

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

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

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM FLUE-CURED

Set forth below is schedule of advance rates, by grades, for the 1950 crop of types 11-14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 8, 1950, 15 F. R. 4333.

§ 664.212 1950 crop; flue-cured tobacco, Types 11-14, advance schedule.¹

[Dollars per hundred pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
A1L	70.12	B4F	45.12
A2L	68.12	B5F	34.12
A3L	66.12	B6F	24.12
A1P	68.12	B1R	53.12
A2P	66.12	B2R	45.12
A3P	60.12	B3R	36.12
A1R	62.12	B4R	27.12
A2R	56.12	B5R	19.12
A3R	50.12	B6R	14.12
B1L	65.12	B3D	29.12
B2L	62.12	B4D	21.12
B3L	55.12	B5D	14.12
B4L	51.12	B6D	10.12
B5L	44.12	B3LV	52.12
B6L	32.12	B4LV	46.12
B1P	62.12	B5LV	38.12
B2P	58.12	B3FV	46.12
B3P	51.12	B4FV	38.12

¹ The advance rates quoted above are applicable to tied flue-cured tobacco. Rates for untied flue-cured tobacco are four dollars (\$4.00) per hundred pounds less for each grade. The Cooperative Association through which the loans are made is authorized to deduct from the amount paid to the grower 12 cents per hundred pounds to apply against the overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer and at these rates only if produced on a cooperating farm. Tobacco graded "W" (unsafe order), "U" (unsound), "DAM" (damaged), N2L, N2R, N2G, or N-K will not be accepted.

[Dollars per hundred pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
B5FV	30.12	C4F	65.12
B3FM	43.12	C5F	58.12
B4FM	37.12	C4LV	59.12
B5FM	29.12	C5LV	52.12
B4FK	34.12	C4FM	50.12
B5FK	27.12	C5FM	44.12
B4GL	39.12	X1L	66.12
B5GL	31.12	X2L	65.12
B6GL	25.12	X3L	59.12
B4GP	33.12	X4L	48.12
B5GP	27.12	X5L	34.12
B6GP	21.12	X1P	65.12
B4GR	19.12	X2P	64.12
B5GR	13.12	X3P	57.12
B6GR	11.12	X4P	44.12
H1L	66.12	X5P	30.12
H2L	65.12	X3R	38.12
H3L	63.12	X4R	28.12
H4L	56.12	X5R	20.12
H5L	50.12	X3LV	46.12
H6L	40.12	X4LV	38.12
H1P	64.12	X3FV	42.12
H2P	63.12	X4FV	34.12
H3P	58.12	X3FM	42.12
H4P	52.12	X4FM	34.12
H5P	45.12	X5FM	24.12
H6P	32.12	X3G	30.12
H1R	54.12	X4G	24.12
H2R	50.12	X5G	18.12
H3R	46.12	P3L	50.12
H4R	39.12	P4L	39.12
H5R	31.12	P5L	24.12
H6R	23.12	P3P	46.12
C1L	69.12	P4P	33.12
C2L	60.12	P5P	20.12
C3L	68.12	P3G	27.12
C4L	66.12	P4G	20.12
C5L	60.12	P5G	15.12
C1P	69.12	N1L	10.12
C2P	69.12	N1R	10.12
C3P	68.12	N1G	10.12

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 2, 59 Stat. 506, sec. 101, Pub. Law 439, 81st Cong.; 7 U. S. C. and Sup., 1312n)

Issued this 12th day of July 1950.

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

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50-6221; Filed, July 17, 1950;
8:49 a. m.]

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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

NATIONAL ACREAGE ALLOTMENT FOR 1951 CROP

Sec.

728.103 Basis and purpose.

728.104 1951 national acreage allotment for wheat.

AUTHORITY: §§ 728.103 and 728.104 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375; apply or interpret secs. 301, 332, 333, 52 Stat. 38, 53, as amended; 7 U. S. C. and Sup. 1301, 1332, 1333.

§ 728.103 *Basis and purpose.* Sections 728.103 and 728.104 are based on sections 301, 332, and 333 of the Agricultural Adjustment Act of 1938, as amended, and its purpose is to announce the national acreage allotment for the 1951 crop of wheat. The act provides that the national acreage allotment shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof. The findings and determinations made by the Secretary in § 728.104 have been made on the basis of the latest available statistics of the Federal Government and after due consideration within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, of data, views, and recommendations received pursuant to public notice (15 F. R. 2686) given in accordance with the Administrative Procedure Act.

§ 728.104 *1951 national acreage allotment for wheat.* (a) The estimated carry-over of wheat for the marketing year beginning July 1, 1951, is 374 million bushels;

(b) A "normal year's domestic consumption and exports" of wheat are 1,172 million bushels;

(c) Imports of wheat during the marketing year beginning July 1, 1951, are estimated to be negligible;

(d) The "national average yield" of wheat is 15.8 bushels per acre;

(e) The national acreage allotment for the 1951 crop of wheat is 72,784,810 acres.

Issued at Washington, D. C., this 14th day of July 1950.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 50-6339; Filed, July 14, 1950;
3:04 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5682]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WESTERN BATT AND BEDDING CO., INC., ET AL.

Subpart—Misbranding or mislabeling: § 3.1190 *Composition; Wool Products Labeling Act.* § 3.1325 *Source or origin; Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 3.1845 *Composition; Wool Products Labeling Act.* § 3.1900 *Source or origin; Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, of woolen batts or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such woolen batts or other products, by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the qualification, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Western Batt and Bedding Company, Inc., et al., docket 5682, May 24, 1950]

In the Matter of Western Batt and Bedding Company, Inc., a Corporation, and Lee Brown, Individually and as an Officer of the Western Batt and Bedding Company, Inc.

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

complaint of the Commission, and the answer of respondents, in which joint answer respondents admit all the material allegations of fact set forth in said complaint and waive all intervening procedure, including the filing of recommended decision by the trial examiner and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939:

It is ordered, That respondents Western Batt and Bedding Company, Inc., a corporation, its officers, agents, representatives, and employees, and Lee Brown, individually, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of woolen batts or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such woolen batts, or other products, by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 per centum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; And provided, further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the man-

ner and form in which they have complied with this order.

Issued: May 24, 1950.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 50-6194; Filed, July 17, 1950;
8:47 a. m.]

[File No. 21-425]

PART 193—SLIDE FASTENER INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of July 18, 1950.

Statement by the Commission. Trade practice rules for the Slide Fastener Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of the industry are the persons, firms, corporations and organizations engaged in the manufacture, assembly, or distribution and marketing, of slide fasteners (commonly called "zip-pers"), or component parts thereof, including stringers, fastener chains, sliders, pulls, bottom and top stops, and separating end components, whether of metal, plastic, or other material. Total gross sales of the industry in 1948 at wholesale are estimated at between 60 and 70 million dollars.

The rules are directed to the elimination and prevention of various unfair trade practices and are issued in the interest of protecting the purchasing public and maintaining fair competitive conditions in the industry. To this end the rules provide a helpful guide to all members of the industry.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held under Commission auspices in New York City, at which proposals for rules were submitted for consideration of the Commission. Thereafter, a draft of proposed rules was released by the Commission and public hearing thereon held in Washington, D. C., at which all interested or affected parties were afforded opportunity to present their views, suggestions, or objections regarding the rules. Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days from date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec.

193.0 Definitions.

GROUP I

- 193.1 Misrepresentation in general.
- 193.2 Deception as to used materials.
- 193.3 Disclosure as to foreign origin of imported slide fasteners.
- 193.4 Deception as to length.
- 193.5 Exclusive deals and lifting of stocks.
- 193.6 Use of "loss leaders".
- 193.7 Selling below cost.
- 193.8 Discriminatory returns.
- 193.9 False or deceptive selling methods.
- 193.10 Coercing purchase of one product as a prerequisite to the purchase of other products.
- 193.11 Substitution of products.
- 193.12 Consignment distribution.
- 193.13 False invoicing.
- 193.14 Unlawful coercion or combinations in restraint of trade.
- 193.15 Commercial bribery.
- 193.16 Enticing away employees of competitors.
- 193.17 Defamation of competitors or disparagement of their products.
- 193.18 Procurement of competitor's confidential information.
- 193.19 Imitation or simulation of trade-marks, trade names, etc.
- 193.20 Inducing breach of contract.
- 193.21 Unfair threats of infringement suits.
- 193.22 Prohibited discrimination.
- 193.23 Aiding or abetting use of unfair trade practices.

GROUP II

- 193.101 Arbitration.
- 193.102 Repudiation of contracts.
- 193.103 Price lists.
- 193.104 Return of merchandise.
- 193.105 Dissemination of credit information.
- 193.106 Filing of trade-marks, etc.
- 193.107 Giving of samples.

AUTHORITY: §§ 193.0 to 193.107 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46.

§ 193.0 Definitions. For purposes of this part the following definitions of industry products shall apply:

(a) "Slide fastener," "fastener," or "zipper" shall mean a pair of fastener stringers, each having a series of cooperating fastener elements, portions, or scoops arranged along their adjacent longitudinal edges, or a continuous portion arranged along the longitudinal edge of one stringer which interlocks with a continuous portion along the longitudinal edge of the opposite stringer, with a slider mounted thereon for opening and closing the fastener, and with or without end stops to limit the movement thereof.

(b) "Stringer" shall mean a tape having a series of fastener elements, or scoops, or interlocking portions, arranged along the edge thereof.

(c) "Fastener chain" shall mean two slide fastener stringers, each having a series of interlocking fastener elements, scoops, or interlocking portions arranged along the opposite edges thereof and in

interlocking relation, but incomplete with respect to a slider.

(d) "Slider" shall mean a movable part for opening and closing a fastener and consisting of a pair of spaced-apart wing portions connected at one end by a neck or yoke portion to provide a channel through which pass the fastener elements, scoops, or portions to be engaged or disengaged.

(e) "Separating end components" shall mean any parts, such as pin and socket members, placed at the ends of the stringers of a slide fastener to permit complete separation of such stringers.

GROUP I

General statement. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 193.1 Misrepresentation in general. It is an unfair trade practice for any member of the industry to use, or cause or promote the use of, any advertising matter, guarantee, warranty, trade promotional literature, mark, brand, label, or other representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the grade, quality, length, weight, size, use, colorfastness, material, composition, construction, fabrication, manufacture, distribution, origin, or price or terms of sale, of any slide fastener or any component part thereof, or with respect to the character, extent, or type of the business of any industry member. [Rule 1]

§ 193.2 Deception as to used materials. (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent any slide fastener, or any component thereof, as being new when such is not true in fact.

(b) In the marketing of used, reclaimed, or second-hand slide fasteners, or fasteners containing used, reclaimed, or second-hand parts, it is an unfair trade practice to fail or refuse to make full and nondeceptive disclosure, by tag or label attached to the product, of the fact that such fasteners or components thereof are not new but are used, reclaimed, or second-hand, as the case may be, such failure or refusal to make disclosure having the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 2]

§ 193.3 Disclosure as to foreign origin of imported slide fasteners. It is an unfair trade practice for any industry member:

(a) To sell or offer for sale any slide fasteners or slide-fastener parts which have been manufactured or assembled

in a foreign country without making clear and nondeceptive disclosure to the purchasers and prospective purchasers of the name of the country in which such fasteners or parts were made or assembled; or

(b) To sell or offer for sale slide fasteners which, though assembled in this country, contain fastener chains of foreign manufacture without making clear and nondeceptive disclosure to purchasers and prospective purchasers of the name of the country in which the fastener chains have been manufactured. Such disclosure should be made in all advertisements and sales promotional literature relating to the product, and by label or tag attached to the product itself, which tags or labels should be of sufficient permanency and so affixed as to carry through to consumer-purchasers. When the product has been assembled in this country of fastener chains made in one country, and of other parts made in another or other countries, such disclosure should be so worded as to make it clear that it has application only to the fastener chain.

NOTE: Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with the requirements of the customs laws or regulations or other applicable provisions of law or regulation relating to the marking of slide fasteners or any component parts thereof.

[Rule 3]

§ 193.4 *Deception as to length.* (a) It is an unfair trade practice to misrepresent the length of any slide fastener, or to sell, offer for sale, or distribute slide fasteners under any circumstance or condition having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public concerning the length or measure of any such product.

(b) In order to avoid and prevent deception in the sale of slide fasteners, the linear measure of each slide fastener should be indicated clearly and nondeceptively on the package or other container of the product, or on label, stamp, or tag securely affixed thereto: *Provided, however,* That with respect to slide fasteners of the same length put up for the industrial or manufacturing trade and not for individual retail sale to consumer-purchasers, disclosure of the linear measure of such slide fasteners may be made on the box or other container in which such fasteners are packaged for shipment to the industrial user, or on label, stamp, or tag securely affixed thereto: *And provided further,* That the linear measure so indicated shall be the true length of the metal or plastic fastener elements and the stops and separating units, if any, when the fastener is closed, subject, however, to unavoidable variations in manufacture not to exceed applicable length of tolerances provided for in Federal Specification V-F-106, dated February 1, 1949. [Rule 4]

§ 193.5 *Exclusive deals and lifting of stocks.* It is an unfair trade practice for any member of the industry to purchase or otherwise acquire from a distributor or dealer the stock of a competitor or competitors of such industry

member, to make loans to a distributor or dealer, or to guarantee a distributor or dealer increased profits as compared with profits previously obtained in the handling of competitive products, when such acts or practices are done:

(a) Upon any express or implied condition, agreement, or understanding that the distributor or dealer will discontinue handling competitive products and will handle such member's products exclusively; or

(b) As an inducement to the distributor or dealer to discontinue handling competitive products and to handle such member's products exclusively;

and where the effect of such acts or practices may be to substantially lessen competition, or tend to create a monopoly, or to unreasonably restrain trade. [Rule 5]

§ 193.6 *Use of "loss leaders."* The practice of selling any type of slide fasteners or other industry products below the seller's cost as a "loss leader" to induce the purchase of other merchandise, the sale of the latter being used to recoup the loss sustained on the "loss leader" product so sold, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 6]

§ 193.7 *Selling below cost.* The practice of selling slide fasteners or other industry products at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition, or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section the term "cost" means the total cost to the seller, including his cost of acquisition, processing, preparation for marketing, sale, and delivery. [Rule 7]

§ 193.8 *Discriminatory returns.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one customer-purchaser against another customer-purchaser of industry products, bought from such member of the industry for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all competing customer-purchasers on proportionally equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning industry products so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* That nothing in this part shall prohibit or be used to prevent the return of merchandise by purchasers, for credit or refund of purchase price, when and because such merchandise has not been properly labeled by the seller in accordance with this part, or has been otherwise falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect is contrary to warranty or purchase contract. [Rule 8]

§ 193.9 *False or deceptive selling methods.* To use or promote the use of

any selling method or credit term which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public is an unfair trade practice. [Rule 9]

§ 193.10 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products or services as a prerequisite to the purchase of one or more other products or services, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 10]

§ 193.11 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the tendency, capacity, or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 11]

§ 193.12 *Consignment distribution.* It is an unfair trade practice for any member of the industry to use the practice of shipping slide fasteners or other industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or to unreasonably restrain trade: *Provided, however,* That nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of slide fasteners or other industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected. [Rule 12]

§ 193.13 *False invoicing.* Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 13]

§ 193.14 *Unlawful coercion or combinations in restraint of trade.* It is an unfair trade practice for a member of the industry:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more mem-

bers of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 14]

§ 193.15 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money, services, or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 15]

§ 193.16 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry willfully to entice away employees of competitors with the purpose and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition.

NOTE: Nothing in this section shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment, or as preventing manufacturers or sellers from soliciting business from any dealers or other prospective purchasers or marketers in good faith and by means of fair competitive methods.

