that Brunoni would be the consignee in view of the fact that this information appears to have come to Fansteel in the letter of August 9 from Captain Barry, its representative.)

On August 29, 1949, Brunoni admits that he learned for the first time, under a letter of credit established in his favor with the Union Bank of Switzerland, that the real consignee of the merchandise was Promsyriolimport, evidently a Russian procurement agency, and that Russia was the country of ultimate destination. As noted later, there is some question whether Brunoni had learned of this fact earlier (see letter of October 28, 1949, from Brunoni to Ripley). At any rate, there is no question but that from at least August 29, 1949, Brunoni knew that the tantulum was not destined for Switzerland but that its ultimate destination was Russia. It is also to be noted that on July 28, 1949, Krugel

wrote Brunoni confirming that Brunoni's account for the transaction relative to the agency agreement of the same date has been opened with a bank in Zurich.

There is a gap between the correspondence to date and the next letter of September 6, 1949, which Brunoni wrote to Ripley. This gap is filled by the first statement of Dr. Herold, Brunoni's Swiss attorney, who in his answer of January 23, 1953, states that Brunoni had noticed in the letter of credit that the goods were destined for Russia; that he had never carried out any merchandise transactions; that he is an expert in the fields of insurance and ocean shipping, and therefore he inquired informally with Danzas and Co. (evidently a Swiss shipping and forwarding firm) in order to find out about the regulations and possibilities of shipments to Russia; and that at Danzas his attention was called to the meaning of export licenses when dealing with the United States. Evidently shortly after Brunoni's visit to Danzas he wrote a letter of September 6, 1949, to Ripley. In this letter he states that customers have no possibility of redirecting the goods after arrival in Zurich; that he has consulted with his forwarders who explained that inasmuch as the destination of the merchandise must appear on the license, there may be two "cases" (probably meaning alternatives): (1) If the declared destination is Switzerland and it is known that the goods have come in transit to Switzerland for reforwarding to another country, the Swiss forwarders will not accept Brunoni's order for reforwarding; (2) If the destination other than Switzerland is properly declared, the forwarders will take care of the reforwarding, but they point out that, in such case, it is not necessary that the goods come first to Switzerland. The letter continues by stating that the Swiss forwarders have their reasons for declining reforwarding on the basis of documents issued in the United States indicating Switzerland as destination and that "I must state that I am in no better position than the Swiss forwarders." The letter also states that it should be possible to ship the goods direct to destination without passage through Switzerland and if such is the case, there will be no difficulty to confirm the order and open the letter of credit, and that, naturally, it would be necessary to indicate to suppliers (the sellers) the actual port of destination; should this prove impossible, then Brunoni leaves it to Ripley to study whether Ripley could operate through Antwerp in which case the bill of lading would call for Antwerp as destination, and the reforwarding would take place from Antwerp to final destination.

On September 20, 1949, Fansteel wrote Ripley asking what effect the devaluation of the pound sterling would have on his order. Ripley's reply to this was a request to have his discount increased to 50 percent. This almost resulted in cancellation of the entire transaction as Fansteel refused to raise the discount. However, on October 20 Ripley confirmed the order at a discount of 30 percent and asked whether Fansteel had been able to secure the export license

before the letter of credit is opened by "our customers Messrs. O. Brunoni." Meanwhile, on October 15 Ripley wrote Brunoni in response to a cable of Brunoni's stating that the credit could not be opened until certain documents were furnished. Ripley's letter mentioned something about a "Delegation" in London to be contacted regarding this information. Evidently the Delegation referred to was a Russian Purchasing Commission in London, and Ripley was getting the information about the shipment from this Delegation. On October 18 Ripley again wrote Brunoni stating that they had been in conference with the "London agency" of the clients and requesting a copy of the letter of credit so that the text of the letter could be examined.

On October 24, 1949, Brunoni wrote Ripley, answering the letters of the 15th and 18th, enclosing a copy of the Bank's advice on the letter of credit, and called attention to the fact that the wording "B/Lading to read on one port of USSR" is contradictory to the export licenses reading "For Switzerland". The letter continues to state that if the credit could be arranged to match with the export licenses, then shipment of the goods to Zurich should be technically possible; however, there would be a question of the Bank's agreeing to the transfer of credit when it is known that the final destination is another one than "S" (Switzerland); that it should be made clear if the goods are sent to Zurich they have to be taken over by "your friends" and reforwarding must be left to them. On October 25 Fansteel wrote Ripley stating that it has the export license and that Captain Barry (who had been there) indicated that Ripley was anxious to know about the license.

On October 28, 1949, Brunoni wrote Ripley stating that he has received from the bank a confirmation of modification of the letter of credit to the effect that in case shipment is made "free car Zurich", certain documents would have to be submitted including a railroad bill of lading made out to the address of Promsyriolimport, Moscow, showing shipment from Zurich to a Russian frontier station. This letter continues by stating that Brunoni's confirmation of August 3d (not in the record) indicated payment was to be effected by a certain type of letter of credit negotiable against certain documents, one of which was an invoice and six copies to Promsyriolimport; that the credit has been opened in Brunoni's favor on August 29 against certain documents including a full set of bill of lading showing shipping of the goods to one port of USSR at the disposal of Promsyriolimport. The letter continues by stating that if the shippers are able to issue a bill of lading showing shipment to a port of USSR, "our customers" would have a direct shipment not needing any intervention, however, "you wrote me that the export license would be on my name which excludes the possibility for the shippers of issuing Bs/L as above". The letter then states that as Brunoni has written, he cannot attend to reforwarding; directly nor in-

directly, and that according to the conversations at Zurich, he was supposed to intervene just for the transfer of the credit and to have nothing to do with reforwarding; that he understands that the bankers will not be able to transfer the credit for cargo going to Zurich for an export license in Brunoni's name, but for another destination, but that he can see one possibility, that the goods be shipped to a continental port, for instance, Antwerp, on a bill of lading issued to order, which means that the customers would take charge of the cargo on arrival at the continental port and make arrangements themselves for reforwarding.

On November 2, 1949, Furness Shipping Company wrote Brunoni that Ripley of London had written to Furness regarding certain merchandise which Brunoni is to receive from the USA for the USSR; that Furness confirms that it is the shipping agents at Antwerp of the "interested organizations", and can accept shipments f. o. b. Antwerp.

On December 23 Brunoni wrote Fansteel enclosing his itemized order for tantulum and advising that he has opened a credit through a Swiss bank with the National City Bank in New York against certain documents including bill of lading showing shipment to Antwerp to the order of Brunoni, notify Furness; to ship the goods by first class vessel direct to Antwerp and as soon as shipment is made to cable Brunoni the name of the vessel and expected arrival at Antwerp in order that he may advise Furness in advance. On December 29 Fansteel answered Brunoni thanking him for his letter and order. On the same date, Fansteel wrote Ripley enclosing a copy of its letter stating that the invoice to Brunoni will show 5 percent discount and that the balance of 25 percent will be credited to Ripley.

On February 13, 1950, Brunoni cabled Fansteel requesting the prospective date of shipment and Fansteel answered to the effect that it would leave North Chicago approximately February 21. On February 11 Ripley wrote Fansteel requesting expedition of the shipment. On February 25 Brunoni again cabled Fansteel requesting shipping advice. At this point, there was some delay because of a requirement for certain insurance documents not previously mentioned and on March 4 Brunoni cabled Fansteel to the effect that the matter had been arranged. On March 10 Fansteel cabled Brunoni that the material had sailed on the S. S. Steenstroete on March 4. On March 11 Brunoni wrote Furness advising them of this shipment and referring to the cargo mentioned to Furness by Ripley for Promsyrloimport and requesting a receipt in duplicate showing that the cargo has been received by Furness for the account and order of Promsyrloimport.

On March 13 Furness acknowledged Brunoni's letter and asked Brunoni to furnish a letter of indemnity which Furness would use to take the goods prior to receipt of the original bill of lading. On March 14 Brunoni wired Furness suggesting that Furness give the letter of indemnity for the account of Promsyrloimport who is holding the bills of

lading. On March 27, Brunoni wrote Ripley enclosing the receipt of Furness. On March 29, Brunoni wrote Ripley that he feels it his duty to inform Ripley that owing to certain changes in his organization, Brunoni would not be able to handle similar transactions in the future. On April 3 Ripley answered Brunoni stating that they regretted his decision and that Mr. Krugel would see him when visiting Zurich.

It appears from information acquired by O. I. T., and not contradicted, that the tantulum in question arrived in Antwerp about March 14, 1950, and was then transhipped via a Soviet boat on March 22 to some part of Russia.

Comments and decision. At the outset, it might be well to consider certain legal contentions raised by Brunoni's counsel at the Appeals Board hearing. The enforcement regulations of O. I. T., in force at the time that these transactions occurred, contain certain provisions with reference to violations, misrepresentations and persons liable. Section 381.1 (a) provides that violations are subject to certain criminal sanctions and to administrative action of suspension or denial of licensing privileges. Paragraph (b) *Misrepresentations* is divided into four subparagraphs:

Subparagraph (1) *General provisions*, states that all representations made by any licensee or any other person for the purpose of effecting or causing to be effected an exportation of any commodity from the United States shall be deemed to constitute representations made in respect of matters related to the jurisdiction of O. I. T., and that it shall be unlawful under the regulations for any person knowingly to make any false representation or to falsify or conceal any material fact for such purpose.