[Rule 16]

§ 193.17 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, or conditions of employment, is an unfair trade practice. [Rule 17]

§ 193.18 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 18]

§ 193.19 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 19]

§ 193.20 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 20]

§ 193.21 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 21]

§ 193.22 *Prohibited discrimination—*
(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* In the marketing in commerce¹ of products of the industry of like grade and quality for use, consumption, or resale within the jurisdiction of the United States, and subject to subparagraph (1) (i), (ii), and (iii) of this paragraph, it is an unfair trade practice for any member of the industry engaged therein to discriminate in price between different purchasers where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with such industry member or with any person who knowingly receives the benefit of such discrimination or with their customers.

(1) The inhibitions against such discrimination in price shall be applicable irrespective of whether the discrimination in the price itself is effected in the form, or through the means, of rebates, refunds, discounts, credits, allowances, or other form of price differential.

(i) Nothing, however, herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the products are sold or delivered to said purchasers.

(ii) Nor shall anything herein contained prevent persons engaged in selling products in commerce¹ from selecting their own customers in bona fide transactions and not in restraint of trade.

¹ As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(iii) Nor shall anything herein contained prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the products concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the products concerned.

(b) *Prohibited brokerage or commissions.* In the selling of industry products in commerce,¹ it is an unfair trade practice for any member of the industry engaged therein to pay or grant, or to receive or accept, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of such products, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* In the selling of industry products in commerce¹ by any member of the industry, and in the course thereof, it is an unfair trade practice for such member to pay or contract for the payment of anything of value to or for the benefit of his customer as compensation or in consideration for certain services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of such member competing in the distribution of such products.

As used in this paragraph, the certain services or facilities referred to are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale, of such industry member's products.

(d) *Prohibited discrimination in services or facilities.* In the sale of industry products bought for resale, with or without processing, it is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course thereof, to discriminate in favor of one purchaser against another purchaser by furnishing certain services or facilities upon terms not accorded to all competing purchasers on proportionally equal terms.

Said services or facilities referred to in this paragraph are such as are connected with the processing, handling, sale, or offering for sale, of the products purchased, and the term "furnishing" as used in this paragraph shall be construed as including contracting to furnish, and contributing to the furnishing of, the services or facilities.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry, in the course of commerce¹ in which he is engaged, knowingly to induce or receive a discrimination in

price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The prohibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 22]

§ 193.23 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 23]

GROUP II

General statement. Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Non-observance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with any Group II rules is followed in such manner as to result in unfair methods of competition or unfair or deceptive acts or practices in commerce, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of Group I rules.

§ 293.101 *Arbitration.* The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration. [Rule A]

§ 193.102 *Repudiation of contracts.* Lawful contracts, either written or oral, are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is equally reprehensible and is condemned by the industry. [Rule B]

§ 193.103 *Price lists.* (a) The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists.

(b) The industry approves the practice of making the terms of sale a part of all published price schedules. [Rule C]

§ 193.104 *Return of merchandise.* The practice, by members of the industry, of selling merchandise and later permitting the purchaser to return it for credit or refund of purchase price, without just cause, creates waste and loss, increases the cost of doing business to the detriment of both the industry and the public, and is condemned by the industry, subject, however, to requirements and limitations set forth in the provisions of § 193.8. [Rule D]

§ 193.105 *Dissemination of credit information.* The industry records its ap-

proval of distributing to its members information covering delinquent and slow accounts insofar as it may be lawfully done. [Rule E]

§ 193.106 *Filing of trade-marks, etc.* To avoid confusion within the industry, it is recommended that each member thereof voluntarily file with a qualified agency designated by the industry all trade-marks, trade names, labels, or brands used by such member, and that such information be made equally available to all members of the industry and to the public. [Rule F]

§ 193.107 *Giving of samples.* The industry disapproves the giving of samples without charge except only as may be necessary to acquaint purchasers or prospective purchasers with the grade or quality of the product offered for sale, and where the giving of such samples by any member of the industry is not practiced or accomplished in such way or to such extent as to effectuate an illegal discrimination in price contrary to the provisions of § 193.22. [Rule G]

A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of the rules.

Issued: July 13, 1950.

Promulgated by the Federal Trade Commission July 18, 1950.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 50-6195; Filed, July 17, 1950;
8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administration by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1949 Supp.; 15 F. R. 584, 1073, 2082) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.208 *Aureomycin otic*—(a) *Potency.* Proceed as directed in § 141.201 (a).

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Supp., 357)

2a. In § 146.106 *Dihydrostreptomycin sulfate solution* * * * paragraph (a) *Standards of identity, etc.* is amended by adding the following new subparagraph:

(4) It may contain one or more suitable and harmless buffer substances and stabilizing agents.

b. In § 146.106, subparagraph (2) of paragraph (c) *Labeling* is amended by changing the period at the end thereof to a comma and by adding the following new clause after the quotation mark: "unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for 12 months at room temperature such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

c. In § 146.106 subparagraph (3) of paragraph (d) *Requests for certification; samples* is amended by adding the following new subdivision:

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 gm.

d. In § 146.106, subparagraph (1) of paragraph (e) *Fees* is amended by inserting "and (iv)" between "(d) (3) (iii)" and "of this section".

3. In § 146.201 *Aureomycin hydrochloride* * * * paragraph (b) *Packaging*, second sentence, is amended by inserting "unless it is intended solely for veterinary use and is conspicuously so labeled" between the words "not more than 1.0 gm." and "and each shall contain".

4. In § 146.205 *Aureomycin powder* * * * paragraph (a), first sentence, is amended to read: "Aureomycin powder is crystalline aureomycin with or without suitable and harmless buffer substances, diluents, colorings, and flavorings."

5. Part 146 is amended by adding the following new section:

§ 146.208 *Aureomycin otic* (aureomycin hydrochloride otic)—(a) *Standards of identity, strength, quality, and purity.* Aureomycin otic is a packaged combination of one immediate container of crystalline aureomycin and one immediate container of a suitable and harmless aqueous solution. The aureomycin is of such quantity that when dissolved as directed the potency of such solution is not less than 5 mg. per milliliter after it has been kept for 7 days at a temperature of 15° C. (59° F.). The aureomycin used conforms to the requirements of § 146.201 (a), except subparagraphs (2), (4), and (5) of § 146.201 (a). Each substance used in the preparation of the aqueous solution contained in the packaged combination, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each immediate container shall be a tight container as defined by the U. S. P. and shall be of such

composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) **Labeling.** Each package of aureomycin otic shall bear on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and on the immediate container of the aureomycin:

(i) The batch mark;

(ii) The number of milligrams in the immediate container;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which the batch was certified; and

(iv) The statement "Warning—Not for injection."

(2) On the outside wrapper or container and on the immediate container of the solution in the packaged combination:

(i) A statement giving the method of dissolving the aureomycin in the solution;

(ii) The potency per milliliter after the aureomycin has been dissolved therein; and

(iii) The conditions under which the solution should be stored, including a reference to its instability when stored under other conditions, and the statement "The solution may be kept in a refrigerator for 1 week without significant loss of potency."

(3) On the outside wrapper or container:

(i) The statement "Caution: To be dispensed only by or on the prescription of a physician"; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of aureomycin otic; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent to physicians on request.

(d) **Request for certification; samples.**

(1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of aureomycin otic shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of milligrams in each immediate container thereof, the date on which the latest assay of the batch was completed, the batch mark, and (unless it was previously submitted) the date on which the latest assay of the aureomycin used in making such batch was completed, the quantity of each ingredient used in making the aqueous solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such

person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The solution after the aureomycin has been dissolved therein; potency.

(iii) The aureomycin used in making the batch; potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 20 packages or more than 100 packages, collected by taking a single package at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The aureomycin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 mg., packaged in accordance with the requirements of § 146.201 (b).

(iii) In case of an initial request for certification, or when any change is made in composition of such solution; 5 packages of the solution included in the combination.

(4) No result referred to in subparagraph (2) (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) **Fees.** The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section, \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigation.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Supp., 357)

This order, which provides for a container of aureomycin intended for intravenous use larger than one gram, if it is labeled for veterinary use; for certification of aureomycin powder that is packaged with or without other suitable and harmless ingredients; for tests and methods of assay and certification of a new aureomycin preparation, aureomycin otic; and for certification of solutions of dihydrostreptomycin sulfate that contain suitable and harmless buf-

fer substances and stabilizers, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will be benefited by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for a container of aureomycin intended for intravenous use larger than 1 gram, if it is labeled for veterinary use; for the marketing of aureomycin powder that is packaged with or without other suitable and harmless ingredients; for the marketing of aureomycin otic; and for the certification of solutions of dihydrostreptomycin sulfate that contain suitable and harmless buffer substances and stabilizers.

Dated: July 11, 1950.

[SEAL]

JOHN L. THURSTON
Acting Administrator.

[F. R. Doc. 50-6193; Filed, July 17, 1950; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 282]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 259]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OKLAHOMA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 249b, is amended to read as follows:

(249b) [Revoked and decontrolled.]

This decontrols the entire Okmulgee, Oklahoma, Defense-Rental Area on the Housing Expediter's own initiative, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 251, is amended to read as follows:

(251) [Revoked and decontrolled.]

This decontrols (1) the City of Tulsa in Tulsa County, Oklahoma, a portion of the Tulsa, Oklahoma, Defense-Rental Area, and all unincorporated localities in said defense-rental area, based on a resolution submitted with respect to said City of Tulsa in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Tulsa being the major portion of said defense-rental area, and (2) the remainder of said defense-rental area, on the Housing

Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective July 14, 1950.

Issued this 13th day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6190; Filed, July 17, 1950;
8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

JOINT PROCUREMENT REGULATIONS

AIRCRAFT MANUFACTURING INDUSTRY

The Joint Procurement Regulations, formerly published in Chapter VIII, Title 10, are amended by changing § 809.1202-19 to read as follows:

§ 809.1202-19 *Aircraft manufacturing industry*—(a) *Definition*. (1) The aircraft manufacturing industry is defined as that industry which manufactures or furnishes airplanes and gliders, aircraft-type engines, aircraft-propellers, parts and accessories especially designed for use with or on the above-mentioned products such as fuselage parts, wing assemblies, empennage assemblies, lighting gear parts, aircraft engine parts, propeller parts, helicopter rotor parts, fuel systems, armament equipment, and specialized aircraft servicing equipment including special testing equipment for aircraft, engine, and propeller parts and accessories, and special tools and stand assemblies for the assembly, disassembly, and repair of aircraft and the engines, propellers, parts, and accessories therefor.

(2) Expressly excluded from the scope of the definition are lighter-than-aircraft; fabricated textile products, e. g., fabric ground covers, parachutes, safety belts, tow targets, and wind socks; pyrotechnics, e. g., cartridges for engine starters, and flares and signals; electrical and communication equipment, e. g., electrical systems and parts, including but not limited to ignition and lighting systems, batteries, spark plugs, generators, magnetos, and wire and cable and communication equipment including but not limited to radios and electronic devices; rubber products, e. g., rubber deicing equipment, rubber flotation gear, life preservers and life rafts, bonded rubber mountings and vibration dampers, tires and tubes, and rubber sundries, such as hose and belting; ground refueling systems; bearings; bolts, nuts, screws, rivets, washers, springs and other hardware and fittings; jacks, piston rings; wire rope; cameras; cabin heaters; fire extinguishers; first-aid equipment; gas-kets, lavatory equipment; engine, flight, and navigation instruments and apparatus; and aircraft air and fuel pumps and valves and flow dividers for use with such pumps.

(b) *Minimum wage*. The minimum wage for persons employed in the manufacture or furnishing of products of the aircraft manufacturing industry under

contracts subject to the Walsh-Healey Public Contracts Act shall be \$1.05 per hour arrived at either upon a time or piecework basis.

(c) *Subminimum wages authorized*. (1) Apprentices may be employed at wages below \$1.05 an hour if their employment conforms to the standards of the Federal Committee on Apprenticeship; except that no apprentice may be employed at a rate lower than 75 cents an hour.

(2) Handicapped workers (i. e., workers whose earning capacity is impaired by age or physical or mental deficiency or injury) may be employed at wages below \$1.05 an hour upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR, Parts 524 and 525, respectively) under section 14, of the Fair Labor Standards Act, as amended. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, as appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations*. Nothing in this determination shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

(e) *Effective date*. This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations commenced on or after July 8, 1950.

[Proc. Cir. 15, June 28 1950] (R. S. 161, 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Supp. 151-161)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-6191; Filed, July 17, 1950;
8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.102, paragraph (f) is amended to read as follows:

§ 3.102 *Wartime service connection*.
* * *

(f) Field offices will submit for central office consideration cases involving tropical diseases initially manifest at any time after discharge when in their judgment a finding of service connection would be proper but is not warranted under this section. In cases of malaria initially manifested more than 1 year

after discharge, a slide with properly prepared and identified blood smear obtained by or under supervision of a physician during an initial attack or relapse will be mailed in a suitable container addressed to the director, veterans claims service, central office, with proper identification of the veteran including C-number and time and place of smear, for consideration in conjunction with the submitted claims folder, before acceptance of the diagnosis—malaria—for rating purposes.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 429, 707, ch. 12 note)

2. Section 3.276 is amended to read as follows:

§ 3.276 *Institutional awards*. When an incompetent or insane disabled person entitled to disability compensation, pension or retirement pay is a patient in a hospital or institution, payments on his account may be made by means of an institutional award in accordance with the following:

(a) When no fiduciary has been appointed or when payments to an unsatisfactory fiduciary have been stopped or suspended.

(b) When a fiduciary neglects or refuses to furnish the chief officer of the hospital or institution with funds required for the disabled person's comforts and desires not included in the regular support, care, treatment, and maintenance of the disabled person provided by the institution.

(c) When a fiduciary requests that an institutional award be made or continued.

(d) In any of these circumstances, in accordance with the provisions of section 1 (b) of Public Law 662, 79th Congress, there may be paid to the chief officer in behalf of the disabled person up to but not in excess of \$30 per month, depending upon the disability rating: *Provided*, That in awards made on and after September 1, 1950, there will be paid to the manager of a Veterans' Administration hospital or center all sums, otherwise payable in excess of apportionments or awards to fiduciaries. In the event the veteran has dependents or more is payable under his disability rating or there are funds to his credit in "Funds Due Incompetent Beneficiaries," such additional amount as may be needed will be allowed, on the basis of a certification by the chief officer of the hospital or institution with respect to the need and the amount required. A certification by the chief attorney concerned as to the neglect or refusal of a fiduciary to supply necessary funds is required. Accordingly, in such cases there may be awarded to the chief officer of the hospital or institution (for definition of chief officer see § 3.277) as provided above any amount necessary for the disabled person's comforts and desires not included in the regular support, care, treatment, and maintenance of the disabled person provided by the hospital or institution. In cases where an institutional award has been authorized and no fiduciary has been appointed, none of the increases on account of dependents provided by Public Law 877, 80th Con-

gress, as amended by section 4, Public Law 339, 81st Congress, will be reflected in the institutional award but such increases will be paid to the apportionee or apportionees in the full amount which is payable on his or their account. If a fiduciary has been appointed and is providing for the veteran's dependents, the increase will be paid to him. Any benefits payable on account of the disabled person not paid to the chief officer of the hospital or institution or to a fiduciary or not apportioned to a dependent or dependents will be paid into the "Funds Due Incompetent Beneficiaries." Any excess funds in the hands of the chief officer of a hospital or institution other than a Veterans' Administration hospital or center at the end of each accounting period, which he may deem unnecessary for expenditure for the benefit of a disabled person, will be returned to the Veterans' Administration or to a fiduciary, if one is serving.

(e) Where no fiduciary has been or is to be appointed, or when payments to an unsatisfactory fiduciary have been stopped or suspended, as indicated in paragraph (a) of this section, apportionment to dependents will be under § 3.215.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1, 60 Stat. 908, secs. 1, 2, 62 Stat. 805, as amended; 38 U. S. C. 739, 740, 741, ch. 12 note)

3. Subparagraph (7) of § 3.1504 (a) of the Provisional Regulations is hereby canceled.

This regulation becomes effective July 18, 1950.