Subparagraph (2) *Persons liable*, states that every person, whether or not in the United States, and whether or not the purchaser or consignee, who shall make any representation to O. I. T. for such purpose, shall be subject to the regulations.

Subparagraph (3) *Types of misrepresentation*, states that without limitation of the foregoing, no such person shall (i) falsely state the country of ultimate destination intended, or divert commodities in violation of any export control document to any other country; (ii) Falsely describe the true ultimate consignee or purchaser, (iii) submit any order for purchase with the intention not to abide by such order, (iv) falsely state the end use.

The charging letter states that Brunoni knowingly made false representations to and concealed material facts from O. I. T. in violation of subparagraphs (1) and (2) above-described, and in addition, knowingly diverted the tantulum in violation of subparagraph (3) (i). Counsel has made the contention that because subparagraph (2) does not expressly use the term "conceal", Brunoni, who was not situated in the United States, cannot be held for concealment. Counsel also apparently contends that subparagraphs (1) and (2) are not in and of themselves violations but that specific types of misrepresentations

under subparagraph (3) are the violation portions. However, it appears from an examination of the regulations that subparagraph (1) is an independent description of violations; that subparagraph (2) merely calls attention to the parties who are liable for the acts mentioned in subparagraph (1) and need not necessarily repeat every element in subparagraph (1); and that subparagraph (3) which expressly states that it is "without limitation of the foregoing" is largely explanatory and descriptive of the various types of misrepresentation already mentioned in subparagraph (1). It is true that subparagraph (3) (i) contains, in addition to misrepresentations, the term "divert". However, the charging letter expressly mentions this subsection and also specifies the acts charged against Brunoni. Brunoni, in any event, is in no position to claim surprise, inasmuch as he, through his attorneys, has joined issue on all the charges, and has specifically answered them. The Board, in view of the fact that Brunoni did not appear before the Compliance Commissioner, has been extremely careful in examining the regulations and record to make sure that Brunoni has had an opportunity to understand and to answer the charges made. It is the Board's opinion that the regulations mentioned are complete, that the charging letter specifically acquainted Brunoni with the alleged violations, and that Brunoni has specifically joined issue with and answered the charges. Accordingly, the Board proceeds to consider whether the charges and the report of the Compliance Commissioner are sustained by the record.

Laying aside the various detailed statements as to the facts made in the report of the Compliance Commissioner, it appears to the Board that the broad question in this case is the extent, if any, of participation by Brunoni in a procedure which resulted in a diversion and transshipment to Russia of goods apparently destined for Switzerland. Brunoni claims that he was to be nothing more than a "straw man" and was merely to intervene for the purpose of switching invoices to enable Krugel to get dollars in Switzerland. The record, however, discloses that his role was more active and beyond that of a mere formal intermediary.

In the first place, Brunoni learned of the ultimate Russian consignee (Promsyrloimport) no later than August 29, 1949, when he picked up the letter of credit. His credibility in stating that this was the first he knew of a Russian consignee is somewhat shaken by his letter of October 28, 1949, to Ripley. In this letter, Brunoni stated that his confirmation of August 3 (which is not in the record) indicated that payment was to be made against certain documents, one of which mentioned Promsyrloimport. This would seem to indicate that Brunoni had learned about Promsyrloimport as early as August 3, if not before.

Brunoni also contends that he knew nothing about any export license being in his name or mentioning Switzerland as a destination. The evidence discloses, however, that Brunoni had gone to Danzas and had acquired some information

with respect to export licenses which caused him to believe that the goods could not come into Switzerland and be reforwarded from there. It would appear that the inability to reforward was based on the fact that an export license was issued or would be issued indicating Switzerland as the country of ultimate destination. On September 6, 1949, Brunoni wrote Ripley that the goods cannot be redirected after arrival in Zurich, and mentions two "cases". The first case is that if the declared destination is Switzerland, and it is known that the goods are to be reforwarded, Swiss forwarders will not accept Brunoni's order. The second case is that if a destination other than Switzerland is declared, reforwarding may be had, but that in such case, it would not be necessary that the goods come to Switzerland at all. This information Brunoni states is the result of his consultation with his forwarders. In this same letter, Brunoni makes the suggestion, or rather a hint, that Ripley could operate through Antwerp and the bill of lading call for Antwerp as destination.

On October 24, 1949, Brunoni again wrote Ripley and called attention to the fact that certain wording in the bank's advice, to the effect that the bill of lading was to read for a port of USSR, "is contradictory to the export licenses reading 'For Switzerland'." This letter also mentions doubt whether the bank would agree to the transfer of credit when it is known that the final destination is another one than "S" (an abbreviation for Switzerland). It is impossible to read this letter in any other context than that Brunoni was aware of the fact that there was extant an export license mentioning Switzerland as the country of ultimate destination.

Again, in his letter of October 28, 1949, to Ripley, Brunoni specifies at length the complete mechanism for the transshipment of the goods to Russia via Antwerp. After pointing out the impossibility or impracticability of having the goods come to Zurich and then be transshipped, he makes a direct suggestion that the goods be shipped to a continental port, "for instance, Antwerp". Also, in this letter, in pointing out why the goods should not first come to Switzerland, Brunoni states to Ripley "You wrote me that the export license would be on my name which excludes the possibility for the shippers of issuing Bs/L as above" (to Russia). And, on December 23, Brunoni wrote Fansteel enclosing his order for the tantulum.

It appears, therefore, that during the entire time in which Brunoni had a chance either to expedite or to frustrate the shipment in question, or to withdraw from the transaction, he was aware of the fact that an export license had been issued in his name, with Switzerland as the designated country of ultimate destination. A contention is made in his briefs that he feared he would be in violation of the Swiss Commercial Espionage Law if, after he discovered the existence of Promsyrimport and the other facts in the matter, he disclosed them to anybody. Counsel for Brunoni also claims that it was not incumbent on Brunoni to disclose to Fansteel or to

the United States Government his knowledge of the fact that the goods were really destined for Russia and that the real purchaser was Promsyrimport. Counsel has cited a number of criminal cases in which defendants were acquitted on charges of having concealed matters from the Government or having participated in a conspiracy. These cases principally involve landlords whose premises were used for the manufacture of illegal liquor during the prohibition days. However, such cases may be distinguished from the matter involved herein. In the first place, this is an administrative proceeding to ascertain the reliability of a person to engage in export control matters. Secondly, the cases cited do not involve a situation wherein the United States Government acted or refrained from acting upon the representations or concealment of facts by a party who is getting the benefit of the Government action. In this case, the Government was induced to take an affirmative action, i. e., to issue and keep in force an export license because of certain representations on the one hand and concealment of material facts on the other. In such case, there is a much greater duty on a party to disclose all material facts than in a case where his concealment does not lead to any action on the part of the Government. (See, e. g., *U. S. v. Leviton*, 193 F. 2d 848; *DeBon v. U. S.*, 175 F. 2d 439; *Todorow v. U. S.*, 173 F. 2d 439.)

There has been no direct evidence before the Board as to the applicability and scope of the Swiss law. There is nothing to indicate that Brunoni could not have withdrawn from the transaction. He does claim that had he withdrawn from the transaction, he would have been liable for damages under his agency agreement with Krugel, but the evidence, taken most favorably for Brunoni, would indicate that Krugel was making certain misrepresentations and involving Brunoni in them. The Board is not aware of any law, continental or otherwise, which would make an agent liable for withdrawing under such circumstances. It also appears that Brunoni unilaterally withdrew from the agency agreement immediately after the transaction involved in this matter, before the agency agreement had terminated.

The Board is of the opinion that the allegations in the charging letter and the report of the Compliance Commissioner are substantially sustained by the evidence before it.

The Board, however, takes cognizance of the fact that the suspension of Krugel and Ripley runs to June 30, 1956, which is approximately a period of 42 months from the date of the charging letter (January 2, 1953), while the suspension of Brunoni runs for a period of about 26 months from the date of the charging letter. The Board feels that the relative lengths of these two suspensions does not correspond to the relative degree of culpability of the parties. The actions of Krugel and Ripley indicate a much greater degree of culpability than those of Brunoni who was brought into the picture by Krugel only after Krugel's

negotiations with Fansteel had been long under way.

The Board is also aware of the handicap sustained by counsel for Brunoni on appeal in that said counsel has come into the case for the sole purpose of appeal and was not in the case on the hearing before the Compliance Commissioner.

After due consideration of all the evidence in this case, plus the fact that Brunoni has already been under suspension for approximately 15 months, the Board feels sufficient justice would be done if the appellant's suspension were to terminate as of the date of this order.

Now, therefore, it is ordered that:

(1) The provisions of the Order Revoking Licenses and Denying Export Privileges, dated September 10, 1953, be and they are hereby modified as to appellant Oscar Brunoni, by amending the period of suspension set forth in paragraph (2) of the ordering portion of said order so that said period of suspension will terminate April 2, 1954.

(2) As so modified, said order is in all respects sustained, and the appeal of appellant be and it is hereby denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

APRIL 2, 1954.