[SEAL]

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-6074; Filed, July 17, 1950;
8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

AMOUNT PAYABLE FOR A COURSE

In § 21.495, paragraph (b) is amended to read as follows:

§ 21.495 Amount payable by the Veterans' Administration for a course of less than 30 weeks. * * *

(b) The amount payable by the Veterans' Administration for a course of less than 30 weeks will be based on one of the following applicable conditions:

(1) Customary charge if it has been found to be fair and reasonable in accordance with the provisions of § 21.570.

(2) A fair and reasonable charge calculated in accordance with § 21.530 and under the requirements of a contract as provided in § 21.570, where the customary charge is determined not to be fair and reasonable, except that in any case in which one or more negotiated contracts providing a fair and reasonable rate or rates of tuition under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) (not under Part VII), have been executed in accordance with Veterans' Administration Regulations for two successive years in calendar time, the manager may, in his judgment, with the approval of the special assistant to the director, training facilities service, for succeeding contracts, continue the rates established by the most recent contract without requiring the submittal of additional cost data. The above continuation of rates on a fair and reasonable basis without submittal of additional cost data will be applicable only where the rates in the most recent contract are approximately the same or within reasonable range of other reasonable tuition rates for the same or similar type of courses in the area: And provided, That there have been no material changes in the operation of the course or courses in question. Payment on a fair and reasonable basis, whether on the original basis or on a continuation basis as above, will be in lieu of all claimed charges for tuition and fees where an educational institution (not including educational institutions of higher learning) has no "customary cost of tuition" as defined in § 21.467. Furthermore, such payment on a fair and reasonable basis will be limited to an amount which, together with an allowable charge for books, supplies, and equipment, will not exceed the rate of \$500 for a full-time course for an ordinary school year, unless the veteran elects (where authorized) to have such excess paid by the Veterans' Administration and his period of entitlement accelerated accordingly.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat.

287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation becomes effective July 18, 1950.

[SEAL]

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-6073; Filed, July 17, 1950;
8:45 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

Correction

In Federal Register Document 50-5996, appearing at page 4396 of the issue for Wednesday, July 12, 1950, the following corrections should be made:

1. The first word of § 36.4302 (h) (3) should read "Disposed".

2. The second sentence of subparagraph (3) of § 36.4350 (a) should appear as the final sentence of paragraph (a). As correctly expressed § 36.4350 (a) reads as follows:

(a) The estate in the realty acquired by the veteran, wholly or partly with the proceeds of a guaranteed or insured loan, or owned by him and on which construction, or repairs, or alterations or improvements are to be made, shall be not less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien, or

(3) A life estate, provided that the remainder and reversionary interests are subjected to the lien.

The title to such estate shall be such as is acceptable to informed buyers, title companies, and attorneys, generally, in the community in which the property is situated, except as modified by paragraph (b) of this section.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

TRI-COUNTY COMMISSION CO. ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the stockyards listed below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act:

Tri-County Commission Company, Faith, South Dakota.

Huron Livestock Sales Pavilion, Huron, South Dakota.

Mid-South Livestock Commission Company, Columbia, Tennessee.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit

within 15 days of the publication of this notice any data, views or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 12th day of July 1950.

[SEAL]

H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 50-6220; Filed, July 17, 1950;
8:49 a. m.]

[7 CFR, Part 45]

GRADES OF AMERICAN CHEESE

UNITED STATES STANDARDS

Correction

In F. R. Document 50-5931, appearing in the issue for Saturday, July 8, 1950, at page 4341, make the following changes:

1. In § 45.2 (b) (2) the word "detachable" should read "detectable".
2. In § 45.4 (c) (3) (ii) the word "cautered" should read "scattered".

CIVIL AERONAUTICS BOARD

[14 CFR, Part 21]

AIRLINE TRANSPORT PILOT CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 21 of the Civil Air Regulations in substance as herein-after set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by September 15, 1950, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after September 20, 1950, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 21 establishes certification requirements for the issuance of an airline transport pilot certificate, delineates some of the privileges of such certificates, and establishes some basic operating rules for the holders thereof. The parts of the Civil Air Regulations setting forth the air carrier operation rules and general operating rules for pilots describe other privileges and operating rules for airline transport pilots.

This proposed revision establishes two classes of airline transport pilot certificates, sets forth the privileges which may be exercised by the holders of such certificates, and establishes the basic operating rules for the holders thereof.

This proposal is designed to meet the situation which has developed since the end of the war with respect to the types of aircraft used in commercial air transportation. Since the end of the war with the introduction of large and more complex equipment, the great increase in air traffic, and the continuous development of irregular air carrier activity, two things have become apparent: (1) There is more than one recognizable level of experience, skill, knowledge, and ability among air carrier pilots, and (2), generally speaking, it requires a pilot of the highest competence and experience to handle the larger and more complex aircraft and equipment. For these reasons,

the proposed rules for obtaining a senior airline transport pilot certificate with an airplane rating, in addition to requiring the applicant to have a high minimum total number of hours of flight time as pilot (2,000 hours), require considerable experience as pilot in command (300 hours) and experience in piloting the larger airplanes (500 hours in multi-engine aircraft of not less than 1,800 maximum continuous horsepower). The lower grade of airline transport pilot certificate with an airplane rating requires less flight time appropriate to the responsibility to be exercised by the holders thereof.

Another purpose of this proposal is to narrow the existing gap between the commercial pilot certification requirements and the requirements for an airline transport pilot certificate. Currently, a pilot may receive a commercial rating after having acquired 200 hours of flight time in airplanes but must wait until he has acquired 1,200 hours before he is eligible to apply for an airline transport pilot certificate. This proposal would permit such a pilot to apply for an airline transport pilot certificate after he has flown 750 hours in airplanes, including 250 hours as pilot in command, and has met other requirements. Such a pilot would be authorized to act as pilot in command only (a) in passenger operations of any type of airplane having a maximum certificated take-off weight of less than 12,500 pounds and (b) in cargo operations using airplanes having a weight of less than 30,000 pounds for which he is rated. He would also be authorized to pilot, other than as pilot in command, all types of airplanes of less than 80,000 pounds.

In establishing these two grades of certificates for pilots of airplanes, consideration has been given to establishing a third grade to be called "master airline transport pilot." It has been suggested that an applicant for such a grade have a total of 3,000 hours as pilot, of which 500 hours should be as pilot in command, and of that total he should be required to have at least 1,000 hours as pilot in multiengine airplanes of not less than 3,500 maximum continuous horsepower. It was also suggested that he be permitted to act as pilot in command of any type of airplane and that the senior airline transport pilot be permitted, in passenger operations, to act as pilot in command only of airplanes having a maximum certificated take-off weight of less than 80,000 pounds. However, the necessity of establishing three grades of airline transport pilots is not apparent to us. Nevertheless, we do not necessarily consider the issue settled, and we shall consider any further suggestions along this line which may be directed to us.

The proposal is also designed to meet the requirement of section 602 of the Civil Aeronautics Act of 1938, as amended, that all pilots engaged in scheduled air transportation be designated "airline transport pilot" of the proper class. Therefore, the act requires that all pilots and copilots engaged in scheduled air transportation shall have appropriate airline transport pilot certificates.

The Civil Air Regulations currently require pilots in command and two pilots of three-pilot crews engaged in irregular air carrier and commercial operator operations in aircraft of over 12,500 pounds maximum certificated take-off weight to have airline transport pilot ratings. However, we are considering a proposal to require all pilots engaged in such operations to hold such ratings regardless of the weight of the aircraft. This proposal, therefore, is drafted accordingly.

It will be noted that all pilot certificates with airline transport ratings issued prior to the effective date of this part would expire on January 1, 1951, and that on or before that date each holder thereof would be required to exchange his certificate for an airline transport pilot certificate appropriate to his experience qualifications, issued in accordance with this proposal. Such individuals would not be required to take any examination and would be issued the same airplane or helicopter ratings as those held by them on the date of exchange. Holders of commercial pilot certificates issued prior to the effective date of this part who meet the experience requirements of this proposal would, upon passing appropriate examinations, be issued airline or senior airline transport pilot certificates and appropriate ratings. Commercial pilots or airline transport pilots having aircraft ratings other than airplane or helicopter may retain or be issued, as the case may be, pilot certificates with commercial ratings for the purpose of piloting such other aircraft in other than scheduled air transportation.

It is therefore proposed to revise Part 21 to read as follows:

PART 21—AIRLINE TRANSPORT PILOT CERTIFICATES

§ 21.0 *Applicability of this part.* This part establishes certification and operating rules for airline transport pilots.

§ 21.1 *Definitions.* (a) As used in this part the words below shall be defined as follows:

(1) *Approved.* Approved, when used either alone or as modifying such words as aircraft, airplane, parachute, course, etc., means approved by the Administrator of Civil Aeronautics in accordance with the applicable requirements of the Civil Air Regulations.

(2) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

(3) *Category.* Category is a classification of aircraft such as airplane, helicopter, glider, etc.

(4) *Certificated aircraft.* A certificated aircraft is an aircraft of United States registry for which an airworthiness certificate has been issued by the Administrator, or an aircraft of foreign registry for which an airworthiness certificate has been issued by the competent authority of that country.

(5) *Certificated airline transport pilot.* A certificated airline transport pilot is

a holder of an airline transport pilot certificate or senior airline transport pilot certificate with appropriate ratings issued by the Administrator.

(6) *Class.* Class indicates a difference in basic design of aircraft within a category, such as single-engine land, multiengine sea, etc.

(7) *Crew member.* Crew member means an individual assigned for the performance of duty on an aircraft.

(8) *Dual instruction flight time.* Dual instruction flight time is that portion of the flight time during which a person is receiving flight instruction on board the aircraft from a pilot who is qualified to instruct other pilots.

(9) *Flight time.* Flight time is the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight. (Block to block.)

(10) *Instrument time.* Instrument time is that portion of the flight time during which a pilot actually manipulates the flight controls of an aircraft flown under actual or simulated instrument flight conditions solely by reference to instruments and without external reference points, and time acquired in approved synthetic instrument training devices.

(11) *Maximum continuous horsepower.* Maximum continuous horsepower means the maximum continuous horsepower rating of the engine established in accordance with Part 13 of this chapter.

(12) *Night.* Night is the time between the ending of evening twilight and the beginning of morning twilight as published in the Nautical Almanac converted to local time for the locality concerned.¹

(13) *Passenger.* A passenger is an individual other than a crew member, company employee, or authorized government representative who is transported in an aircraft.

(14) *Pilot in command.* Pilot in command means the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

(15) *Rating.* A rating is an authorization entered on an airman certificate, and forming a part thereof, stating special conditions, privileges, or limitations pertaining to such certificate.

(16) *Serious injury or serious illness.* Serious injury or serious illness means any injury or illness which requires hospitalization or medical treatment for a period of 5 or more days, a fracture of any bone, lacerations which cause severe hemorrhages or involve muscles, injury to any internal organ, or second or third degree burns or burns involving more than 5 percent of the body surface.

(17) *Type.* Type means all aircraft of the same basic design, including all modifications thereto except those modifi-

cations which result in a change in handling or flight characteristics.

CERTIFICATION RULES

§ 21.5 *Application for certificate.* An application for a certificate and ratings shall be made on a form and in a manner prescribed by the Administrator.

§ 21.6 *Issuance.* (a) An airline transport pilot certificate and ratings shall be issued by the Administrator to an applicant who meets the appropriate requirements of this part.

(b) Pending a review of the applicant's application and supplementary documents and the issuance of an appropriate airline transport pilot certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue an appropriate temporary certificate to an applicant who meets the appropriate requirements of this part.

§ 21.7 *Duration.* (a) An airline transport pilot certificate or a senior airline transport pilot certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(b) An airline transport pilot certificate or a senior airline transport pilot certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than one year, but it may be reissued without further demonstration of technical competence.

(c) A temporary airline transport pilot certificate or senior airline transport pilot certificate shall remain in effect for no longer than a 90-day period.

§ 21.8 *Exchange of certificates and ratings.* (a) *Airline transport pilot ratings.* All pilot certificates with airline transport pilot ratings issued prior to the effective date of this part shall expire on January 1, 1951. On or before that date each such certificate holder shall surrender his certificate to the Administrator together with documentary evidence of his pilot experience. Thereupon, the Administrator shall, based upon the amount and type of pilot experience, issue to such holder in accordance with the provisions of this part an airline transport pilot certificate, or a senior airline transport pilot certificate.

(b) *Class and type ratings.* Holders of pilot certificates with airline transport pilot ratings shall, at the time they exchange their certificates in accordance with the provisions of this section, be issued the same class and type ratings held by them on the date of exchange. Holders of such certificates issued prior to May 1, 1949, who do not hold type ratings may be issued such ratings for each type of airplane in which such holder has flown as pilot in command a total of 50 hours within 12 months preceding the date of application therefor.²

(c) *Class and type ratings.* Holders of pilot certificates with airline transport pilot ratings shall, at the time they exchange their certificates in accordance with the provisions of this section, be issued the same class and type ratings held by them on the date of exchange. Holders of such certificates issued prior to May 1, 1949, who do not hold type ratings may be issued such ratings for each type of airplane in which such holder has flown as pilot in command a total of 50 hours within 12 months preceding the date of application therefor.²

² Effective May 1, 1949, each pilot newly issued an airline transport rating is required to have a type rating for each type of aircraft having a maximum certificated take-off weight of 12,500 pounds.

(c) *Other category ratings.* Holders of pilot certificates with commercial or airline transport ratings whose category ratings authorized them to pilot aircraft other than airplanes or helicopters may retain or be issued pilot certificates with commercial ratings to permit their piloting such other categories of aircraft in other than scheduled air transportation.

§ 21.9 *Display.* An airline transport pilot shall, upon request, present his airman and medical certificates for examination by any authorized representative of the Civil Aeronautics Board, or Administrator or by any State or local law enforcement officer.

§ 21.10 *Change in address.* Within 30 days after any change in the permanent mailing address of a holder of an airline transport pilot certificate, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 21.15 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal airline transport pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 21.16 *Education.* (a) An applicant shall be able to read, write, and understand the English language and speak the same without any accent or impediment of speech which would interfere with two-way radio conversation: *Provided,* That a certificate may be issued to an applicant who is unable to speak or understand the English language, if appropriate operation limitations are imposed.

(b) An applicant shall be a high school graduate or its equivalent as determined by the Administrator from the applicant's showing of general experience, special aeronautical experience, knowledge, and skill.

§ 21.17 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70 percent. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 21.18 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period from the date of such failure unless he presents a signed statement that he has received not less than 5 hours of instruction in the subject or subjects failed and is considered competent to pass such examination or test as follows:

(a) For practical examinations the instruction shall be given and attested to by a certificated airline transport pilot.

(b) For theoretical examinations the instruction shall be given and attested

¹ The Nautical Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

to by a certificated ground instructor holding a rating for the subject.

§ 21.19 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications set forth in his application.

§ 21.20 *Physical standards.* An applicant shall present evidence that he has met the physical standards of the first class prescribed in Part 29 of the Civil Air Regulations within six months immediately preceding the date of application.

§ 21.21 *Aircraft used in flight tests.* An applicant shall furnish a certificated aircraft suitable for any flight test to be taken. Such aircraft shall have dual controls, shall accommodate the applicant and the examiner, and shall be of a design and shall possess performance and flight characteristics permitting the applicant to perform with safety the required flight maneuvers. Aircraft having only one elevator and aileron control for two seats, or any arrangement whereby all flight and engine controls cannot be handled in a normal or conventional manner from either seat, are not considered as having dual controls for the purpose of flight tests for pilot ratings. Each such aircraft shall have adequate vision for the pilot and check pilot. Parachutes shall be furnished if required by the examiner.

§ 21.22 *Aircraft category ratings.* Only the following aircraft category ratings shall be issued:

(a) Airplane, in accordance with the provisions of §§ 21.31 through 21.41, or §§ 21.51 through 21.54, whichever is appropriate.

(b) Helicopter, in accordance with the provisions of §§ 21.71 through 21.74.

§ 21.23 *Airplane class ratings.* The following airplane class ratings shall be issued:

- (a) Single-engine land,
- (b) Multiengine land,
- (c) Single-engine sea,
- (d) Multiengine sea.

§ 21.24 *Type ratings.* (a) A type rating for airplanes shall be issued for each type of airplane having a maximum certificated take-off weight of over 12,500 lbs.

(b) A type rating for helicopters shall be issued for each type of helicopter.

§ 21.25 *Application for type ratings.* An applicant for a type rating shall demonstrate to an authorized representative of the Administrator his ability to comply with the following provisions:

(a) *Airplane.* Applicant shall perform, at the skill required for the grade of certificate held or being applied for, such maneuvers of §§ 21.35 through 21.40, and § 21.41 (b) (1) and (4) as the Administrator may prescribe.

(b) *Helicopter.* Applicant shall meet the requirements of § 21.74.

QUALIFICATIONS FOR AIRLINE TRANSPORT PILOT CERTIFICATES; AIRPLANE RATINGS

§ 21.31 *Age.* An applicant shall be at least 21 years of age.

§ 21.32 *Experience.* (a) An applicant shall have had at least 750 hours of flight time as pilot of any type of airplane including not less than 250 hours as pilot in command; of which he shall have had at least:

(1) 250 hours of cross-country flight time, of which not less than 50 hours shall have been night flight time, and at least 50 hours shall have been flown as pilot in command, and

(2) 40 hours of instrument time, of which not less than 20 hours shall have been flown as pilot in command under actual instrument flight conditions; or

(b) An applicant, within 90 days immediately preceding the date of application, shall have completed satisfactorily a course of instruction which the Administrator approves as adequate for the training of an airline transport pilot.

§ 21.33 *Knowledge.* (a) An applicant shall accomplish satisfactorily a written examination on the following subjects: *Provided*, That an applicant who is the holder of a commercial pilot certificate with an instrument rating shall be deemed to have met the requirements of this paragraph: *And provided further*, That the holder of a commercial pilot certificate without an instrument rating shall be deemed to have met only the requirements of subparagraphs (1) through (7) of this paragraph:

(1) The provisions of Parts 4b, 21, 27, 40, 41, 42, 43, 45, 60, 61, and 62 of this chapter, as amended, which are pertinent to air carrier operations,

(2) The general system of weather information collection and dissemination,

(3) U. S. Weather Bureau Circular N, as amended,

(4) Weather map, weather forecast, upper air winds, and weather sequence abbreviations, codes, symbols, and nomenclature,

(5) Meteorology with particular reference to the following:

- (i) Cloud forms and their significance,
- (ii) Icing,
- (iii) Turbulence,
- (iv) Thunderstorms,
- (v) Fog and low ceilings,
- (vi) Frontal systems, including associated cloud forms and weather,
- (vii) Pressure pattern flying,
- (viii) Influence of terrain on meteorological conditions and developments, and relations thereof to air carrier flight operations,
- (ix) Principles of forecasting,
- (x) Navigational problems including pilotage and dead reckoning and the use of navigational aids,
- (xi) Theory of flight and the maintenance, inspection, and use of airplanes and powerplants,
- (xii) Letdown facilities and procedures currently in use,
- (xiii) Air traffic control procedures,
- (xiv) Principles of aircraft weight and balance.

(b) *Helicopter.* Applicant shall demonstrate his competence to pilot airplanes by accomplishing satisfactorily the practical tests specified in §§ 21.35 through 21.41 with respect to the airplane in which the flight test or instrument flight test is to be taken.

§ 21.34 *Skill.* An applicant shall demonstrate his competence to pilot airplanes by accomplishing satisfactorily the practical tests specified in §§ 21.35 through 21.41 with respect to the airplane in which the flight test or instrument flight test is to be taken.

§ 21.35 *Preflight planning examination.* An applicant shall demonstrate proper flight planning by executing a hypothetical flight plan, including the interpretation of weather maps, upper air charts, and sequence reports.

§ 21.36 *Equipment examination.* An applicant shall accomplish satisfactorily an oral examination covering his knowledge of the safe and practical operation of the airplane, engines, and equipment.

§ 21.37 *Preflight airplane check.* An applicant shall perform a thorough visual inspection of the exterior and interior of the airplane, shall demonstrate the proper use of the check system, and shall demonstrate the issuance of adequate instructions for the proper coordination and functioning of the flight crew.

§ 21.38 *Taxying.* An applicant shall demonstrate safe taxiing methods, including compliance with control tower instructions.

§ 21.39 *Engine run-up.* An applicant shall determine the proper functioning of the aircraft, engines, and equipment, using the check system.

§ 21.40 *Airplane flight test.* An applicant shall demonstrate satisfactorily his competency to pilot airplanes by performing the following maneuvers:

(a) Take-offs and landings into the wind and cross wind, with normal aircraft configurations and using approved approach procedures.

(b) Straight climbs, climbing turns, straight glides, gliding turns, medium and steep turns in level flight, and controlled descents with normal aircraft configurations,

(c) Maneuvers with minimum safe speeds,

(d) Simulated engine failure, maneuvers with one engine throttled on twin-engine aircraft, or two or more engines throttled on one side on aircraft of four or more engines, and

(e) Stalls, stall perception, and recovery from stalls entered into from normally anticipated flight attitudes.

§ 21.41 *Instrument flight test.* An applicant shall demonstrate satisfactorily his competence to pilot airplanes under instrument flight conditions by performing the following maneuvers:

(a) *Using primary instrument group.*

(1) Straight climbs, climbing turns, straight glides, gliding turns, medium and steep turns in level flight, and controlled descents with all normal aircraft configurations, and

(2) Maneuvers at minimum safe speeds, stalls, stall perception, and recovery from stalls entered into from normally anticipated flight attitudes.

(b) *Using full instrument panel.* (1) Simulated engine failures (if multi-engine),

(2) Radio operations, procedures, orientation, use of radio navigational facilities and identification of stations,

(3) Adherence to traffic control procedures, and

(4) Holding, letdown, and missed-approach procedures using approved instrument procedures.

§ 21.42 *Helicopter flight test.* An applicant shall demonstrate satisfactorily his competency to pilot helicopters by performing the following maneuvers:

(a) Take-offs and landings into the wind and cross wind, with normal aircraft configurations and using approved approach procedures.

(b) Straight climbs, climbing turns, straight glides, gliding turns, medium and steep turns in level flight, and controlled descents with normal aircraft configurations,

(c) Maneuvers with minimum safe speeds,

(d) Simulated engine failure, maneuvers with one engine throttled on twin-engine aircraft, or two or more engines throttled on one side on aircraft of four or more engines, and

(e) Stalls, stall perception, and recovery from stalls entered into from normally anticipated flight attitudes.

§ 21.43 *Helicopter flight test.* An applicant shall demonstrate satisfactorily his competence to pilot helicopters under instrument flight conditions by performing the following maneuvers:

(a) *Using primary instrument group.*

(1) Straight climbs, climbing turns, straight glides, gliding turns, medium and steep turns in level flight, and controlled descents with all normal aircraft configurations, and

(2) Maneuvers at minimum safe speeds, stalls, stall perception, and recovery from stalls entered into from normally anticipated flight attitudes.

(b) *Using full instrument panel.* (1) Simulated engine failures (if multi-engine),

(2) Radio operations, procedures, orientation, use of radio navigational facilities and identification of stations,

(3) Adherence to traffic control procedures, and

(4) Holding, letdown, and missed-approach procedures using approved instrument procedures.

§ 21.44 *Helicopter flight test.* An applicant shall demonstrate satisfactorily his competency to pilot helicopters by performing the following maneuvers:

(a) Take-offs and landings into the wind and cross wind, with normal aircraft configurations and using approved approach procedures.

(b) Straight climbs, climbing turns, straight glides, gliding turns, medium and steep turns in level flight, and controlled descents with normal aircraft configurations,

(c) Maneuvers with minimum safe speeds,

(d) Simulated engine failure, maneuvers with one engine throttled on twin-engine aircraft, or two or more engines throttled on one side on aircraft of four or more engines, and

(e) Stalls, stall perception, and recovery from stalls entered into from normally anticipated flight attitudes.

§ 21.45 *Helicopter flight test.* An applicant shall demonstrate satisfactorily his competence to pilot helicopters under instrument flight conditions by performing the following maneuvers:

(a) *Using primary instrument group.*

(1) Straight climbs, climbing turns, straight glides, gliding turns, medium and steep turns in level flight, and controlled descents with all normal aircraft configurations, and

(2) Maneuvers at minimum safe speeds, stalls, stall perception, and recovery from stalls entered into from normally anticipated flight attitudes.

(b) *Using full instrument panel.* (1) Simulated engine failures (if multi-engine),

(2) Radio operations, procedures, orientation, use of radio navigational facilities and identification of stations,

(3) Adherence to traffic control procedures, and

(4) Holding, letdown, and missed-approach procedures using approved instrument procedures.

QUALIFICATIONS FOR SENIOR AIRLINE TRANSPORT PILOT CERTIFICATE; AIRPLANE RATINGS

§ 21.51 *Age.* An applicant shall be at least 23 years of age.

§ 21.52 *Experience.* (a) An applicant shall have had at least 2,000 hours of flight time as pilot of any type of aircraft, including 300 hours as pilot in command; of which he shall have had at least

(1) 500 hours of flight time in multi-engine airplanes of not less than 1,800 maximum continuous horsepower,

(2) 500 hours of cross-country flight time, of which at least 150 hours shall have been night flight time and at least 100 hours shall have been flown as pilot in command, and

(3) 100 hours of instrument time, of which not less than 50 hours shall have been flown as pilot in command under actual instrument flight conditions; or

(b) An applicant, within 90 days immediately preceding the date of application, shall have completed satisfactorily a course of instruction which the Administrator approves as adequate for the training of a senior airline transport pilot.

§ 21.53 *Knowledge.* An applicant shall accomplish satisfactorily a written examination covering the subjects prescribed in § 21.33 which shall be more comprehensive and shall require the applicant to demonstrate that he possesses a greater knowledge of such subjects than that required by the examination prescribed in § 21.33.

§ 21.54 *Skill.* An applicant shall demonstrate his competence to pilot airplanes by accomplishing satisfactorily the practical skill tests prescribed for an applicant for an airline transport pilot certificate, except that the Administrator shall require the applicant to demonstrate a higher degree of proficiency in the performance of such maneuvers.

QUALIFICATIONS FOR HELICOPTER RATINGS

§ 21.71 *Age.* An applicant shall be at least 21 years of age.

§ 21.72 *Experience.* An applicant shall have had at least

(a) 300 hours of flight time as pilot of any type of helicopter, of which not less than 25 hours shall have been cross-country flight time and 10 hours night flight time; or

(b) 750 hours of flight time as pilot of any type of aircraft, of which not less than 150 hours shall have been as pilot of any type of helicopter, including at least the following time in helicopters: 100 hours as pilot in command, 25 hours of cross-country flight time, and 10 hours of night flight time.

§ 21.73 *Knowledge.* (a) An applicant shall accomplish satisfactorily a written examination on the following subjects, except that the holder of a commercial pilot certificate shall be considered to have met the requirements of subparagraphs (1) and (4) of this paragraph:

(1) The provisions of Parts 6, 21, 40, 41, 42, 43, 45, 46, 60, 61, and 62 of this chapter, as amended, which are pertinent to helicopter operations,

(2) Rotorcraft theory of flight, maintenance, and inspection,

(3) Meteorology as applied to the recognition of weather conditions while flying, the analyzing of weather maps and sequence reports furnished by the United States Weather Bureau,

(4) Practical air navigation including the use of maps, navigation by terrain and dead reckoning, and the use of navigational aids, and

(5) Maintenance and operation of helicopter powerplants in common use.

§ 21.74 *Skill.* An applicant shall demonstrate his competence to pilot helicopters by accomplishing satisfactorily the following:

(a) Preflight inspection,

(b) Cockpit procedure,

(c) Taxiing,

(d) Accepted types of take-offs and precision landings,

(e) Precision hovering, including turns,

(f) Forward, backward, and sideward precision flight,

(g) Cruising flight, including shallow and medium bank precision turns,

(h) Accepted types of climbs, descents, and landing approaches,

(i) All types of simulated autorotative approaches and landings in common use, and

(j) Rapid deceleration from cruising to hovering flight.

OPERATING RULES

§ 21.80 *Certificate required.* No individual shall serve as a pilot in scheduled air transportation, in irregular air carrier, or in commercial operator operations subject to Part 45 of the Civil Air Regulations in aircraft of United States registry without, or in violation of, the terms of a certificate and ratings issued in accordance with the provisions of this part.² He shall have his certificate in his personal possession when performing his duties.

§ 21.81 *Medical certificate.* No individual shall exercise the privileges accorded by an airline transport pilot certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements of the first class within the preceding six months.

§ 21.82 *Operation during physical deficiency.* No individual shall exercise the privileges accorded by an airline transport pilot certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the

²In accordance with the regulations of the Federal Communications Commission a pilot is required to possess a valid FCC radio operator license of the appropriate grade in order to operate FCC licensed aircraft radio stations. At the present time FCC radio operator licenses are issued only to U. S. citizens. Application for such licenses may be made with local CAA agents, or with the Federal Communications Commission, attention Examination Section, Washington 25, D. C., or with any local FCC office.

physical requirements prescribed for the issuance of his currently effective medical certificate. Prior to exercising the privileges of his airman certificate after serious injury or serious illness, he shall at his own expense submit to and pass a physical examination to insure that he meets the physical standards of the first class prescribed in Part 29 of this chapter.

§ 21.83 *Crediting of pilot flight time—*
(a) *Pilot in command and pilot flight time.* The holder of an airline transport pilot certificate, in order to obtain a senior airline transport pilot certificate, may be credited with pilot in command or pilot flight time in accordance with the following rules:

(1) A pilot serving as pilot in command on any type of aircraft for which he is rated and on which he is entitled to act as pilot in command may be credited with 100 percent of the total flight time as pilot in command flight time.

(2) A pilot other than a pilot in command, serving as pilot on any type of aircraft for which he is rated and on which he is entitled to act as pilot in command, may be credited with 100 percent of the total flight time as pilot flight time.

(3) A pilot serving as pilot on any type of aircraft on which he is not entitled to act as pilot in command may be credited with 50 percent of the total flight time as pilot flight time.

(b) *Dual instruction flight time.* A pilot undergoing instruction in any type of aircraft regardless of whether or not he is rated for such aircraft may be credited with the total flight time as dual instruction flight time. The pilot giving such instruction may be credited with the total flight time as pilot in command flight time.

(c) *Instrument time.* A pilot may be credited with instrument time as pilot or as pilot in command in accordance with paragraph (a) of this section: *Provided,* That a pilot acquiring instrument time under simulated instrument flight conditions may be credited only with pilot flight time.

§ 21.84 *Recording of flight time.* (a) Each certificated airline transport pilot shall maintain a record of his flight time.

(b) Flight time records shall contain the following information:

(1) The date of the flight,

(2) The points between which the flight was made,

(3) The type and certification number of the aircraft flown,

(4) The duration of the flight,

(5) The total flight time, specifying day or night flight time, within each of the following classifications: pilot in command, pilot, dual instruction, and instrument,

(6) For each dual instruction flight time entry, the maneuvers in which instruction was given and the time spent thereon, and the initials and pilot certificate number of the instructor attesting the correctness of such entry,

(7) Notation of damage, if any, to the aircraft occurring as a result of any accident or incident of which notice is re-

quired to be given under the provisions of Part 62 of this chapter.

(c) When an air carrier furnishes an airline transport pilot with a record of his flight time, such pilot may use such record in compliance with this section: *Provided*, That such record furnishes the information required by paragraph (b) of this section.

§ 21.85 *Grace period for periodic tests and other qualification procedures.* Whenever this part requires an examination, test, or other qualifying procedure at stated intervals, a grace period of 15 days shall be allowed: *Provided*, That the effective date of the examination, test, or other qualifying procedure, if met within the grace period, shall be the same as it would have been if met on the day immediately preceding the beginning of such grace period.