[F. R. Doc. 54-2607; Filed, Apr. 7, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6548]

PAN AMERICAN WORLD AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the application of Pan American World Airways, Inc., for amendment of its United States-Europe-Middle East-India certificate and its Approved Service Plan so as to authorize service to Damascus, Syria, between Beirut, Lebanon, and Baghdad, Iraq, on segments 1 and 3.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 409 and 1001 of the said act, that a public hearing in the above-entitled proceeding is assigned to be held on April 19, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application particular attention will be directed to the following questions:

1. Does the public convenience and necessity require the amendment of the certificate of public convenience and necessity held by Pan American World Airways, Inc., and its Approved Service Plan thereunder so as to authorize service to Damascus, Syria?

2. Is Pan American World Airways, Inc., a citizen of the United States as defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended?

3. Is Pan American World Airways, Inc., fit, willing, and able to provide the air transportation as proposed in the aforementioned application?

Notice is further given that any person desiring to be heard in the proceeding must file with the Board on or before April 19, 1954, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the issues involved in this proceeding interested persons are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., April 5, 1954.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2634; Filed, Apr. 7, 1954;
8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8694, 8730, 8840]

WESTINGHOUSE BROADCASTING CO., INC.,
ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Westinghouse Broadcasting Company, Inc., Pittsburgh, Pennsylvania, Docket No. 8694, File No. BPCT-221; WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in Pittsburgh, Pennsylvania; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; and

It further appearing that Pittsburgh Radio Supply House, Inc., proposes an antenna site in the immediate vicinity of standard broadcast stations WWSW and KQU; that the proposed construction may have effects upon the opera-

tion of these stations; and that a grant of the application of Pittsburgh Radio Supply House, Inc., if made, will be subject to the following condition:

The construction authorized shall not adversely affect the ability of standard broadcast stations WWSW and KQU to operate in accordance with the terms of their licenses, particularly with respect to their antenna systems, and that sufficient field intensity measurements of WWSW and KQU shall be made before and after such construction to prove that no material effect thereon has resulted.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April 1954 in Washington, D. C., upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 5, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2639; Filed, Apr. 7, 1954;
9:10 a. m.]

[Docket Nos. 10083, 10697, 10698]

WINNEBAGO BROADCASTING CO. ET AL.

ORDER ENLARGING ISSUES

In re applications of Vincent S. Barker and Howard H. Monk d/b as Winnebago Broadcasting Company, Rockford, Illinois, Docket No. 10083, File No. BP-8281; Esther Blodgett, Harvard, Illinois, Docket No. 10697, File No. BP-8579; Evanston Broadcasting Company (WNMP), Evanston, Illinois, Docket No. 10698, File No. BP-8861; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of April 1954;

The Commission having under consideration a Petition to Enlarge and to Amend Issues filed by Esther Blodgett on January 25, 1954, no oppositions having been filed thereto;

It appearing that the above-entitled applications were designated for hearing in a consolidated proceeding by an order dated September 23, 1953, and that one issue, inter alia, in said order requires a determination as to which applicant, on a comparative basis, would best serve the public interest, convenience and necessity; and

It further appearing that in the instant petition Esther Blodgett requests (1) that the Commission enlarge the hearing issues to determine which of the above-entitled applicants would provide the more fair, efficient and equitable distribution of radio service, in the light of section 307 (b) of the Communications Act of 1934 as amended, (2) that the Commission amend the issues to delete subparagraphs (a), (b), and (c) of Issue 5, and (3) that the Commission waive the requirements of § 1.389 of its rules and consider her petition on its merits; and

It further appearing that careful consideration of the instant petition and the above-entitled applications discloses that each of the applicants proposes to serve a community separate and distinct from the community proposed to be served by either of the other applicants; that in accordance with present Commission policy and practice, an appropriate issue should be included to permit consideration of the statutory requirement contained in section 307 (b) of the Communications Act of 1934, as amended; and

It further appearing that section 307 (b) of the act is only one of many factors to be considered in this proceeding; that petitioner has not advanced any valid reasons for the deletion of subparagraphs (a), (b) and (c) of Issue 5 of the order of designation of September 23, 1953; and that the Commission believes orderly procedure dictates that all outstanding issues be dealt with in a single proceeding even though any one of the issues may be determinative of the proceeding without reference to other matters.

Accordingly, it is ordered, That the instant petition filed on January 25, 1954, by Esther Blodgett be granted to the extent (1) that the requirements of § 1.389 of the Commission's rules are waived, and (2) that the issues in the above-entitled proceeding be enlarged to include the following issue;

To determine, in the light of section 307 (b) of the Communications Act of 1934 as amended which of the above-entitled applications would provide the more fair, efficient and equitable distribution of radio service;

And that in all other respects, said petition is denied.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2640; Filed, Apr. 7, 1954;
9:10 a. m.]

[Docket No. 10939]

ALTMAN PLASTIC CO.

ORDER CONTINUING HEARING

In the matter of Cease and Desist Order to be directed to Harold Altman and Sol Altman, tr/as Altman Plastic Company, 464 Liberty Avenue, Brooklyn 7, New York; Docket No. 10939.

The Commission having under consideration a Motion for Continuance filed on March 30, 1954, by counsel for the Chief of the Commission's Field Engineering and Monitoring Bureau, requesting that the hearing in the above-entitled proceeding, scheduled for April 7, 1954, at New York, New York, be continued to a date to be set by further order; and

It appearing that no opposition to said Motion has been filed, that the parties have consented to a waiver of § 1.745 of the Commission's rules in order that said Motion may be acted on without being on file for a period of 4 days, and that good cause for the granting thereof has been shown;

It is ordered, This 1st day of April 1954, that the Motion for Continuance is granted, and that the hearing in the above-entitled proceeding, now scheduled for April 7, 1954, is continued until a later date to be designated by a further order of the Hearing Examiner.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 54-2641; Filed, Apr. 7, 1954;
9:10 a. m.]

[Docket Nos. 10977-10979]

INDEPENDENT BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Independent Broadcasting Company, Minneapolis, Minnesota, Docket No. 10977, File No. BPCT-366; Family Broadcasting Corporation, Minneapolis, Minnesota, Docket No. 10978, File No. BPCT-795; Twin Cities Broadcasting Corporation, Minneapolis, Minnesota, Docket No. 10979, File No. BPCT-1652; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 in Minneapolis, Minnesota; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters

of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Independent Broadcasting Company is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "I" below; that Twin Cities Broadcasting Corporation is legally, financially and technically qualified to construct, own and operate the proposed television broadcast station; and that Family Broadcasting Corporation is legally, technically and financially qualified to construct, own and operate the proposed television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April 1954 in Washington, D. C., upon the following issues:

1. To determine the correct geographical coordinates of the antenna system and site proposed by Independent Broadcasting Company.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 5, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 54-2642; Filed, Apr. 7, 1954;
9:10 a. m.]

[Docket Nos. 10982, 10983]

OWENSBORO ON THE AIR, INC., AND
OWENSBORO PUBLISHING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Owensboro on the Air, Inc., Hatfield, Indiana, Docket No. 10982, File No. BPCT-1787; Owensboro Publishing Company, Hatfield, Indiana, Docket No. 10983, File No. BPCT-1790; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 in Hatfield, Indiana; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April 1954 in Washington, D. C., upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may

be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 5, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 54-2643; Filed, Apr. 7, 1954;
9:11 a. m.]

[Docket No. 10987]

ATLAS TOWING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Atlas Towing Company, Parkersburg, West Virginia, application for construction permit for a new limited Class II-B coast station to be located at Parkersburg, West Virginia (File No. 8806-F1-P-I); Docket No. 10987.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission, having under consideration an application filed by Atlas Towing Company, Parkersburg, West Virginia, for construction permit for a new limited Class II-B coast station, to be located at Parkersburg, West Virginia; and

It appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by a letter dated January 28, 1954, that the Commission was unable to determine that a grant of the above-entitled application would serve the public interest, convenience or necessity in view of questions concerning the feasibility of use of frequencies above 30 Mc and the feasibility of use of existing public communication facilities serving the Mississippi River System; and

It further appearing that although the Commission finds the above-named applicant is legally, technically and financially qualified to construct, own and operate a coast station such as proposed, consideration of the applicant's reply dated February 23, 1954, to the Commission's letter has not resolved the questions raised and the Commission is unable to find that the public interest, convenience or necessity would be served by a grant of the application;

It is ordered, Pursuant to section 309 (b) of the Communications Act of 1934, as amended, that said application is designated for hearing upon the following issues:

1. To determine whether or not satisfactory ship-shore telephone service can be obtained through use of one or more public coast stations serving inland

waters of the United States, including public coast stations at Pittsburgh, Pennsylvania, and Louisville, Kentucky.

2. To determine whether all or any portion of the desired ship-shore telephone service can be satisfactorily obtained on one or more available frequencies above 30 Mc.

3. To determine in the light of the evidence adduced under the above issues, whether grant of the above-entitled application would serve the public interest, convenience and necessity.

It is further ordered, That the Atlas Towing Company is hereby afforded an opportunity to obtain a hearing on the foregoing issues by filing a written appearance, in triplicate, within twenty days of the mailing of the Order designating the application for hearing. If the applicant fails to file such a written statement within the date specified, and has not filed prior to the expiration of that date a petition to dismiss without prejudice, his application shall be dismissed with prejudice for failure to prosecute, in accordance with § 1.387 of the Commission's rules.