RECENT EXPERIENCE REQUIREMENTS

§ 21.91 *Carriage of passengers.* (a) A certificated airline transport pilot shall not pilot any airplane carrying passengers unless appropriately rated therefor and unless within the preceding 3 months he shall have made at least 3 take-offs and 3 landings to a full stop in an airplane of the same type as that in which passengers are to be carried, of which at least one such take-off and landing shall have been made at night if such carriage is to be performed at night.

(b) A certificated airline transport pilot holding a helicopter rating shall not pilot a helicopter carrying passengers unless within the preceding 3 months he has made at least 3 take-offs to a minimum altitude of 300 feet, and 3 landings including at least one autorotative approach to a normal power landing, of which at least one such take-off and the autorotative approach to a normal power landing shall have been made at night if such carriage is to be performed at night.

§ 21.92 *Instrument flight.* A certificated airline transport pilot shall not pilot any aircraft under actual instrument flight conditions carrying passengers unless within the preceding 6 months he has flown and recorded at least 6 hours of flight time under either actual or properly simulated instrument flight conditions. Such pilot when piloting an aircraft under simulated instrument flight conditions shall be accompanied by a certificated pilot holding at least a private rating with an appropriate category and class, or type rating, and an instrument rating.

PRIVILEGES AND LIMITATIONS

§ 21.95 *General.* (a) In addition to the privileges and limitations with respect to operations for compensation or hire, specified in §§ 21.96 through 21.98, a certificated airline transport pilot shall have the privileges of a private and commercial pilot and may give instruction to any other certificated airline transport pilot in any type of aircraft on which he is entitled to act as pilot in command.

(b) No individual other than the holder of a senior airline transport pilot certificate with appropriate airplane type ratings shall act as pilot or pilot in com-

mand on airplanes of 80,000 pounds or more maximum certificated take-off weight.

§ 21.96 *Airline transport pilot.* An airline transport pilot may act as pilot in command or pilot on any type of helicopter for which he holds an appropriate rating and may, in airplanes having the following maximum certificated take-off weights, act as:

(a) *Pilot in command.* (1) In passenger operations on airplanes of less than 12,500 lbs. for which he holds appropriate class ratings,

(2) In cargo operations on airplanes of less than 30,000 lbs. for which he holds appropriate class and type ratings, and

(b) *Pilot.* Pilot in any operations on airplanes of less than 80,000 lbs. for which he holds appropriate class ratings.

§ 21.97 *Senior airline transport pilot.* A senior airline transport pilot may act as pilot in command or pilot in any operation on any type of airplane or helicopter for which he holds a rating.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, 62 Stat. 1216, 49 U. S. C. 551-560; act of July 1, 1949)

Dated: July 11, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 50-6196; Filed, July 17, 1950;
8:43 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 179]

TRANSFERS OF OPERATING RIGHTS

DORMANT OPERATING RIGHTS

JULY 11, 1950.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the proposed revision of the transfer rules and regulations (49 CFR 179.1-179.6) for the purpose of including a provision providing for the transfer of dormant operating rights. It is proposed to amend the rules by the addition of the following new paragraph:

§ 179.1 *General.* * * *

(c) Dormant operating rights: The transfer of any operating rights under which operations are not being conducted at the time of the proposed transfer and have not been performed for a substantial period will be approved only upon a showing that the cessation of operations was caused by circumstances over which the holder of such operating rights had no control.

No oral hearing is contemplated but anyone wishing to make representations in favor of or against the proposed rule may do so through the submission of written data, views or arguments. The original and five copies of such submission shall be filed with the Commission on or before September 1, 1950.

Notice to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6179; Filed, July 17, 1950;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 210]

FORM AND CONTENT OF FINANCIAL STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission, pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (c) and 38 (a) thereof, has under consideration a proposal to revise Articles 1, 2, 3, 4, 5 and 11 of Regulation S-X (17 CFR Part 210) to read as set forth below.

All interested persons are invited to submit data, views and comments on the above mentioned proposals in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before August 21, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 10, 1950.

APPLICATION OF THIS PART

§ 210.1-01 *Application of this part.* Part 210 shall govern the form and content of all financial statements required to be filed as part of:

(a) Registration statements under the Securities Act of 1933, filed on Form S-1, S-2, S-3, S-4, S-5, S-6, or S-11, except as otherwise specifically provided in such forms;

(b) Applications for registration of securities under the Securities Exchange Act of 1934, filed on Form 8-A, 8-B, 10, or 14;

(c) Supplemental or periodic reports under section 13 of the Securities Exchange Act of 1934 filed on form 8-K, 9-K, 10-K, 14-K, or U5-K;

(d) Supplemental or periodic reports under section 15 (d) of the Securities Exchange Act of 1934, filed on Form 2-MD, 4-MD, or U5-MD; and

(e) Registration statements and annual reports under the Investment Company Act of 1940.

§ 210.1-02 *Definitions of terms used in this part.* Unless the context otherwise requires, terms defined in the general rules and regulations or in the instructions to the applicable form, when used in this part, shall have the respec-

tive meanings given in such instructions or rules. In addition the following terms shall have the meanings indicated in this section unless the context otherwise requires:

(a) *Equity security.* The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(b) *Principal holders of equity securities.* The term "principal holders of equity securities," used in respect of a particular registration statement or report, means the persons named in the item of such statement or report calling for holders of record or beneficial owners of more than 10 percent of any class of equity securities. If the particular statement or report contains no such item, the term means the persons named in the most recent related registration statement, application or report of the registrant which contains such an item.

(c) *Quasi-reorganization.* The term "quasi-reorganization" means the corporate procedure in the course of which a company without the creation of a new corporate entity, and without the intervention of formal court proceedings, is enabled to eliminate a deficit whether resulting from operations or the recognition of other losses or both and to establish a new earned surplus account for the accumulation of earnings subsequent to the date selected as the effective date of the quasi-reorganization.

CERTIFICATION

§ 210.2-01 *Qualifications of accountants.* (a) The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

(b) The Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will not be considered independent with respect to any person, or any affiliate thereof, in whom he has any financial interest, direct or indirect, or with whom he is, or was during the period of report, connected as a promoter, underwriter, voting trustee, director, officer, or employee.

(c) In determining whether an accountant is in fact independent with respect to a particular registrant, the Commission will give appropriate consideration to all relevant circumstances including evidence bearing on all relationships between the accountant and that registrant or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Commission.

§ 210.2-02 *Accountants' certificates—*

(a) *Technical requirements.* The accountant's certificate shall be dated, shall be signed manually, and shall iden-

tify without detailed enumeration the financial statements and schedules covered by the certificate.

(b) *Representations as to the audit.* The accountant's certificate (1) shall state whether the audit was made in accordance with generally accepted auditing standards; and (2) shall designate any auditing procedures generally recognized as normal, or deemed necessary by the accountant under the circumstances of a particular case, which have been omitted, and the reasons for their omission.

In determining the scope of the audit necessary, consideration shall be given as to whether the system of internal control is adequate. Due weight may be given to an internal system of audit regularly maintained by means of auditors employed on the registrant's own staff. The accountant shall review the accounting procedures purported to be followed by the person or persons whose statements are certified and by appropriate measures shall satisfy himself that such accounting procedures are in fact being followed.

Nothing in this section shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (c) of this section.

(c) *Opinions to be expressed.* The accountant's certificate shall state clearly: (1) The opinion of the accountant in respect of the financial statements covered by the certificate and the accounting principles and practices reflected therein; (2) the opinion of the accountant as to any material changes in accounting principles or practices, or method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by § 210.3-07; and (3) the nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

(d) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

§ 210.2-03 *Certification by foreign government auditors.* Notwithstanding any requirements as to certification by independent accountants, the financial statements of any foreign governmental agency may be certified by the regular and customary auditing staff of the respective government, if public financial statements of such governmental agency are customarily certified by such auditing staff.

§ 210.2-04 *Certification of financial statements of persons other than the registrant.* If a registrant is required to file financial statements of any other person, such statements need not be certified if certification of such statements

would not be required if such person were itself a registrant.

§ 210.2-05 *Certification of financial statements by more than one accountant.* If any required examination of financial statements of any branches or consolidated subsidiaries of the registrant has been made by independent public accountants other than the principal accountants for the registrant, certificates of such other accountants prepared in accordance with § 210.2-02 should be furnished. However, in respect of such examinations relating to foreign branches or foreign consolidated subsidiaries, or relating to domestic consolidated subsidiaries which in the aggregate are not significant, the certificates of the other accountants need not be furnished if the principal certifying accountants upon review, analysis, and investigation of reports of such other accountants have satisfied themselves that the other accountants have in all respects met the requirements of §§ 210.2-01 to 210.2-05 and accept the report of such other accountants in the same manner as though the principal accountants had performed the audit, provided a definite statement to this effect is included in the certificate of the principal accountants.

RULES OF GENERAL APPLICATION

§ 210.3-01 *Form, order and terminology.* (a) Financial statements may be filed in such form and order, and may use such generally accepted terminology, as will best indicate their significance and character in the light of the provisions applicable thereto.

(b) All money amounts required to be shown in financial statements and schedules may be expressed in even dollars or thousands of dollars, provided that, in the latter case, an indication to that effect is inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. Zeros need not be inserted for the omitted figures. The individual amounts shown need not be adjusted to the nearest dollar or thousand if in a footnote it is stated that the failure of the items to add to the totals shown is due to the dropping of amounts less than \$1.00 or \$1,000, as appropriate.

§ 210.3-02 *Inapplicable captions.* No caption need be shown in any financial statement or schedule as to which the items and conditions are not present. If the amount which would otherwise be required to be shown under any caption is not material, the caption need not be separately set forth.

§ 210.3-03 *Omission of unrequired or inapplicable financial statements and schedules.* (a) Financial statements and schedules not required or inapplicable because the required matter is not present need not be filed.

(b) Financial statements and schedules omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

§ 210.3-04 *Omission of substantially identical notes.* If a note covering substantially the same subject matter is re-

quired with respect to two or more financial statements, the required information may be shown in a note to only one of such statements, provided that a clear and specific reference thereto is made in each of the other statements with respect to which the note is required.

§ 210.3-05 *Omission of names of certain subsidiaries.* Notwithstanding the requirements as to particular statements, subsidiaries, the names of which are permitted to be omitted from the list of affiliates required by the applicable form, need not be named in any financial statement. Reasonable grouping of such subsidiaries may be made, with an explanatory group caption which shall state the number of subsidiaries included in the group.

§ 210.3-06 *Additional information.* The information required with respect to any statement shall be furnished as a minimum requirement to which shall be added such further material information as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading. This section shall be applicable to all statements required to be filed, including copies of statements required to be filed in the first instance with other governmental agencies.

§ 210.3-07 *Changes in accounting principles and practices and retroactive adjustments of accounts.* (a) Any change in accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are filed which materially affects comparability of such financial statements with those of prior or future periods, and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement.

(b) Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods shall be disclosed in a note to the appropriate financial statement.

§ 210.3-08 *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such case specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

§ 210.3-09 *Foreign operations and foreign exchange.* (a) The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown, if material.

(b) Realized losses or gains on foreign exchange shall be charged or credited to income.

(c) Provision for declines in conversion value of foreign net current assets shall be made from income.

§ 210.3-10 *Opening balances.* Instructions which permit the balance of

an account at the beginning of the period for which financial statements are being filed to be "as per the accounts" shall not be applicable with respect to companies which have previously filed financial statements under the Securities Act of 1933 or the Securities Exchange Act of 1934. As to such companies, however, balances as per accounts may be taken as of the close of the most recent period for which certified financial statements are on file.

§ 210.3-11 *Basis of accounting for assets.* (a) Except as otherwise specifically provided, accounting for all assets shall be based on cost.

(b) Due consideration shall be given to evidence of loss or impairment of utility value and, where such evidence indicates an apparently permanent decline, recognition thereof shall be made by means of an appropriate write-down or by the establishment of an appropriate reserve.

§ 210.3-12 *Valuation and qualifying reserves.* Valuation and qualifying reserves shall be shown separately in the financial statements as deductions from the specific assets to which they apply.

§ 210.3-13 *Basis of determining amounts—book value.* If an instruction requires a statement as to "the basis of determining the amount," the basis shall be stated specifically. The term "book value" will not be sufficiently explanatory unless, in a particular instruction, it is stated to be acceptable with respect to a particular item.

§ 210.3-14 *Current assets.* Items classed as current assets shall be generally realizable within one year. However, generally recognized trade practices may be followed with respect to the inclusion of items such as installment receivables or inventories long in process, provided an appropriate explanation of the circumstances is made and, if practicable, an estimate is given of the amount not realizable within one year.

§ 210.3-15 *Current liabilities.* Items due and payable within one year shall in general be classed as current liabilities. However, generally recognized trade practices may be followed with respect to the exclusion of items such as customers' deposits and deferred income, provided an appropriate explanation of the circumstances is made.

§ 210.3-16 *Reacquired evidences of indebtedness.* Reacquired evidences of indebtedness, if material in amount, shall be shown separately as a deduction, under the appropriate liability caption. However, reacquired evidences of indebtedness held for pension and other special funds not related to the particular issues may be carried as assets of such funds: *Provided*, That there be stated parenthetically the amount of such evidences of indebtedness, the cost thereof, and the amount at which carried.

§ 210.3-17 *Reacquired shares.* (a) Reacquired shares shall be shown separately as a deduction from capital shares, or from the total of capital shares and surplus, or from surplus, at

either par or stated value, or cost, as circumstances require.

(b) Gain resulting from transactions in reacquired shares shall be credited to paid-in surplus.

§ 210.3-18 *Discount on capital shares.* Discount on capital shares, if material in amount, shall be shown separately as a deduction from capital shares or from surplus, as circumstances require, with an indication of what provisions have been made for writing off this item.

§ 210.3-19 *Quasi-reorganizations.* (a) A quasi-reorganization may not be considered to have been effected unless at least all of the following conditions exist:

(1) Earned surplus as of the effective date is exhausted;

(2) Upon consummation no deficit exists in any surplus account;

(3) The entire procedure is made known to all persons entitled to vote on matters of general corporate policy and the appropriate consents to the particular transactions are obtained in advance in accordance with the applicable law and charter provisions; and

(4) The procedure accomplishes with respect to the accounts substantially what would be accomplished in a reorganization by legal proceedings; namely, the appropriate modifications of capital and capital surplus, resulting from the restatement of assets in terms of present conditions.

(b) In such a procedure the reductions in the carrying value of assets at the effective date may not be made beyond a point which gives appropriate recognition to conditions which appear to have resulted in relatively permanent reductions in asset values; as for example, complete or partial obsolescence, lessened utility value, reduction in investment value due to changed economic conditions, or, in the case of current assets, declines in indicated realization value.

(c) Such a procedure is not to be employed recurrently but only under circumstances which would justify an actual reorganization or formation of a new corporation, particularly if the sole or principal purpose is the elimination of a deficit in earned surplus resulting from operating losses.

(d) In the case of the quasi-reorganization of a parent company the effective date should be recognized as having the significance of a date of acquisition of control of subsidiaries.

(e) Subsequent to the effective date of a quasi-reorganization any description of earned surplus shall indicate the point of time from which the new earned surplus dates and for a period of at least three years shall indicate the total amount of the deficit eliminated.

§ 210.3-20 *Commitments.* (a) If material in amount the pertinent facts relative to firm commitments for the acquisition of permanent investments and fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein.

(b) Where the rental or obligations under long-term leases are material there shall be shown the amounts of annual rentals under such leases with

some indication of the periods for which they are payable, together with any important obligation assumed or guarantee made in connection therewith. If the rentals are conditional, state the minimum annual amounts.

(c) If material in amount accrued net losses on commitments covering the purchase of goods for inventory, measured in the same manner as are inventory losses, and indicated permanent declines in utility value of other assets subject to commitments, shall be recognized in the accounts.