It is further ordered, That Radiomarine Corporation of America, licensee of station WCM, Pittsburgh, Pennsylvania and Warner & Tamble Radio Service, Inc., licensee of station WFN, Louisville, Kentucky are named parties respondent to this proceeding, provided that within twenty days of the mailing of this order each of them shall file with the Commission a written appearance in triplicate;

It is further ordered, That the hearing herein shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 17th day of May 1954.

Released: April 5, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 54-2644; Filed, Apr. 7, 1954;
9:11 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6555, E-6556]

PENNSYLVANIA WATER & POWER CO. AND
PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF APPLICATIONS

MARCH 31, 1954.

Take notice that on March 31, 1954, applications were filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Pennsylvania Power & Light Company (hereinafter called P. P. & L.) and Pennsylvania Water & Power Company (hereinafter called Penn Water), seeking orders authorizing the sale by Penn Water and the acquisition by P. P. & L. of a section of a 220-kv. transmission line, more fully described below. Penn Water is a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in the States of Pennsylvania and Maryland, with its principal business office in Baltimore, Maryland. P. P. & L. is a corporation

organized under the laws of the Commonwealth of Pennsylvania and doing business in said state with its principal business office in Allentown, Pennsylvania. Penn Water proposes to sell and P. P. & L. proposes to purchase a section of a transmission line and appurtenant facilities, including a small parcel of land, owned by Penn Water consisting of 6.28 miles of a 220-kv., 3-phase, 60-cycle steel tower transmission line which connects the Manor Substation of Penn Water, near Safe Harbor, Pennsylvania, with the Hummelstown Substation of P. P. & L., at Hummelstown, Pennsylvania. The consideration for the transfer of the property is \$299,871 as of December 31, 1953, subject to certain adjustments at the date of final settlement; 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 applications, should on or before the 22d day of April 1954, 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 applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[P. R. Doc. 54-2594; Filed, Apr. 7, 1954;
8:48 a. m.]

[Docket No. E-6557]

MONTANA POWER CO.

NOTICE OF APPLICATION

APRIL 1, 1954.

Take notice that on March 31, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by The Montana Power Company (hereinafter referred to as Applicant), for an order authorizing the issuance of \$6,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1984; 60,000 shares of \$----- Preferred Stock, Cumulative, No Par Value; and \$18,000,000 principal amount of -- percent Sinking Fund Debentures due 1979. The Applicant is a corporation organized under the laws of the State of New Jersey and doing business in the States of Montana, Idaho and Wyoming, with its principal business office at Butte, Montana. Applicant proposes to issue the aforementioned securities by competitive bidding. The purpose for which the proposed securities are to be issued by Applicant is to obtain funds and to apply the proceeds therefrom in connection with Applicant's construction program as well as for the purpose of redeeming at 104.72 percent of the principal amount thereof \$18,000,000 principal amount of 4½ percent Sinking Fund Debentures due 1978; 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 22d day of April 1954, 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] LEON M. FUQUAY,
Secretary.

[P. R. Doc. 54-2593; Filed, Apr. 7, 1954;
8:48 a. m.]

[Docket No. G-2370]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed February 16, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings: *Provided*, That no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 11, 1954 (19 F. R. 1374).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 15, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 2, 1954.

Issued: April 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[P. R. Doc. 54-2599; Filed, Apr. 7, 1954;
8:49 a. m.]

[Docket No. G-2372]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed February 17, 1954, pursuant

to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 11, 1954 (19 F. R. 1375).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 15, 1954, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 2, 1954.

Issued: April 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[P. R. Doc. 54-2600; Filed, Apr. 7, 1954;
8:49 a. m.]

[Docket No. G-2384]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 2, 1954.

Take notice that on March 8, 1954, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities as hereinafter described.

The facilities which Applicant proposes to construct and operate are as follows:

(1) Construct and place in operation a 10 $\frac{3}{4}$ -inch O. D. pipe line approximately 19.8 miles in length, extending from the downstream side of the Warren Petroleum Company Saunders Plant, located in Lea County, New Mexico, in a northerly and eastwardly direction to a point of connection with Applicant's existing 30-inch Permian-San Juan Crossover Line in Lea County.

(2) Construct and place in operation a compressor station of 330 horsepower, together with the necessary appurtenances for the operation of same, to be located immediately adjacent to the

Warren Petroleum Company Saunders Plant.

(3) Construct and place in operation a standard orifice meter measuring station to be known as the Saunders Purchase Meter Station, said station to be located immediately downstream of the Warren Petroleum Company's plant.

The proposed facilities will be operated in conjunction with the operation of Applicant's existing facilities, all for the purpose of purchasing and acquiring approximately 15,000,000 cubic feet of natural gas per day from the Warren Petroleum Corporation.

The total estimated cost of the proposed facilities is \$693,695, which Applicant proposes to finance out of his current working funds.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

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 22d day of April 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[P. R. Doc. 54-2595; Filed, Apr. 7, 1954;
8:49 a. m.]

[Docket Nos. G-2386, G-2387, G-2388,
G-2395]

CITY OF SUMMERVILLE, GA., ET AL.

NOTICE OF APPLICATIONS

APRIL 2, 1954.

In the matters of City of Summerville, Georgia, Docket No. G-2386; City of LaFayette, Georgia, Docket No. G-2387; City of Trion, Georgia, Docket No. G-2388; City of Dalton, Georgia, Docket No. G-2395.

Take notice that on March 8, 1954, the City of Summerville, Georgia, the City of LaFayette, Georgia, and the City of Trion, Georgia, all municipal corporations organized and existing under the laws of the State of Georgia, filed applications pursuant to section 7 (a) of the Natural Gas Act for orders directing Southern Natural Gas Company (Southern Natural) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by the applicants and to sell natural gas to them.

The City of Summerville, the City of LaFayette, and the City of Trion each propose to construct a municipal system for the distribution of natural gas to its ultimate consumers within its own corporate limits and surrounding territory. The municipalities propose to cooperate in the construction and operation of a supply main to connect with the transmission main of Southern Natural.

The peak-day requirements of the City of Summerville from Southern Natural for the third year of operation are estimated at 1,416 Mcf, and annual

requirements for the third year are estimated at 236,067 Mcf.

The City of LaFayette estimates its peak-day requirements from Southern Natural for the third year of operation at 1,053 Mcf, and estimates annual requirements for the third year at 180,837 Mcf.

The City of Trion estimates its peak-day requirements from Southern Natural for the third year of operation at 248 Mcf, and estimated annual requirements for the third year at 26,388 Mcf.

The City of Dalton, a municipal corporation organized and existing under the law of the State of Georgia, also filed, on March 22, 1954, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Southern Natural to establish physical connection of its transmission facilities with the facilities proposed to be constructed by the City of Dalton and to sell natural gas to it. The City of Dalton proposes to construct approximately 39 miles of 8-inch O. D. pipeline from a point of interconnection with Southern Natural's Rome-Calhoun transmission line to its proposed distribution system within the corporate limits of Dalton and the surrounding territory. The peak-day requirements of the City of Dalton from Southern Natural for the third year of operation are estimated at 5,348 Mcf and annual requirements for the third year are estimated at 1,383,278 Mcf. Total estimated cost of construction by the City of Dalton is \$2,940,000 to be financed by the issuance of natural gas revenue anticipation certificates.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 22d day of April 1954. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2596; Filed, Apr. 7, 1954;
8:49 a. m.]

[Docket No. G-2391]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

APRIL 2, 1954.

Take notice that on March 16, 1954, United Gas Pipe Line Company (United), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application pursuant to the provisions of section 7 (b) of the Natural Gas Act for permission and approval to abandon and remove pipe connections attaching a 2,200 H. P. transmission compressor station located in the Carthage Gas Field, Panola County, Texas, to its main transmission system.

United states that production from the Carthage Gas Fields is declining, and that to enable it to continue to obtain the quantities of gas available from its remaining reserves in the field it is neces-

sary to reduce operating pressures in its gathering system in such field, and also to install new field compressor facilities to enable gas to continue to be delivered into its main transmission system at pressures of approximately 1,000 pounds. United accordingly proposes to remove the pipes connecting the transmission compressor station with its main system and use the station as part of proposed new field compressor facilities, alleging that the station is no longer needed as a part of its transmission system. Cost of such removal will be defrayed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of April 1954. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2597; Filed, Apr. 7, 1954;
8:49 a. m.]

[Docket No. G-2393]

TRUNKLINE GAS CO.

NOTICE OF APPLICATION

APRIL 2, 1954.

Take notice that on March 18, 1954, Trunkline Gas Company (Trunkline), a Delaware corporation having its principal office at Houston, Texas, filed an application pursuant to the applicable provisions of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to the City of Fairfield (Fairfield), Illinois, in a total volume up to 1,995 Mcf per day.

Trunkline states that in Docket No. G-1613 it was directed to establish physical connection of its system with the facilities of Fairfield, and to sell Fairfield up to 1,200 Mcf per day; that it is now selling such volume to Fairfield, and that Fairfield needs the additional volume of 795 Mcf per day to enable it to meet increasing market requirements. No new facilities will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of April 1954. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2598; Filed, Apr. 7, 1954;
8:49 a. m.]