§ 210.3-21 *Accounting principles; authoritative support therefor.* Financial statements prepared in accordance with accounting principles for which there is no substantial authoritative support will be presumed to be misleading or inaccurate despite disclosures contained in the certificate of the accountant or in footnotes to the statements provided the matters involved are material. In cases where there is a difference of opinion between the Commission and the registrant as to the proper principles of accounting to be followed, disclosure will not be accepted in lieu of correction of the financial statements themselves unless the points involved are such that there is substantial authoritative support for the practices followed by the registrant and the position of the Commission has not previously been expressed in rules, regulations, or other official releases of the Commission, including the accounting series releases.

§ 210.3-22 *General notes to balance sheets.* If present in regard to the person for which the statement is filed the following shall be set forth in the balance sheet or in notes thereto:

(a) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to lien shall be designated and the obligations secured shall be briefly identified. However, in the case of commercial, industrial, and public utility companies this rule need not be followed with respect to assets (other than current assets and securities) given as security for bonds, mortgages and similar debt.

(b) *Intercompany profits and losses.* The effect, if material, upon any balance sheet item of profits or losses resulting from transactions between affiliated companies shall be stated. If impracticable of accurate determination, without unreasonable effort or expense, give an estimate or explain.

(c) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, shall be stated. Notation of such default or breach of covenant shall be made in the balance sheet.

(d) *Preferred shares.* (1) If callable, the date or dates and the amount per share at which such shares are callable shall be stated.

(2) Arrears in cumulative dividends per share and in total for each class of shares shall be stated.

(3) Preferences on involuntary liquidation, if other than the par or stated value, shall be shown. When the excess involved is material there shall be shown

(i) the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value; (ii) a statement that this difference, plus any arrears in dividends, exceeds the sum of the par or stated value of the junior capital shares and the surplus, if such is the case; and (iii) a statement as to the existence, or absence, of any restrictions upon surplus growing out of the fact that upon involuntary liquidation the preference of the preferred shares exceeds its par or stated value.

(e) *Pension and retirement plans.* (1) The terms and conditions of any employee pension or retirement plan shall be stated briefly.

(2) If a plan legally may be discontinued at will and for this reason it has not been funded or otherwise provided for in the accounts the estimated amount required to fund or otherwise provide for the past service cost of the plan, together with the estimated annual cost of the plan, shall be disclosed.

(f) *Restrictions which limit the availability of surplus for dividend purposes.* Describe any such restriction, other than as reported in paragraph (d) of this section, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of the surplus so restricted.

(g) *Contingent liabilities.* A brief statement as to material contingent liabilities not reflected in the balance sheet shall be made. In the case of guarantees of securities of other issuers a reference to the appropriate schedule shall be included.

§ 210.3-23 *General notes to profit and loss statements.* If present in regard to the person for which the statement is filed, the following shall be set forth in the profit and loss statement or in notes thereto:

(a) *Installment or deferred sales.* If a material amount of sales is made on a deferred basis, such as installment sales or sales of equipment long in process of manufacture, the basis of taking profits into income shall be stated.

(b) *Intercompany profits and losses.* The amount, if material, of any profits or losses resulting from transactions between affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, give an estimate or explain.

(c) *Depreciation, depletion, obsolescence, and amortization.* State for the period for which profit and loss statements are filed, the policy followed with respect to:

(1) The provision for depreciation, depletion, and obsolescence of physical properties or reserves created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts;

(2) The provision for depreciation and amortization of intangibles, or reserves created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts;

(3) The accounting treatment for maintenance, repairs, renewals, and betterments; and

(4) The adjustment of the accumulated reserves for depreciation, depletion, obsolescence, amortization or reserves in lieu thereof, at the time the properties are retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(d) *Capital shares sold, offered for sale or optioned to officers, directors and employees.* A brief summary of each such transaction, including with respect to each category the number of shares and the price. Any excess of the fair value of (1) shares sold, at the date of sale, over the sales price, or (2) shares offered for sale, at the date the offer was accepted, over the offering price, or (3) shares optioned, at the date the option right became the property of the grantee, over the option price, should be reflected in the profit and loss statement as compensation.

CONSOLIDATED AND COMBINED STATEMENTS

§ 210.4-01 *Application of §§ 210.4-01 to 210.4-14.* Sections 210.4-01 to 210.4-14 shall govern the preparation of consolidated and combined statements.

§ 210.4-02 *Consolidated statements of the registrant and its subsidiaries.* The registrant shall follow in the consolidated statements principles of inclusion or exclusion which will clearly exhibit the financial condition and results of operations of the registrant and its subsidiaries: *Provided, however, That:*

(a) The registrant shall not consolidate any subsidiary which is not a majority-owned subsidiary;

(b) If the statements of a subsidiary are as of a date or for periods different from those of the registrant, such subsidiary may be consolidated only if all the following conditions exist: (1) Such difference is not more than 93 days; (2) the closing date of the subsidiary is expressly indicated; (3) the necessity for the use of different closing dates is briefly explained; and (4) any changes in the respective fiscal periods of the registrant and the subsidiary made during the period of report are clearly indicated, together with the manner of treatment;

(c) *Consolidation of foreign subsidiaries:* Due consideration shall be given to the propriety of consolidating with domestic corporations foreign subsidiaries whose operations are effected in terms of restricted foreign currencies. If consolidated disclosure should be made as to the effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the registrant and its subsidiaries.

§ 210.4-03 *Group statements of subsidiaries not consolidated.* For majority-owned subsidiaries not consolidated with the registrant there may be filed statements in which such subsidiaries are consolidated or combined in one or more groups pursuant to principles of inclusion or exclusion which will clearly exhibit the financial condition and re-

sults of operations of the group or groups. If it is essential to a properly summarized presentation of the facts, such consolidated or combined statement shall be filed.

§ 210.4-04 Statement as to principle of consolidation or combination followed. (a) The principle adopted in determining the inclusion and exclusion of subsidiaries in each consolidated balance sheet and in each group balance sheet of unconsolidated subsidiaries shall be stated in a note to the respective balance sheet.

(b) As to each consolidated statement and as to each group statement of unconsolidated subsidiaries, a statement shall be made as to whether there have been included or excluded any persons not similarly treated in the corresponding statement for the preceding fiscal period filed with the Commission. If the answer to the foregoing is in the affirmative, the names of such persons shall be given.

§ 210.4-05 Reconciliation of investment of parent in subsidiaries and fifty percent owned persons and equity of parent in net assets of subsidiaries—(a) Consolidated subsidiaries. There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the parent's books, and the parent's equity in the net assets of such subsidiaries, as shown by the books of the latter. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions and stating the amount included in each.

(b) *Subsidiaries not consolidated.* A statement shall be made of the amount of any difference between the investment of the parent and its consolidated subsidiaries, as shown by their books, in the unconsolidated subsidiaries and fifty percent owned persons for which statements are filed and the equity of such persons in the net assets of such unconsolidated subsidiaries, as shown by the books of the latter.

§ 210.4-06 Reconciliation of dividends received from, and earnings of, unconsolidated subsidiaries. The proportion of the sum of, or difference between, current earnings or losses and the dividends declared or paid by the unconsolidated subsidiaries required to be included in the schedule prescribed by § 210.12-17 that is applicable to the parent and its consolidated subsidiaries shall be set forth in a note to each consolidated profit and loss statement.

§ 210.4-07 Minority interests. (a) Minority interests in the net worth of subsidiaries consolidated, shall be shown in each consolidated balance sheet. Separation shall be made between the minority interest in the capital and in the surplus.

(b) The aggregate amount of profit and loss accruing to minority interests shall be stated separately in each consolidated profit and loss statement.

§ 210.4-08 Intercompany items and transactions. In general, intercompany items and transactions, if material in amount, shall be eliminated. If not eliminated, a statement of the reasons and the methods of treatment shall be made.

§ 210.4-09 Special requirement as to insurance companies. (a) Except as provided in paragraph (b) of this section, the statements of an insurance company shall not be consolidated or combined with the statements of any person.

(b) The statements of an insurance company other than a life insurance company may be consolidated if all of the following conditions exist:

(1) The insurance company is a totally-held subsidiary of the top parent included in the consolidation;

(2) Such top parent is not an insurance company, investment company, or bank holding company;

(3) The insurance company engages in no business of a material amount other than the insuring of risks arising in the ordinary course of business of such top parent and its other subsidiaries; and

(4) Separate financial statements for the insurance company are filed.

§ 210.4-11 Special requirements as to registrants which are bank holding companies. If the registrant is a bank holding company:

(a) Statements of the registrant may be consolidated only with the statements of subsidiaries which are bank holding companies.

(b) A consolidated statement of the registrant and any of its bank holding company subsidiaries shall not be filed unless accompanied by a consolidating statement which sets forth the individual statements of each subsidiary included in the consolidated statement.

(c) Consolidated or combined statements filed for subsidiaries not consolidated with the registrant shall not include any bank holding companies unless accompanied by consolidating or combining statements which set forth the individual statements of each included bank holding company subsidiary.

§ 210.4-12 Special requirements as to banks. If two or more majority-owned subsidiaries of a person are banks and are directly owned by a single parent, there shall be filed, in lieu of individual statements for such subsidiaries, combined statements showing the minority interest separately and eliminating any material inter-bank items; except that the statements of any such subsidiary which on the date of filing is a closed or liquidating bank shall not be included in any combined statement. Except as provided in the preceding sentence, statements of banks shall not be included in any consolidated or combined statements.

§ 210.4-13 Special requirements as to public utility holding companies. There shall be shown in the consolidated balance sheet of a public utility holding company the difference between the amount at which the parent's investment is carried and the underlying book equity

of subsidiaries as at the respective dates of acquisition.

§ 210.4-14 Special requirements as to commercial, industrial and mining companies in the promotional, exploratory or development stage subject to §§ 210.5a-01 to 210.5a-07. The financial statements required by §§ 210.5a-01 to 210.5a-07, shall not be prepared on a consolidated basis but shall, insofar as practicable, be prepared so as to show the information for the registrant and each of its subsidiaries in parallel columns.

COMMERCIAL AND INDUSTRIAL COMPANIES

§ 210.5-01 Application of §§ 210.5-01 to 210.5-03. (a) Sections 210.5-01 to 210.5-03 shall be applicable to financial statements filed for all persons except:

(1) Commercial, industrial, and mining companies in the promotional, exploratory or development stage (see §§ 210.5a-01 to 210.5a-07).

(2) Management investment companies (§§ 210.6-01 to 210.6-10).

(3) Unit investment trusts (see §§ 210.6-10a to 210.6-13).

(4) Insurance companies other than life and title insurance companies (see §§ 210.7-01 to 210.7-06).

(5) Committees issuing certificates of deposit (see §§ 210.8-01 to 210.8-03).

(6) Banks (see § 210.9-05).

(7) Brokers and dealers (see § 240.17A-5 of this chapter and form X-17A-5).

(b) *Bank holding companies.* Financial statements and schedules filed for bank holding companies shall be prepared in accordance with §§ 210.5-01 to 210.5-03 except that §§ 210.9-01 to 210.9-04, inclusive, shall be applicable thereto.

§ 210.5-02 Balance sheets. The balance sheets filed for persons to whom §§ 210.5-01 to 210.5-03 are applicable shall comply with the following provisions:

ASSETS AND OTHER DEBITS

CURRENT ASSETS (SEE § 210.4-14)

1. *Cash and cash items.* State separately (a) cash on hand, demand deposits and time deposits; (b) call loans; and (c) funds subject to withdrawal restrictions.

2. *Marketable securities.* Include only securities having a ready market. Securities of affiliates shall not be included here. State the basis of determining the amount at which carried. The aggregate cost, and aggregate amount on the basis of current market quotations, shall be stated parenthetically or otherwise.

3. *Notes receivable (trade).*

4. *Accounts receivable (trade).*

5. *Reserves for doubtful notes and accounts receivable (trade).* Notes and accounts receivable known to be uncollectible shall be excluded from the assets as well as from the reserve account.

6. *Inventories.* (a) State separately the major classes of inventory such as (1) finished goods; (2) work in process; (3) raw materials; and (4) supplies.

(b) The basis of determining the amounts shall be stated. If a basis such as "cost," "market," or "cost or market whichever is lower" is given, there shall also be given, to the extent practicable, a general indication of the method of determining the "cost" or "market"; e. g., "average cost," "first-in, first-out," or "last-in, first out."

7. *Other current assets.* (a) State separately (1) total of current amounts, other

than trade accounts subject to the usual trade terms, due from directors, officers, and principal holders of equity securities other than affiliates; (2) total of current amounts due from parents and subsidiaries; and (3) any other amounts in excess of ten percent of total current assets, indicating any such amount due from affiliates other than parents and subsidiaries.

(b) Indebtedness of a parent or subsidiary, or any affiliate designated under (a) (3) shall not be considered as current unless the net current asset position of such person justifies such treatment. In the registrant's balance sheet show separately that indebtedness which in the related consolidated balance sheet is (1) eliminated and (2) not eliminated.

8. Total current assets.

INVESTMENTS

9. *Securities of affiliates.* State the basis of determining the amount. State separately the amounts which in the related consolidated balance sheet are (a) eliminated and (b) not eliminated.

10. *Indebtedness of affiliates; not current.* State separately the indebtedness which in the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

11. *Other security investments.* State the basis of determining the amount. If available, state parenthetically or otherwise, the aggregate amount on the basis of market quotations.

12. *Other investments.* State separately, by class of investments, any items in excess of ten percent of the amount of all assets other than fixed and intangible.

FIXED ASSETS

13. *Property, plant and equipment.* (a) State separately, if practicable, each major class, such as land, buildings, machinery and equipment, leaseholds, or functional grouping, and the basis of determining the amounts.

(b) Tangible and intangible utility plant of a public utility company shall be segregated so as to show separately the original cost, plant acquisition adjustments, and plant adjustments, as required by the system of accounts prescribed by the applicable regulatory authorities. This rule shall not be applicable in respect of companies which are not otherwise required to make such a classification or have not completed the necessary original cost studies. If such classification is not otherwise required or if such original cost studies have not been completed, an appropriate explanation of the circumstances shall be set forth in a note which shall include a specific statement as to the status of the original cost studies and, to the extent practicable, the results indicated thereby.

14. *Reserves for depreciation, depletion, and amortization of property, plant and equipment (or reserves in lieu thereof).*

INTANGIBLE ASSETS

15. *Patents, trade marks, franchises, goodwill, and other intangible assets.* State the basis of determining the amounts.

16. *Reserves for depreciation and amortization of intangible assets.*

DEFERRED CHARGES

17. *Prepaid expenses and other deferred items.* State separately any items material in amount and the method of amortization of such items. Prepayments of services to be received within one year may, however, be included under caption 7.

18. *Organization expense.* State the method of amortization.

19. *Debt discount and expense.* State the method of amortization.

20. *Commissions and expense on capital shares.* State the method of amortization.

These items may be shown as deductions from surplus.

OTHER ASSETS

21. *Other assets.* State separately (a) total of amounts due from directors, officers, and principal holders of equity securities other than affiliates; (b) each pension or other special fund of a material amount; and (c) any other item in excess of ten percent of the amount of all assets other than fixed and intangible.

LIABILITIES, CAPITAL SHARES, AND SURPLUS

CURRENT LIABILITIES (SEE § 210.3-15)

22. *Notes payable.* State separately amounts payable (a) to banks; (b) to trade; and (c) to others.

23. *Accounts payable (trade).*

24. *Accrued liabilities.* State separately (a) accrued pay rolls; (b) tax liability; (c) interest; and (d) any other material items. If the total amount under this caption is not material it may be stated as one amount.

25. *Other current liabilities.* State separately (a) dividends declared; (b) bonds, mortgages and similar debt; (c) total of current amounts due to parents and subsidiaries, showing separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated; (d) total of current amounts, other than items arising in the ordinary course of business, due directors, officers, and principal holders of equity securities other than affiliates; and (e) any other item in excess of ten percent of total current liabilities, indicating any such liability due to affiliates other than parents and subsidiaries. Remaining items may be shown in one amount.