[Project No. 1394]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

APRIL 1, 1954.

Public notice is hereby given that California Electric Power Company, of Riverside, California, has filed applica-

tion under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 1394, located on Bishop Creek, the North, South and Middle Forks thereof, and Green, McGee and Birch Creeks, Inyo County, California, to exclude therefrom the dismantled 55,000-volt transmission line from Bishop Creek Power Plant No. 4 to Bishop Creek Switching and Control Station and to include therein a constructed 60,000-volt tap line connecting Power Plant No. 4 to the transmission line from Power Plant No. 2 to Bishop Creek Switching and Control Station.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before May 3, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2591; Filed, Apr. 7, 1954;
8:48 a. m.]

[Project No. 2106]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE

APRIL 1, 1954.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed Project No. 2106 to be located on the McCloud and Pit Rivers and their tributaries in the region of McCloud and Redding, California, and affecting lands of the United States in Shasta National Forest. The proposed project, to be known as "McCloud-Pit Project," would consist of eight dams varying in height from 10 to 225 feet above streambed; three reservoirs having a total gross capacity of about 172,700 acre-feet and an effective capacity of about 149,000 acre-feet; about 93,200 feet of tunnel; two powerhouses consisting of the "McCloud Powerhouse," on McCloud River, to house one 44,000 horsepower vertical turbine direct-connected to one 36,000 kva generator, and the "McCloud-Pit Powerhouse," on Pit River, to house two 107,000 horsepower turbines each direct-connected to one 86,500 kva generator, and one 70,000 horsepower turbine direct-connected to a 57,000 kva generator; one 110 kv single-circuit transmission line, about 15 miles long, from the McCloud Powerhouse to McCloud-Pit Powerhouse, and two 220 kv single-circuit transmission lines, each about five miles long from the McCloud-Pit Powerhouse to Applicant's interconnected transmission system; substations and switchyards; and miscellaneous hydraulic, mechanical, and electrical facilities and structures. The proposed McCloud-Pit Project will be developed initially to a capacity of 214,000 horsepower by the construction of McCloud Diversion Dam and Reservoir, McCloud Tunnel Hawk-

ins Creek Diversion, Iron Canyon Dam and Reservoir, Iron Canyon Tunnel, and McCloud-Pit Powerhouse. It will be developed to its total capacity of 328,000 horsepower by the additional construction of Upper McCloud Diversion Dam, Upper McCloud Tunnel, Elk Creek Diversion Dam, Elk Creek Tunnel, Squaw Valley Dam and Reservoir, Squaw Valley Tunnel, McCloud Powerhouse, and a second penstock and a third unit at the McCloud-Pit Powerhouse.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before May 19, 1954. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2592; Filed, Apr. 7, 1954;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3189]

UNITED CORP.

NOTICE OF FILING OF APPLICATION FOR AMENDMENT OF ORDER

APRIL 2, 1954.

Notice is hereby given that The United Corporation ("United"), a registered holding company, has filed an application for an amendment of the Commission's order of May 2, 1952, granting an application filed pursuant to section 9 (c) (3) of the Public Utility Holding Company Act of 1935 ("act") for an exemption from section 9 (a) of the act with respect to a program for the investment of funds up to \$24,500,000.

The proposed amendment would impose the following restrictions on the investment by United of any of its funds in lieu of the conditions presently applicable to its investment program until United shall have secured an order under section 5 (d) of the act declaring that it has ceased to be a holding company:

1. That United shall not acquire more than 4.9 percent of the voting securities (or securities convertible into voting securities) of any public utility company or of any holding company exempt as such from the provisions of the Public Utility Holding Company Act, or of any registered holding company or its subsidiaries, the system of which has been integrated and simplified as determined by order of the Commission under section 11 of the act, but shall not acquire any voting securities (or securities convertible into voting securities) of any registered holding company or any subsidiary of such registered holding company not in compliance with section 11 of the act, and shall not acquire any voting securities of any public utility company or holding company which is or has been a statutory subsidiary of United (except that United may acquire voting securities of any such prior statutory subsidiary in accordance with the exemption afforded by Rule U-40 (a) (3)

under the act, provided such acquisition does not bring United's holdings of the voting securities of such company above the 4.9 per cent level).

2. That all other acquisitions of securities by United shall be subject to such limitations and restrictions as have been placed upon registered investment companies by the Investment Company Act of 1940, and the rules and regulations thereunder.

3. That United file with the Commission quarterly reports prescribed by section 30 (b) (1) of the Investment Company Act of 1940 and Rule N-30B1-1 promulgated thereunder.

4. That United transmit to its stockholders, at least semi-annually, reports prescribed by section 30 (d) of the Investment Company Act of 1940 and Rule N-30D-1 promulgated thereunder.

In addition, United has submitted formal statements of investment and fundamental policy pursuant to sections 8 (b) (1) and (2) of the Investment Company Act of 1940, which it proposes to follow pending the issuance of an order of the Commission under section 5 (d) of the act, and also a proposal to conform with the requirements of certain designated sections of the 1940 act to the extent that such conformity is not inconsistent with the requirements of the 1935 act.

United requests that the Commission's order to be entered herein become effective forthwith upon its issuance.

Notice is further given that any interested person may, not later than April 16, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 16, 1954, said application, as filed or as amended, may be granted, or the Commission may take such other action as it deems necessary or appropriate.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2604; Filed, Apr. 7, 1954;
8:50 a. m.]

[File No. 70-3209]

CENTRAL POWER AND LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUE AND SALE OF NEW BONDS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY AND PARTIAL REDEMPTION OF OUTSTANDING BONDS

APRIL 2, 1954.

Central Power and Light Company ("Central"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed

with this Commission a declaration, and an amendment thereto, pursuant to sections 6 (a), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 promulgated thereunder, with respect to the following proposed transactions.

Central proposes (a) to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$18,000,000 in principal amount of its First Mortgage Bonds ("New Bonds") Series F, -- percent, to be dated April 1, 1954, and to mature April 1, 1984, and (b) to redeem in May, 1954, at 105.68 percent of principal and accrued interest to the redemption date, the \$8,000,000 in principal amount of its presently outstanding First Mortgage Bonds, Series E, 4½ percent, due May 1, 1953.

The New Bonds will be issued under and secured by an Indenture of Mortgage, dated November 1, 1943, between Central and The First National Bank of Chicago and Robert L. Grinnell, as Trustees, as amended by indentures supplemental thereto (the last supplemental indenture being dated May 1, 1953) and to be further amended by a proposed Supplemental Indenture to be dated April 1, 1954, between Central and the Trustees under said Indenture. The interest rate and the price to be paid Central for the New Bonds will be determined by the bidding, except that the invitation for bids will specify that the price (exclusive of accrued interest) to be paid the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount thereof.

Central represents that the net proceeds (exclusive of accrued interest) to be received from the issuance and sale of the New Bonds will be used as follows: (a) approximately \$10,000,000 will be applied toward the payment of the cost of Central's construction program, estimated in the amount of \$48,000,000 for the years 1954-1955, and (b) approximately \$8,000,000, together with other company funds to the extent required, will be used to redeem as aforesaid Central's presently outstanding First Mortgage Bonds, Series E, which redemption will require approximately \$8,454,400, exclusive of accrued interest.

No State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses of the issuance and sale, other than underwriter's commission or compensation, are estimated as follows:

Securities and Exchange Commission	
filing fee.....	\$1,872
Federal original issuance stamp tax.....	19,800
Printing of registration statement, prospectus, bidding documents, supplemental indenture, etc.....	7,000
Preparation of bond pieces.....	3,600
Trustee's fees:	
Redemption of Series E bonds.....	2,600
Authentication of Series F bonds.....	8,450
Accountant's fees.....	1,500
Fees for recording of supplemental indenture.....	1,000
Fee of Middle West Service Co.....	7,000
Miscellaneous expenses, including traveling, telephone, etc.....	1,678
Total estimated expenses.....	54,500

Counsel fees of Stevenson, Dendler, Bailey & McCabe, counsel for Central are covered by annual retainer or salary agreements. The fees (\$8,000) and disbursements (estimated at not more than \$250) of Isham, Lincoln & Beale, counsel for the purchasers, are to be paid by the successful bidders. In addition, the company will reimburse the successful bidders for all fees and expenses payable to Isham, Lincoln & Beale in an amount not exceeding \$2,500 which is the estimated aggregate of expenditures in connection with the qualification or registration of said bonds under state securities laws.

Central requests that this Commission's order to be issued herein become effective forthwith upon its issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested or ordered by the Commission; and the Commission having examined the filing and finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and that the fees and expenses as estimated are not unreasonable; and the Commission deeming it in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be and it hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission,

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 54-2602; Filed, Apr. 7, 1954;
8:50 a. m.]

[File No. 70-3221]

NORTHERN STATES POWER CO.

ORDER REGARDING ISSUANCE AND SALE OF COMMON AND PREFERRED STOCK BY REGISTERED HOLDING COMPANY AND ISSUANCE AND SALE OF COMMON STOCK OF SUBSIDIARY TO PARENT

APRIL 2, 1954.

In the matter of Northern States Power Company (A Minnesota Corporation), and Northern States Power Company (A Wisconsin Corporation) File No. 70-3221.

Northern States Power Company, a Minnesota Corporation ("Minnesota"), a registered holding company and a public-utility company, and its public-utility subsidiary, Northern States Power Company, a Wisconsin Corporation ("Wisconsin"), having filed with this Commission an application-declaration, as amended, pursuant to sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23, U-24, U-43, and U-50 promulgated thereunder, regarding certain proposed transactions which are summarized as follows:

Minnesota proposes to issue and sell 1,219,856 additional shares of its common

stock of the par value of \$5 per share and 150,000 shares of a new series of its cumulative preferred stock of the par value of \$100 per share (such class being hereinafter referred to as the "Preferred Stock").

Wisconsin proposes to issue and sell, and Minnesota proposes to purchase and acquire, during the balance of the year 1954, an aggregate of not to exceed 40,000 shares of the par value of \$100 per share of the common stock of Wisconsin at \$100 per share.

Minnesota proposes to issue and sell the 1,219,856 shares of its common stock by (a) offering said shares to the holders of its common stock on the basis of one share for each ten shares held and at a subscription price to be determined by Minnesota at a later date (which subscription price will be less than the last reported sale price on the New York Stock Exchange prior to the time the subscription price is fixed, but not less than \$13.50 per share), the right to subscribe to be evidenced by subscription warrants; and (b) selling at such subscription price, pursuant to the competitive bidding requirements of Rule U-50, such of the above shares of common stock as are not subscribed for plus any of the outstanding shares of common stock of Minnesota acquired by the Company in connection with stabilization transactions. Minnesota may make purchases of not to exceed 60,993 shares (being a number of shares equal to approximately 5 percent of the new shares of common stock to be issued by Minnesota) of its presently outstanding stock in order to facilitate the proposed offering and sale of additional shares of its common stock or to stabilize the market price therefor. If the number of shares of common stock held of record by any shareholder is not evenly divisible by ten, the warrant such shareholder will receive will entitle him to subscribe for one share in lieu of the fraction of a share to which he would otherwise be entitled.

The additional shares of preferred stock of Minnesota, to be known as Cumulative Preferred Stock, \$----- Series, will be sold pursuant to the competitive bidding requirements of Rule U-50, the price (which shall be not more than \$102.75 per share nor less than \$100 per share) and the annual dividend rate (which shall be a multiple of 4 cents) to be fixed as a result of the bidding.

It is stated that the proceeds of the sale of additional shares of common and preferred stock by Minnesota and the proceeds of the sale of additional shares of common stock by Wisconsin, together with other corporate funds, will be used for the purpose of retiring \$20,000,000 of bank loans of Minnesota evidenced by its promissory notes maturing July 15, 1954, and \$2,500,000 of bank loans of Wisconsin evidenced by its promissory notes maturing June 9, 1954, and to finance new construction. Minnesota estimates that the expenditures of it and its subsidiaries for construction during 1954 will aggregate approximately \$52,360,000.

The application-declaration, as amended, further states that no State commission, other than the Public Serv-

ice Commission of North Dakota, or Federal commission, other than this Commission, has jurisdiction over the transaction proposed by Minnesota, that the issuance and sale of common stock by Wisconsin is subject to the authorization by the Public Service Commission of Wisconsin; and that the necessary authorizations of said two State Commissions have been obtained.

Fees and expenses are estimated as follows:

MINNESOTA

Description of items	150,000 shares of cumulative preferred stock	1,219,856 shares of common stock	Total
Registration fee under the Securities Act of 1933.....	\$1,560	\$1,921	\$3,481
Federal documentary stamps.....	16,500	7,700	24,200
State qualification fees and expenses.....	1,000	1,000	2,000
Printing, engraving and stationery.....	13,000	33,000	46,000
Accounting services, Haskins & Sells.....	1,600	1,600	3,200
Legal fees of company counsel, Flynn & Clerkin.....	10,000	15,000	25,000
New York Stock Exchange, listing fee.....		3,000	3,000
Fees and expenses of the subscription agents namely, Northwestern National Bank of Minneapolis, First National Bank of Minneapolis, First Trust Co. of Saint Paul, Guaranty Trust Co. of New York, and Continental Illinois National Bank & Trust Co. of Chicago.....		41,500	41,500
Fees of Pioneer Service & Engineering Co.: Transfer agent's service.....	300	10,500	10,800
Other fiscal service.....	600	13,000	14,200
Registrars' fees.....	700	5,350	6,050
Postage and express.....	500	10,000	10,500
Miscellaneous, including traveling, telephone tolls, and other out-of-pocket expenses.....	6,100	7,779	13,959
Total.....	52,000	152,000	204,000

WISCONSIN

Description of items	Amount
Secretary of State of Wisconsin— Fee relating to increase in authorized capital stock.....	\$10,000
Public Service Commission of Wisconsin—Fee paid relating to application for authority to issue shares.....	4,000
Federal documentary stamps.....	4,400
Legal fees.....	1,700
Miscellaneous expenses.....	600
Total.....	20,700

It further appears that the proposed fee of Gardner, Carton, Douglas, Roemer & Chilgren, counsel for the successful bidders for Minnesota's Preferred Stock and Common Stock, is \$11,500 of which \$5,000 is to be paid on account of the Preferred Stock and \$6,500 is to be paid on account of the Common Stock, said amounts to be paid by the respective successful bidders.

Applicants-declarants request that this Commission's order become effective upon issuance.

Notice of the filing of the application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the applicable provisions of the act and rules thereunder are satisfied and that it is not necessary to impose any terms and conditions other than those set forth below; that the estimated fees and expenses are not unreasonable provided they do not exceed the estimates; and that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that the application-declaration be and the same is hereby, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50 and to the following additional terms and conditions:

So long as any shares of the Cumulative Preferred Stock, \$----- Series (the Series permitted to be issued pursuant to this order) of Minnesota (hereinafter referred to as the Corporation) are outstanding:

1. The Corporation shall not, without the consent (given in writing or by vote at a meeting duly called for that purpose) of the holders of a majority of the total number of shares of the Preferred Stock then outstanding:

A. Issue any unsecured notes, debentures or other securities representing unsecured indebtedness, or assume any such unsecured securities, for purposes other than the refunding or renewal of outstanding unsecured securities theretofore issued or assumed by the Corporation resulting in longer maturities, or the redemption or other retirement of all outstanding shares of the Preferred Stock, if immediately after such issue or assumption, the total outstanding principal amount of all unsecured debt will thereby exceed 10 percent of the aggregate of (i) the total principal amount of all bonds or other securities representing secured indebtedness issued or assumed by the Corporation and then to be outstanding, and (ii) the capital and surplus of the Corporation (including all earned surplus, paid-in surplus, capital surplus or other surplus of the Corporation) as then to be stated on the books of account of the Corporation;

B. Merge or consolidate with or into any other corporation or corporations or sell or otherwise dispose of all or substantially all of the assets of the Corporation, unless such merger or consolidation or sale or other disposition, or the issuance or assumption of all securities to be issued or assumed in connection with any such merger or consolidation or sale or other disposition shall have been ordered, approved or permitted pursuant to the provisions of the act; provided that the provisions of this clause shall not apply to a purchase or other acquisition by the Corporation of the franchises or other assets of another corporation, or otherwise apply in any matter which does not involve a merger or consolidation.

2. The Corporation shall not, after the termination of twelve months subsequent to the authorization of any class of stock (or security convertible into shares of any stock), which shall be pre-

ferred as to assets or dividends over the Preferred Stock, issue any such security unless the consent (given by a vote at a meeting duly called for that purpose in accordance with the provisions of its by-laws) is obtained of the holders of at least two-thirds of the total number of shares of Preferred Stock then outstanding, without regard to series.

3. The Corporation shall not redeem, purchase or otherwise acquire less than all of the shares of the Preferred Stock, if, at the time of such redemption, purchase or other acquisition, dividends payable on the preferred stock shall be in default in whole or in part, unless prior to or concurrently with such redemption, purchase or other acquisition all such defaults shall have been cured or unless approval of such redemption, purchase or other acquisition shall have been ordered, approved or permitted pursuant to the provisions of the act.

4. The Corporation shall not, without the consent (given by a vote at a meeting duly called for the purpose in accordance with the provisions of the By-Laws) of the holders of at least two-thirds of the total number of shares of Preferred Stock then outstanding, issue or sell additional preferred stock ranking on a parity with the outstanding Preferred Stock, or reissue reacquired Preferred Stock, unless the aggregate of the capital of the Corporation applicable to all stock of any class ranking junior to the Preferred Stock, plus the surplus of the Corporation, as defined in Article V (10) (B) of the Articles of Incorporation, shall be not less than the aggregate amount payable upon involuntary liquidation, dissolution or winding up of the affairs of the Corporation to the holders of all shares of (i) Preferred Stock and (ii) of any shares of stock of any class ranking prior thereto or on a parity therewith to be obtained outstanding immediately after such proposed issue, excluding from such computation all indebtedness and stock to be retired through such proposed issue. No portion of the surplus of the company utilized to satisfy the foregoing requirements shall be available for dividends (other than dividends payable in stock of any class ranking junior to the Preferred Stock) or other distributions upon or in respect of shares of stock of the Corporation of any class ranking junior to the Preferred Stock or for the purchase of shares of such junior stock until such number of additional shares of Preferred Stock or of stock, or securities convertible into stock, ranking prior to or on a parity with the Preferred Stock are retired or until and to the extent that the capital applicable to such junior stock shall have been increased.