26. *Total current liabilities.*

DEFERRED INCOME

27. *Deferred income.*

LONG-TERM DEBT

28. *Bonds, mortgages and similar debt.* State separately each issue or type of obligation. Show here, or in a note referred to herein, such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity, or if maturing serially, a brief indication of the serial maturities, such as "maturing serially from 1950 to 1960"; (c) the aggregate amount of maturities each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of such contingency; (e) a brief indication of priority; and (f) if convertible, a statement to that effect.

29. *Indebtedness to affiliates; not current.* State separately indebtedness which in the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

30. *Other long-term debt.* Include under this caption all amounts of long-term debt not provided for under captions 28 and 29 above. State separately (a) total amounts due banks, (b) total amounts due directors, officers, and principal holders of equity securities other than affiliates and (c) other long-term debt, specifying any material item. Indicate whether secured. Show here, or in a footnote referred to herein, the information required under caption 28.

OTHER LIABILITIES

31. *Other liabilities.* State separately any amount in excess of ten percent of the total of liabilities other than long-term debt.

32. *Commitments and contingent liabilities.* (See §§ 210.3-20 and 210.3-22 (g).)

RESERVES, NOT SHOWN ELSEWHERE

33. *Reserves, not shown elsewhere.* State separately each major class and indicate clearly its purpose.

CAPITAL SHARES AND SURPLUS (SEE § 210.8-01 (A))

34. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, and the number of shares outstanding and the capital share liability thereof. Show separately also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

35. *Surplus.* (a) Separate captions shall be shown for (1) paid-in surplus; (2) surplus arising from revaluation of assets; (3) other capital surplus; and (4) earned surplus (1) appropriated and (2) unappropriated.

(b) If undistributed earnings of subsidiaries are included, state the amount thereof parenthetically, or otherwise. However, in a consolidated statement, the preceding sentence shall have reference only to the undistributed earnings of subsidiaries not consolidated in such statement.

(c) Earned surplus subsequent to the effective date of quasi-reorganization. (See § 210.3-19 (e).)

(d) An analysis of each surplus account setting forth the information prescribed in § 210.11-02 shall be given for each period for which a profit and loss statement is filed, as a continuation of the related profit and loss statement, and shall be referred to here.

§ 210.5-03 *Profit and loss or income statements.* The profit and loss or income statements filed for persons to whom §§ 210.5-01 to 210.5-03 are applicable shall comply with the provisions of this section.

(a) All items of profit and loss given recognition to in the accounts during the period covered by the profit and loss or income statements shall be included.

(b) Only items entering into the determination of net income or loss may be included.

(c) If income is derived from both gross sales (caption 1A below) and operating revenues (caption 1B below), the two classes may be combined in one amount if the lesser amount is not more than 10 percent of the sum of the two items. If these items are combined, the cost of goods sold (caption 2A below) and operating expenses (caption 2B below) may be combined in one amount.

(d) Dividends from subsidiaries declared out of earned surplus of such subsidiaries created prior to acquisition by the parent may not be included.

(e) Dividends applicable to an issuer's own capital shares may not be included.

1A. *Gross sales less discounts, returns, and allowances.* State separately, if practicable and if material in amount, (a) sales to parents and subsidiaries and (b) sales to others.

2A. *Cost of goods sold.* (a) State the amount of cost of goods sold as regularly computed under the system of accounting followed. Indicate the amount of opening and closing inventories used in the computation, and state the basis of determining such amounts.

(b) Merchandising organizations, both wholesale and retail, may include occupancy and buying costs under this caption. However, publicity costs shall be included under caption 4 below or shown separately.

1B. *Operating revenues.* State separately, if practicable and if material in amount, revenues from (a) parents and subsidiaries and (b) others. A public utility company using a uniform system of accounts or a form for annual report prescribed by Federal or State authorities, or a similar system or report, shall follow the general segregation of revenues prescribed by such system or report.

2B. *Operating expenses.* State separately, if practicable and material in amount, purchases from and services rendered by (a) parents and subsidiaries and (b) others. A public utility company using a uniform system of accounts or a form for annual report prescribed by Federal or State authorities, or a similar system or report, may follow the general segregation of operating expenses prescribed by such system or report.

3. *Other operating expenses.* State separately any material amounts not included in caption 2A or 2B above.

3A. *Gross profit from sales.*

3B. *Net operating revenues.*

4. *Selling, general, and administrative expenses.*

5. *Provision for doubtful accounts.*

6. *Other general expenses.* Include items not normally included in caption 4 above State separately any material amount.

OTHER INCOME

7. *Dividends.* State separately, if practicable and material, the amount of dividends from (a) securities of affiliates, (b) marketable securities, and (c) other security investments.

8. *Interest on securities.* State separately, if practicable and material, the amount of interest from (a) securities of affiliates, (b) marketable securities, and (c) other security investments.

9. *Profits on securities.* Profits shall be stated net of losses. No profits on the person's own securities, or those of its affiliates, shall be included. State here or in a note herein referred to the method followed in

determining the cost of securities sold, e. g., "average cost," "first-in, first-out," or "identified certificate."

10. *Miscellaneous other income.* State separately, any material amounts, indicating clearly the nature of the transactions out of which the items arose.

INCOME DEDUCTIONS

11. *Interest and debt discount and expense.* State separately (a) interest on bonds, mortgages or similar debt; (b) amortization of debt discount and expense or premiums; and (c) other interest.

12. *Losses on securities.* Losses shall be stated net of profits. No losses on the person's own securities, or those of its affiliates, shall be included. State here or in a note herein referred to the method followed in determining cost of securities sold, e. g., "average cost," "first-in, first-out" or "identified certificate."

13. *Miscellaneous income deductions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

14. *Net income or loss before provision for taxes on income.*

15. *Provision for taxes on income.* State separately (a) Federal income taxes; and (b) other income taxes.

16. *Net income or loss.*

(a) See caption 35 (d) of § 210.5-02.

CONTENT OF STATEMENTS OF SURPLUS

§ 210.11-01 *Application of §§ 210.11-01 and 210.11-02.* Sections 210.11-01 and 210.11-02 prescribe the content of the

statements of surplus specified in § 210.5-02 (caption 35), and § 210.7-03 (caption 20).

§ 210.11-02 *Statement of surplus.* (See § 210.5-03 (a).) The analysis shall be given as to each class of surplus set forth in the related balance sheet.

1. *Balance at beginning of period.* (a) The balance at the beginning of the period of report may be as per the accounts.

(b) If the schedule is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances, as filed for the previous fiscal period, state the difference and explain.

2. *Net income or loss from profit and loss statement.*

3. *Other additions to surplus.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

4. *Deductions from surplus other than dividends.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

5. *Dividends.* For each class of shares state the amount per share and in the aggregate.

(a) *Cash.*

(b) *Other.* Specify.

6. *Balance at close of period.* The balance at the close of the most recent period shall agree with the related balance sheet caption.

[F. R. Doc. 50-6173; Filed, July 17, 1950; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 56985]

WYOMING

CORRECTION IN RESTORATION ORDER NO. 1295 UNDER FEDERAL POWER ACT

JULY 11, 1950.

In accordance with Departmental Order No. 2238 (a) (16) of August 16, 1946 (11 F. R. 9080), it is ordered as follows:

The township indicated in the land description listed in Federal Power Determination DA-116 Wyoming and included in order dated June 12, 1950, entitled, "Restoration Order No. 1295 Under Federal Power Act" (15 F. R. 3947) should be described as T. 22 N., R. 86 W., 6th P. M., instead of T. 22 S.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 50-6171; Filed, July 17, 1950; 8:45 a. m.]

[1925288]

OREGON

NOTICE OF FILING OF PLAT OF SURVEY

JULY 12, 1950.

Notice is given that the plat of survey of an island in the Columbia River including the following described lands, accepted July 31, 1943, will be officially filed in the Land Office, Portland, Oregon, effective at 10:00 a. m. on the 35th day after the date of this notice:

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,
Sec. 8, lots 5, 6
Sec. 9, lots 5, 6

The area described aggregates 62.73 acres.

Available data indicates that the land is nearly level.

All unsurveyed islands in the Columbia River are included in the withdrawal for the Department of the Army—McNary (Umatilla Dam and Reservoir, Public Land Order No. 606, September 13, 1949—2118594). The lands involved are also included in first form reclamation withdrawals dated August 16, 1905, and August 16, 1906.

Upon the filing of this plat the lands represented thereby will not be subject to selection, location, entry or other disposition under the general public land laws, by reason of the filing thereof.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 50-6172; Filed, July 17, 1950; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC COAST EUROPEAN CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 5200-J, between the member lines of the Pacific Coast European Conference, provides for the waiving, during the second six months of the calendar year 1950, of penalty assessments for failure to maintain minimum sailing requirements as provided in the first paragraph of Article 4 of the basic agreement of the Pacific Coast European Conference (No. 5200). Agreement No. 5200 covers the establishment, regulation and maintenance of agreed rates and charges for or in connection with the transportation of all cargo from the Pacific Coast of the United States to Great Britain, Northern Ireland, Irish Free State, Continental, Baltic, and Scandinavian ports and to base ports in the Mediterranean Sea and to transshipment ports in the Mediterranean Sea, Adriatic Sea, Black Sea, West, South, and East Africa, British India and Iraq.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 13, 1950, at Washington, D. C.

By the Board.

[SEAL]

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-6169; Filed, July 17, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6264]

NIAGARA FALLS POWER CO.

ORDER SETTING HEARING

JULY 11, 1950.

On January 20, 1950, the Niagara Falls Power Company (Niagara Company), Licensee for Project No. 16, filed a petition for authority to amortize through operating expenses, over the period from March 1, 1949, to May 1, 1967, an amount of \$1,500,000 now carried in Account 146, Other Deferred Debits, such disposition to be "for all accounting requirements subject to the jurisdiction of the Commission under the Federal Power Act, including particularly determination of project earnings for the purpose of section 10 (d)."

According to the petition, the amount of \$1,500,000 proposed to be amortized as an operating expense represents a payment made by Niagara Company to Aluminum Company of America (ALCOA) in consideration for the cancellation by ALCOA of (1) its contract right to take 52,000 mechanical horsepower, deliverable in Niagara Company's Schoellkopf Station 3-A until May 1, 1967, and (2) lease of certain nonproject real property.

The Commission orders:

(A) A public hearing be held on November 15, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, Hurley - Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., on the petition filed January 20, 1950, by Niagara Company.

Date of issuance: July 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6188; Filed, July 17, 1950;
8:47 a. m.]

[Docket Nos. G-1116, G-1152, G-1240, G-1317,
G-1344, G-1379, G-1415, G-1417]

PANHANDLE EASTERN PIPE LINE CO. ET AL.
ORDER CONSOLIDATING PROCEEDINGS, FIXING
DATE OF HEARING AND PRESCRIBING PRO-
CEDURE

JULY 11, 1950.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379.

On May 4, 1950, the Commission issued an order in the proceeding in Docket No. G-1317 granting to Panhandle Eastern Pipe Line Company (Panhandle) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain

natural gas pipe-line facilities.¹ In such order it was provided, among other things, that further hearings be held with respect to the following matters:

(n) (i) What would be a fair, reasonable and equitable distribution among present and prospective customers of the volumes of natural gas which will be available upon completion of the Trunkline and Panhandle facilities herein authorized.

(ii) The form of tariff and rate level which should be applicable to volumes of gas deliverable from the Panhandle system, i. e., whether Panhandle should be permitted to charge a "rolled-in-rate" demand and commodity in form, and with a minimum bill provision.

(iii) The status of the outstanding authorizations heretofore issued by the Commission in Docket Nos. G-706 and G-876, and whether such authorizations should be modified, and if so, to what extent.

It appears from the record in Docket No. G-1317 that Panhandle by reason of the construction of additional facilities will have an increment in designed system sales capacity during the latter part of 1950 of not less than 50,000 Mcf. of natural gas per day and a total designed system sales capacity of 550,000 Mcf. Panhandle has submitted no proposal or plan with respect to the allocation or distribution of the additional 50,000 Mcf.² of natural gas per day among its customers.

The record in the proceeding in Docket No. G-1240 as reflected by the interim order issued by the Commission on December 9, 1949, in such proceeding reveals that the estimated demand for firm gas from the Panhandle system at 0° F. during the winter 1949-1950 would have approximately 549,904 Mcf.³ This figure

¹The order issued May 4, 1950, authorized Panhandle to construct and operate facilities which will ultimately increase its designed system sales capacity from 500,000 Mcf. to 800,000 Mcf. per day. A part of the facilities authorized are designed to enable Panhandle to receive and transport approximately 250,000 Mcf. of natural gas per day from Trunkline Gas Supply Company. This volume of gas will not become available until the latter part of 1951. Panhandle, however, has been authorized to construct and operate facilities designed to take additional volumes of gas from the Panhandle and Hugoton fields and to increase its designed system sales capacity from an estimated 500,000 Mcf. to 550,000 Mcf. per day. The additional 50,000 Mcf. per day is expected to be available during the latter part of 1950.

²Since the recess in the hearing in Docket No. G-1317, the Commission, on June 28, 1950, issued in the Matter of City of Indianapolis, etc., Docket No. G-1083, an "Order Modifying Initial Decision" of the Presiding Examiner the effect of which is to direct Panhandle to establish physical connection of its facilities with facilities to be constructed by the City, and to deliver to City not in excess of 10,000 Mcf. of natural gas per day commencing not later than October 1, 1950.

³The estimate of 549,904 Mcf. is exclusive of gas sold directly and for resale for industrial purposes and subject to interruption when such gas is required to meet firm demands. The estimated volume of such sales as disclosed by the record in Docket No. G-1240 approximates 78,000 Mcf. per day.

is only slightly less than the estimated sales capacity 550,000 Mcf., which will be available from the Panhandle system during the latter part of 1950. It appears that by reason of normal load growth and the relaxation of restrictions on the attachment of spaceheating customers by State commissions the sales capacity of the Panhandle system may be inadequate to meet all the firm demands of Panhandle's customers.

The proceeding in Docket No. G-1240 was initiated after the filing by Panhandle, purportedly in compliance with Part 154 of the Commission's general rules and regulations, of its FPC Gas Tariff Original Volume No. 1 and statements relating to contracts on file with the Commission as rate schedules. After numerous protests had been received by the Commission from State commissions and Panhandle's customers, the tariff and contract statements were suspended by order of the Commission issued July 13, 1949, and the use of such Tariff and contract statements deferred until such time as they might be made effective in accordance with the provisions of the Natural Gas Act. The issues raised with respect to Panhandle's FPC Gas Tariff Original Volume No. 1 and statements relating to contracts are set forth in the Commission's orders issued July 13 and November 1, 1949.

Subsequent to the commencement of the hearing in Docket No. G-1240 it was disclosed on the record that the designed sales capacity of the Panhandle system, then approximately 500,000 Mcf., might be insufficient to meet the firm send-out requirements of customers during the winter 1949-1950. Based upon the evidence presented by the interested parties to the proceeding the Commission on December 13, 1949, issued an "Interim Order Establishing Service Rules and Regulations," hereinbefore referred to. Prior to the issuance of such order, the Illinois Commerce Commission on December 9, 1949, filed with this Commission a "Motion to Recess [Further] Proceedings" in Docket No. G-1240, and on the same date the Commission postponed further hearings in the proceedings until a date to be fixed by further order of the Commission.⁴

⁴The motion of the Illinois Commerce Commission filed December 9, 1949, as amended by letter of the same date, requested a recess in the proceedings until June 1, 1950. The Commission's order issued on December 9, 1949, postponing the hearing until a date to be fixed by further order of the Commission, provided opportunity to the interested parties to file responses to the motion as amended. No objection to the granting of the motion was interposed by any party.

In the response filed by Panhandle it is stated as follows:

1. It [Panhandle] offers no objection to the granting of such request for the recessing of further hearings in this proceeding provided such recess is for a period ending not earlier than June 1, 1950.