5. In computing the capitalization ratio for all the purposes set forth in the Corporation's Articles of Incorporation, the capital represented by the common stock shall not include premiums over par value of any other class of stock.

6. In determining, for the purposes set forth in the Corporation's Articles of Incorporation, the sum of total capital and surplus, there shall be included therein an amount equal to the excess,

if any, of (i) the aggregate amount payable on involuntary dissolution, liquidation or winding up of the Corporation upon all outstanding shares of stock having a preference over the common stock, over (ii) the aggregate stated or par value of such shares.

7. Any provision herein or in the Corporation's Articles of Incorporation which requires the vote of approval or consent of a specified fraction or percentage of a number of shares of the Preferred Stock as a class prior to taking specified action, shall be deemed to require not only the vote or consent of the specified fraction or percentage of a number of shares but also the vote or consent of the same fraction or percentage of votes entitled to be cast (bearing in mind that under paragraph 5 (a) of Article V of the Corporation's Articles of Incorporation each share of the "\$4.80 Series" and of the "\$3.60 Series" of Preferred Stock is entitled to three votes per share, while each share of the "\$4.10 Series" and the Series presently being permitted to be issued is entitled to one vote per share).

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 54-2605; Filed, Apr. 7, 1954;
8:51 a. m.]

[File No. 70-3234]

EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING REGARDING ISSUE AND SALE TO BANK OF SHORT-TERM PROMISSORY NOTE

APRIL 2, 1954.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 7 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

EUA proposes to issue and sell to The First National Bank of Boston an unsecured promissory note in the principal amount of \$2,000,000. Said note will be outstanding for a period not to exceed six months from April 19, 1954, and will bear interest at the prime rate in effect on April 20, 1954 (April 19, 1954, being a legal holiday in Boston). Upon 10 days written notice said note may be prepaid in whole or in part without premium.

At the present time EUA has outstanding bank indebtedness in the principal amount of \$2,000,000 which bears interest at 3¼ percent per annum and matures April 19, 1954. The purpose of said proposed note is to extend or renew this bank indebtedness for a period not to exceed six months. It is contemplated by EUA that the proposed note will be retired through the sale of a sufficient number of its common shares to raise approximately \$2,000,000 of equity capital at the earliest practicable date but not later than October 1, 1954, market conditions for the EUA shares being favorable.

EUA's expenses in connection with the issuance of said note, including counsel fees and expenses estimated at \$600, are estimated not to exceed \$700. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than April 15, 1954, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be 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 Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2603; Filed, Apr. 7, 1954;
8:50 a. m.]

[File No. 812-868]

E. I. DU PONT DE NEMOURS AND CO. AND
CANADIAN INDUSTRIES, LTD.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING CERTAIN
TRANSACTIONS BETWEEN AFFILIATES

APRIL 2, 1954.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Du Pont"), which is controlled by Christiana Securities Corporation, a registered closed-end non-diversified investment company, which in turn is controlled by Delaware Realty and Investment Company, also a registered closed-end non-diversified investment company, and Canadian Industries Limited ("CIL"), a jointly controlled subsidiary of Du Pont, and Imperial Chemical Industries of Canada Limited ("ICI of Canada"), the latter company a wholly owned subsidiary of Imperial Chemical Industries, Limited ("ICI"), a British corporation, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act a proposed plan of Compromise and Arrangement ("Plan") under section 126 of The Companies Act of Canada, whereby the business and assets of CIL would be divided and transferred to two new Canadian operating companies. The applicants have requested in the alternative that an order be issued pursuant to section 6 (c) of the act exempting from the provisions of the act the transactions pursuant to

the Plan or a ruling that such transactions are not covered by the act.

CIL is primarily a chemical manufacturing concern, producing in Canada such products as agricultural and industrial chemicals, ammunition, cellophane, explosives, "Fabrikoid", nylon, paint and varnish and polythene. It also resells in Canada certain related products of Du Pont, ICI and others.

CIL has outstanding 7,059,081 shares of common stock of which 2,952,655 shares (41.8 percent) are owned by Du Pont, 2,952,655 shares (41.8 percent) are owned by ICI of Canada, and the remaining 1,153,771 shares (16.4 percent) are held by approximately 3,000 public minority stockholders. CIL also has outstanding 46,500 shares of \$100 par value non-redeemable 7 percent preferred stock, all held by the public. United States citizens own 3.0 percent of CIL common stock and 6.2 percent of the CIL preferred stock.

The United States District Court for the Southern District of New York entered a final judgment on July 30, 1952 in the case of United States of America v. Imperial Chemical Industries Limited, E. I. du Pont de Nemours and Company, et al. (Civil Action 24-13) 100 F. Supp. 504, 105 F. Supp. 215, which judgment ordered Du Pont and ICI to terminate their joint interests in CIL (and in certain other jointly owned companies) either by the sale of the CIL shares owned by one or both of the parties, or by segregation or physical division of the plants and properties of CIL.

Du Pont and ICI have determined that a segregation and physical division of the plants and properties of CIL between ICI and Du Pont is the most feasible method of complying with the decree of the court. Accordingly, a Compromise or Arrangement under section 126 of The Companies Act of Canada was formulated. Under this proposed Plan CIL's business and assets will be divided and transferred to two new operating companies to be known as Canadian Industries (1954) Limited ("CIL 54") and Du Pont Company of Canada Limited ("Du Pont of Canada"). ICI of Canada will become the principal common stockholder in CIL 54; the remainder of the CIL 54 common stock will be held by CIL's present minority stockholders and all of its preferred stock will be held by CIL's existing preferred stockholders. The present CIL company, which will become a holding company under the name of Du Pont of Canada Securities Limited ("Du Pont Securities") will be the only shareholder in Du Pont of Canada. Du Pont will be the principal common stockholder in Du Pont Securities and the remainder of the Du Pont Securities' common stock will be held by CIL's present minority common stockholders and all of its preferred stock will be held by CIL's existing preferred stockholders. This holding company arrangement, it is stated, is necessitated by certain tax considerations.

The above allocation of securities of the new companies will be accomplished by giving to the minority common stockholders of CIL, in place of each share of CIL common stock held, (a) $1\frac{1}{10}$ shares of common stock of CIL 54 and (b) $1\frac{1}{10}$

shares of common stock of Du Pont Securities. ICI of Canada will, in place of each share of common stock of CIL presently held, receive 2 shares of common stock of CIL 54 but no shares of Du Pont Securities. On the other hand, Du Pont will, in place of each share of common stock of CIL presently held, receive two shares of common stock of Du Pont Securities but no shares of CIL 54.

Holders of the existing CIL cumulative non-redeemable 7 percent \$100 par value preferred stock will receive for each share thereof (a) one share of cumulative non-redeemable $7\frac{1}{2}$ percent \$50 par value preferred stock of CIL 54 and (b) one share of cumulative non-redeemable $7\frac{1}{2}$ percent \$50 par value preferred stock of Du Pont Securities. Du Pont will reimburse those CIL shareholders who are subject to United States Federal income taxes, for estimated United States income taxes resulting from the exchange of CIL stock for stock of CIL 54. Du Pont estimates that the amount of such reimbursement will be approximately \$1,000,000.

Under the proposed Plan the assets being transferred to Du Pont of Canada comprise principally CIL's business of cellophane and nylon and the principal assets being transferred to CIL 54 consist of the agricultural chemicals, chemicals, polythene, ammunition, explosives, "Fabrikoid," paint and varnish departments and certain subsidiary companies of CIL.

It is stated in the application that at the commencement of negotiations it was agreed that the business and assets of CIL should be so divided as to place in each of the two new companies properties from which an approximately equal volume of earnings over the near future might be anticipated.

The Plan also provides that the residual assets and liabilities of CIL are to be so allocated that all of the assets of CIL would be equally divided between Du Pont of Canada and CIL 54. The application indicates that if the Plan had been consummated on December 31, 1953, the net assets, on the basis of book values, proposed to be transferred to each of the new companies would be approximately \$45,500,000.

Applicants state that the agreement finally reached represents a fair and equitable arrangement and that the requested order of exemption from the provisions of section 17 (a) of the act should be granted for the reason that the proposed transactions will be, on the basis of business judgment, the most effective means of achieving compliance with the judgment of the United States District Court for the Southern District of New York, at the same time protecting Du Pont and its shareholders.

The application also states that this Plan, which is a modification of an earlier plan approved on April 7, 1953, by the United States District Court for the Southern District of New York, was approved by the same court on January 21, 1954. The Plan must also be approved under The Canadian Companies Act by an appropriate Canadian court, after it has been approved by the stockholders of CIL, before it can be consummated.

Section 17 (a) of the act, among other things, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling to, or purchasing from, any company controlled by such registered investment company any securities or property unless the Commission upon application pursuant to section 17 (b) of the act grants an exemption from the provisions of section 17 (a). Section 17 (b) provides that the Commission shall grant such exemption and issue an exemptive order if the evidence establishes that (1) the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, (2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and (3) the proposed transaction is consistent with the general purposes of this title.

Section 6 (c) of the act provides that the Commission, among other things, by order upon application may conditionally or unconditionally exempt any person, securities, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than April 19, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest and 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 communication or 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 may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2606; Filed, Apr. 7, 1954;
8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29086]

ANIMAL OR POULTRY FEED FROM MASON
CITY, ILL., TO MISSISSIPPI, LOUISIANA,
AND ALABAMA

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Animal or poultry feed, carloads.

From: Mason City, Illinois.

To: Meridian, Enterprise, Hattiesburg, Laurel, Lumberton, and Columbus, Miss., New Orleans, La., and Mobile, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 776, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2610; Filed, Apr. 7, 1954;
8:52 a. m.]

[4th Sec. Application 29087]

CAST IRON PIPE FROM THE SOUTH TO
TEXAS

APPLICATION FOR RELIEF

APRIL 5, 1954.

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: Cast iron pipe and related articles, carloads.

From: Birmingham, Ala., and points grouped therewith, Chattanooga and Nashville, Tenn., Atlanta and Roseland, Ga.

To: Houston, Galveston and Texas City, Texas.

Grounds for relief: Competition with rail carriers, circuitous routes and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1374, supp. 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 in-

terest, 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,
Secretary.

[F. R. Doc. 54-2611; Filed, Apr. 7, 1954;
8:52 a. m.]

[4th Sec. Application 29088]

CREOSOTE OIL SOLUTION FROM GOOD
HOPE, LA., TO HATTIESBURG, MISS.

APPLICATION FOR RELIEF

APRIL 5, 1954.

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 Fernwood, Columbia & Gulf Railroad Company and other carriers named on page 1 of the application.

Commodities involved: Creosote oil solution (creosote oil and tar), carloads and tank-car loads.

From: Good Hope, La.
To: Hattiesburg, Miss.

Grounds for relief: Competition with rail carriers and 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,
Secretary.

[F. R. Doc. 54-2612; Filed, Apr. 7, 1954;
8:52 a. m.]

[4th Sec. Application 29089]

VARIOUS COMMODITIES FROM TRUNK LINE
AND NEW ENGLAND TERRITORIES TO
CERTAIN OTHER TERRITORIES

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and Frank Van Ummersen, Agents, for carriers parties to tariffs shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in central, southern, trunk-line and New England territories.

Grounds for relief: Competition with rail carriers, and 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,
Secretary.

[F. R. Doc. 54-2613; Filed, Apr. 7, 1954;
8:53 a. m.]

[4th Sec. Application 29090]

AMMUNITION BOXES FROM BIRMINGHAM, ALA., TO JOLIET ARSENAL (AREA 2), ILL.

APPLICATION FOR RELIEF

APRIL 5, 1954.

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 I. C. C. No. 1351, pursuant to fourth-section order No. 16101.

Commodities involved: Boxes, ammunition or shell shipping, wooden, carloads.

From: Birmingham, Ala.

To: Joliet Arsenal (Area 2), Ill.

Grounds for relief: Rail competition, circuitry, and 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 investi-

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gate 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,
Secretary.

[F. R. Doc. 54-2614; Filed, Apr. 7, 1954;
8:53 a. m.]

[4th Sec. Application 29091]

PAPER AND PAPER ARTICLES FROM OFFICIAL TERRITORY TO LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

APRIL 5, 1954.

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 Frank Van Ummersen's tariff I. C. C. No. 610, and other tariffs, pursuant to fourth-section order No. 16101.

Commodities involved: Paper and paper articles, carloads.

From: Points in official territory.

To: Lower Mississippi River Crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Competition with rail carriers, circuitous routes, and 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,
Secretary.

[F. R. Doc. 54-2615; Filed, Apr. 7, 1954;
8:53 a. m.]

[4th Sec. Application 29092]

PAPER ARTICLES FROM THE SOUTHWEST TO MEMPHIS, TENN., AND NATCHEZ AND VICKSBURG, MISS.

APPLICATION FOR RELIEF

APRIL 5, 1954.

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: Paper and paper articles including pulpboard, and paper boxes, carloads.

From: Specified points in Arkansas, Louisiana and Texas.

To: Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Rail competition, circuitry, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 39.

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,
Secretary.

[F. R. Doc. 54-2616; Filed, Apr. 7, 1954;
8:53 a. m.]

[4th Sec. Application 29093]

PEANUTS FROM ALABAMA, FLORIDA AND GEORGIA TO CAMDEN, N. J.

APPLICATION FOR RELIEF

APRIL 5, 1954.

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: Peanuts, in the shell or shelled, carloads.

From: Points in Alabama, Florida and Georgia.

To: Camden, N. J.

Grounds for relief: Competition with rail carriers, circuitry, to maintain grouping, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 887, supp. 149.

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,
Secretary.

[F. R. Doc. 54-2617; Filed, Apr. 7, 1954;
8:53 a. m.]

[No. 31479]

NORTH CAROLINA INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 26th day of March A. D. 1954.

It appearing, that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179; 281 I. C. C. 557; 284 I. C. C. 589, and 289 I. C. C. 395, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made.

It further appearing, that a petition, dated March 10, 1954, has been filed by the Aberdeen & Rockfish Railroad Company and other common carriers by railroad operating to, from, and between points in the State of North Carolina, averring that the North Carolina Utilities Commission has refused to permit petitioners to establish, for the intrastate transportation upon their railroads in North Carolina, increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners on interstate traffic in the proceeding above cited; such refusal being alleged in the manner and to the extent as more fully set forth in the said petition;

It further appearing, that petitioners allege that the refusal of the North Carolina Utilities Commission to permit the increase on intrastate traffic referred to in the preceding paragraph causes and results in undue or unreasonable advantage, preference, and prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate or foreign commerce, in violation of section 13 of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by the authority of the State of North Carolina;

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents

hereafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of North Carolina, for the intrastate transportation of property, made or imposed by authority of the State of North Carolina, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceeding cited above, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, and any undue, unreasonable or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of North Carolina which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of North Carolina be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the North Carolina Utilities Commission at Raleigh, N. C.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby assigned for hearing May 11, 1954, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 a. m. local daylight saving time, if that time is observed) at the rooms of the North Carolina Utilities Commission, Raleigh, N. C., before Examiner P. O. Carter.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2618; Filed, Apr. 7, 1954;
8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19122, Amdt.]

LOUIS VERSEL

In re: Real Property owned by the personal representatives, heirs, next of kin, legatees and distributees of Louis Versel, also known as Louis Vershel, deceased, D-28-13143.

Vesting Order 19122, dated January 19, 1953, is hereby amended to read as follows:

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 the personal representatives, heirs, next of kin, legatees and distributees of Louis Versel, also known as Louis Vershel, deceased, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-half ($\frac{1}{2}$) interest in real property situated in the County of Aransas, State of Texas, and particularly described as Lot No. 7 in Block No. 229, being the same property conveyed to Louis Vershel, Sherman, Texas, by O. J. Dutton, W. Amos Moore and W. H. Wilcox, Trustees, by deed dated March 3, 1910, numbered 156 and recorded April 18, 1910, in the office of the County Clerk of Aransas County, Texas, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

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 personal representatives, heirs, next of kin, legatees and distributees of Louis Versel, also known as Louis Vershel, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, 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 April 5, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-2627; Filed Apr. 7, 1954;
8:54 a. m.]

ARAMO STIFTUNG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Aramo-Stiftung, Vaduz, Liechtenstein, Claim No. 37840; \$50,000 in cash in the Treasury of the United States.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2628; Filed, Apr. 7, 1954;
8:54 a. m.]

VERA SILOTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Vera Siloti, Freiburg (Baden), Germany (French Zone), Claim No. 42176, Docket No.

1659, (D 28-10170); all right, title, interest and claim of any kind or character whatsoever of Vera Siloti, in and to the trust created under the will of Alexander Siloti, deceased, now being administered by Alexis Goldenweiser as trustee, appointed by the Surrogate's Court of New York County, New York.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2629; Filed, Apr. 7, 1954;
8:54 a. m.]

SHOSHICHIRO SASAMURA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Shoshichiro Sasamura, 141-6, 2-chome Nozawamachi, Setagaya-Ku, Tokyo, Japan, Claim No. 60766; \$3,042.39 in the Treasury of the United States.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2630; Filed, Apr. 7, 1954;
8:54 a. m.]

PHILIPPE ALEXIS JEAN CARRE, AND JACQUES LOUIS ALEXIS MAURICE CARRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of in-

tention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., and Property

Philippe Alexis Jean Carre, Paris, France, Claim No. 41456; Jacques Louis Alexis Maurice Carre, Paris, France; Claim No. 41457; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,141,514, an undivided one-half thereof to each claimant.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2631; Filed, Apr. 7, 1954;
8:54 a. m.]

ALBERT GASTON JARRY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Albert Gaston Jarry, Ris Orangis (Seine et Oise), France, Claim No. 41773; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,169,647.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2632; Filed, Apr. 7, 1954;
8:54 a. m.]