2. If such deferment is granted, Panhandle will not move to make effective, in accordance with section 4 of the Natural Gas Act, its FPC Gas Tariff, Original Volume No. 1, prior to further hearings and final action by the Commission.

The proceeding in Docket No. G-1152 with respect to the joint application of the Cities of Port Huron, Marysville and St. Clair, Michigan, has heretofore been consolidated for purposes of hearing with the proceeding in Docket No. G-1317 by order of the Commission issued February 10, 1950. In that application, filed November 16, 1948, the named Cities request an order, pursuant to section 7 (a) of the Natural Gas Act, requiring Panhandle to extend its transportation facilities, to establish physical connection with and sell natural gas to the Detroit Edison Company (Detroit Edison), which is engaged, among other things, in the distribution of gas in the Cities.

Since the filing of the application by the Cities of Port Huron, Marysville and St. Clair, Michigan, and the consolidation of the proceeding upon that application, Docket No. G-1152, with the proceeding in Docket No. G-1317, an application was filed with the Commission on June 8, 1950, by Southeastern Michigan Gas Company (Southeastern) Docket No. G-1415, in which application it is stated that Southeastern has contracted to purchase from Detroit Edison, on or before October 31, 1950, all properties, facilities and franchises now owned and utilized in the production, distribution and sale of manufactured gas in municipalities and unincorporated areas in the counties of Macomb and St. Clair, Michigan, among which are the municipalities of Port Huron, Marine City, St. Clair, Marysville, Romeo, Richmond and New Baltimore. Southeastern contemplates the conversion of the territory from manufactured gas to straight natural gas. In this connection Southeastern by its application seeks pursuant to section 7 of the Natural Gas Act, as amended, (1) an order directing Panhandle to establish physical connection of its transportation facilities with facilities proposed to be constructed by Southeastern, and requiring Panhandle to sell natural gas to Southeastern, and (2) a certificate of public convenience and necessity authorizing the construction and operation of facilities designed to transport gas from the point of connection with facilities of Panhandle to the territory proposed to be served by Southeastern. Due notice of the filing of this application has been given, including publication of such notice in the *FEDERAL REGISTER* on June 23, 1950 (15 F. R. 4065). An answer to Southeastern's application was filed by Panhandle on July 3, 1950.

On March 17, 1950, Panhandle filed with the Commission an application pursuant to section 3 of the Natural Gas Act, Docket No. G-1344 for an order authorizing it to export natural gas to the Dominion of Canada in accordance with an arrangement between Panhandle and Union Gas Company of Canada, Limited (Union). Panhandle proposes to export to Union under contract dated March 15, 1950, 27,350,000 Mcf. of natural gas per annum, at a daily delivery rate of not less than 37,500 Mcf. nor more than 100,000 Mcf. Due notice of the application has been given, including publication of notice in the *FEDERAL REGISTER* on March 29, 1950 (15 F. R. 1759-60).

On April 20, 1950, Michigan Consolidated Gas Company (Michigan Consolidated) filed with the Commission, Docket No. G-1379, a complaint against Panhandle in which Michigan Consolidated alleges in substance that it has filed, and there are pending with Panhandle 9 applications for the purchase of approximately 51,000 Mcf. of natural gas per day for resale to large industrial consumers on an interruptible basis; that such applications have been filed in accordance with the provisions of Panhandle's Rate Schedule Rd-2 (contained in Supplement No. 5 to Panhandle's Rate Schedule F. P. C. No. 12 relating to sales to Michigan Consolidated); that Michigan Consolidated has been and is entitled to purchase gas pursuant to the aforesaid 9 applications under Rate Schedule Rd-2, if Panhandle "in its judgment, has a sufficient supply of gas and adequate facilities with which to make such deliveries"; that by reason of the completion of the construction of additional facilities in October 1949, Panhandle has available at least 50,000 Mcf. per day more pipe-line capacity than it had available during the summer of 1949; that from April 1949 to October 1949 Panhandle sold some 982,267 Mcf. of natural gas to Union, thus demonstrating that it is now able to supply the 51,000 Mcf. of natural gas per day covered by Michigan Consolidated's aforesaid 9 applications; and that the export of gas to Canada by Panhandle is contrary to conditions of the Commission's order of April 23, 1946, in Docket No. G-612, 5 F. P. C. 472, authorizing Panhandle pursuant to section 3 of the Natural Gas Act to export gas to Canada, in that such order provides that "at all times, persons and municipalities in the United States are to receive preferential service over that to Union."

On May 24, 1950, Panhandle filed with the Commission its answer to Michigan Consolidated's complaint, in which it denies generally many of the allegations of the complaint. The answer denies specifically that the 9 alleged applications are pending; that Michigan Consolidated has any rights arising out of such alleged applications; that the facts with respect to export of 982,267 Mcf. of natural gas to Union during 1949 have any relevancy to any alleged rights of Michigan Consolidated under its 9 alleged applications. Panhandle avers that the deliveries made to Union did not result in interruption to or impairment of service to Panhandle's other customers, including Michigan Consolidated; that the sales to Union are made on an off peak basis during April to October rather than on the interruptible basis contemplated by Rate Schedule Rd-2; and that the 9 alleged applications requested Panhandle to supply gas in equal monthly volumes throughout the year which is a different type of service from that rendered to Union.

On June 9, 1950, Panhandle filed with the Commission an application, Docket No. G-1417, seeking in the alternative, (1) a disclaimer of jurisdiction over the matters set forth therein or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act,

as amended, authorizing the construction and operation of a meter, necessary measuring and pressure regulating equipment and a physical connection between its facilities and a pipeline which Ford Motor Company (Ford) will construct, or will have constructed, for the purpose of accomplishing the delivery of natural gas for industrial uses in Ford's plant located in Dearborn, Michigan. Due notice of the filing of this application has been given, including publication of such notice in the *FEDERAL REGISTER* on June 23, 1950 (15 F. R. 4065).

On September 3, 1948, the Commission issued an order in Docket No. G-1116 instituting an investigation for the purpose of enabling the Commission to determine whether any rate, charge, service or classification demanded, observed, charged or collected by Panhandle for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service or classification is unjust, unreasonable, unduly discriminatory or preferential.

The said order issued September 3, 1948, provided further that if the Commission, after hearing has been had, shall find that any of such rates, charges, services, classifications, rules, regulations, practices or contracts of Panhandle, subject to the jurisdiction of the Commission are unjust, unreasonable, unduly discriminatory or preferential, the Commission will determine and fix by order or orders the just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

As has been indicated, the designed sales capacity of the Panhandle system during the latter part of 1950 will be approximately 550,000 Mcf. per day or an increase of 50,000 Mcf. over the estimated sales capacity of the system during the winter period 1949-1950. For the reasons hereinbefore stated it appears that it is necessary and appropriate in order to carry out the provisions of the Natural Gas Act, particularly sections 4 and 5, thereof that further hearings be held for the purpose of determining:

1. Whether the sales capacity of the Panhandle system during 1950-1951 will be adequate to satisfy all the requirements of customers dependent in whole or in part upon the Panhandle system for their supply of natural gas.

2. The just and reasonable service rules and regulations which should be made applicable to deliveries of natural gas from the Panhandle system in the event the evidence discloses that the capacity of the Panhandle system will be inadequate to satisfy the requirements of all customers served from the system.

It appears that it is appropriate to consider in conjunction with the two matters just enumerated the applications filed by the Cities of Port Huron, et al., and Southeastern Michigan Gas Company, Docket No. G-1152 and Docket No. G-1415, respectively, wherein the applicants are seeking a supply of natural gas for certain communities not now having natural gas service in Michigan; the application of Panhandle, Docket No. G-1417, wherein it seeks authorization

to construct and operate facilities for the delivery of natural gas to Ford at Dearborn, Michigan; and the issues raised and the matters presented by the complaint of Michigan Consolidated against Panhandle in Docket No. G-1379, and the answer to such complaint filed by Panhandle. These proceedings all relate to volumes of natural gas which presently, or in the future, may be available from the Panhandle system, and involve the question of whether the public interest or public convenience and necessity permit or require such service in accordance with the applicable provisions of the Natural Gas Act, and the present rate schedules of Panhandle or under any tariff or service agreement which may be approved or prescribed by the Commission.

During the course of the hearing in Docket No. G-1317 upon its application for a certificate of public convenience and necessity, Panhandle presented testimony with respect to (1) the proposed disposition among present and prospective customers of the additional volumes of natural gas which will be available to it upon completion of facilities authorized in Docket No. G-1317, and of facilities to be constructed by Trunkline Gas Supply Company, and (2) the form of tariff, service agreement, form of rate and rate level to be applicable to the sales of natural gas from the Panhandle system after completion of all the facilities referred to above. For the reasons set forth in the Commission's order issued May 4, 1950, with respect to Docket Nos. G-882 and G-1317, determination of these matters was deferred pending further hearings in Docket No. G-1317.

It appears that the determination of what will be the just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force in the event that in the proceeding in Docket No. G-1116 it is determined that Panhandle's present effective rates, charges, classifications, rules, regulations, practices or contracts are found to be unjust, unreasonable, unduly discriminatory or preferential may present the same or similar issues to those presented in the tariff suspension proceeding in Docket No. G-1240. Further, the matters and issues presented in Docket Nos. G-1116 and G-1240 may have a bearing upon the determination of what would be the just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be observed and in force, or the principles to be applicable in the determination of any of the foregoing, when the designed capacity of the Panhandle system has been increased by the construction and operation of facilities authorized in Docket Nos. G-882 and G-1317. Therefore, it appears appropriate that the proceedings in Docket Nos. G-1116 and G-1240 and further proceedings in Docket No. G-1317 be heard upon the same record.

Because of the interrelationship of all of the proceedings hereinbefore referred to it also is desirable and appropriate that all of such proceedings be consolidated for purposes of hearing. Consolidation of such proceedings for purposes

of hearing, however, does not mean that final action with respect to all matters and issues will be deferred until all sessions of hearings in the consolidated proceedings have been finally concluded. The Commission will issue such order or orders in the proceedings as may from time to time appear to be appropriate and justified by the facts then appearing of record. Further, it appears desirable and appropriate to prescribe the order of procedure in which the matters and issues presented in the various proceedings shall be taken up at the hearing, and accordingly, this will be done hereinafter.

Any evidence of record with respect to any of the proceedings hereby consolidated for purposes of hearing at the time the Commission takes dispositive action with respect to any matter or issue herein will be considered by the Commission in connection with such action.

To provide for orderly and timely consideration of the various matters and issues in the proceedings and the expeditious disposition of such matters and issues, the Commission is of the opinion that the presentation of evidence at the hearing in the consolidated proceedings should relate to the following issues and that such presentation should be in the order in which the issues are listed as follows:

1. Whether the designed sales capacity of the Panhandle system of 550,000 Mcf. which is the total expected to be available during the latter part of 1950 will be adequate to satisfy all the requirements of customers dependent in whole or in part upon the Panhandle system for their supplies of natural gas.

2. The just and reasonable service rules and regulations which should be made applicable to deliveries of natural gas from the Panhandle system in the event that the evidence discloses that the capacity of the Panhandle system is, or will be, inadequate to satisfy all the requirements of customers served from the system.

3. (a) Whether the Commission should find it necessary or desirable in the public interest to grant the orders sought in Docket No. G-1152 and in Docket No. G-1415 or either of them, while the designed sales capacity of the Panhandle system approximates 550,000 Mcf. per day; and (b) the matters and issues presented in the proceedings in Docket Nos. G-1417 and G-1379.

4. The form of tariff which should be applicable to volumes of gas delivered from the Panhandle system when the capacity of such system has been increased by additional natural gas supplies from the Trunkline Gas Supply Company project, i. e., whether Panhandle should be permitted to charge a "rolled-in-rate," demand and commodity in form, and with a minimum bill provision.

5. The matters and issues presented by the application in Docket No. G-1344.

6. What would be a fair, reasonable and equitable distribution among present and prospective customers of the volumes of natural gas which will be available upon completion of the Trunkline and Panhandle facilities authorized in Docket Nos. G-882 and G-1317.

7. Whether Panhandle's present rates, charges, classifications, rules, regulations, practices and contracts are unjust, unreasonable, unduly discriminatory or preferential, and if found to be unjust, unreasonable, unduly discriminatory or preferential, what would be the just and reasonable rates, charges, classifications, rules, regulations, practices and contracts to be determined and fixed by order.

8. The just and reasonable rates, charges, classifications, rules, regulations, practices and contracts (or the principles to be followed in the determination of the foregoing), which should be made applicable to volumes of gas deliverable from the Panhandle system when the sales capacity has been increased by the supply of natural gas to be received from Trunkline Gas Supply Company.

9. The status of outstanding authorizations issued by the Commission in Docket Nos. G-706 and G-876, and whether such authorizations should be modified, and if so, to what extent.

The Commission orders:

(A) The proceedings in Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415 and G-1379 be and they hereby are consolidated for the purposes of hearing in accordance with the terms of this order.

(B) Pursuant to the provisions of sections 3, 4, 5, 7 and 15 of the Natural Gas Act, as amended, and in accordance with the terms of this order a public hearing be held commencing on August 14, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., with respect to the matters involved and the issues presented in the proceedings which by this order have been consolidated for hearing.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 13, 1950.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6187; Filed, July 17, 1950;
8:46 a. m.]

[Docket Nos. G-1250, G-1262]

BLUEFIELD GAS CO. AND AMERE GAS
UTILITIES CO.

ORDER CONSOLIDATING PROCEEDINGS AND
FIXING DATE OF HEARING

On August 4, 1949, Bluefield Gas Company (Bluefield), a West Virginia corporation with its principal place of business at Bluefield, West Virginia, filed an application, as amended on June 23, 1950, in Docket No. G-1250, for a certificate of public convenience and necessity to construct and operate certain transmission pipeline facilities, all as more fully described in its application on file with the Commission and open to public inspection, public notice having been given, including publication in the FEDERAL

REGISTER on August 24, 1949 (14 F. R. 5247).

On August 17, 1949, Amere Gas Utilities Company (Amere) a West Virginia corporation with its principal place of business at Charleston, West Virginia, filed an application in Docket No. G-1262, for a certificate of public convenience and necessity to construct and operate certain transmission pipeline facilities, all as more fully described in its application on file with the Commission and open to public inspection, public notice having been given, including publication in the FEDERAL REGISTER on September 2, 1949 (14 F. R. 5476).

The Commission finds: Good cause exists for consolidating the above proceedings for purposes of hearing.

The Commission orders:

(A) The above-entitled proceedings be and they are hereby consolidated for purposes of hearing.

(B) 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, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 2, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6186; Filed, July 17, 1950;
8:46 a. m.]

[Docket No. G-1335]

CAROLINA NATURAL GAS CORP.

NOTICE OF AMENDED APPLICATION

JULY 12, 1950.

Take notice that the Carolina Natural Gas Corporation (Applicant), a Delaware corporation with its principal place of business at 701 Wilder Building, Charlotte, North Carolina, filed on July 7, 1950, a second amendment to its application filed March 3, 1950, for (1) a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipeline facilities, and (2) an order under section 7 (a) of the act, directing Transcontinental Gas Pipe Line Corporation (Transcontinental), a natural-gas company subject to the jurisdiction of the Commission, to establish physical connections of its transportation facilities with Applicant's proposed facilities and to sell natural gas to the Applicant.

Applicant proposes to construct and

operate approximately 467¹/₂ miles of 4¹/₂-inch to 12³/₄-inch pipeline consisting of eleven separate laterals extending from nine connections with the facilities of Transcontinental to the various markets proposed to be served in North and South Carolina. Applicant, in addition to its previously proposed service to various communities in North and South Carolina, by its amendment now seeks to obtain authorization to construct and operate facilities for the purpose of supplying natural gas to the South Carolina Electric & Gas Company for distribution in Columbia, South Carolina, and the delivery and sale of natural gas to several new industrial customers.

Applicant estimates, in view of its proposed additional natural gas service, that its annual demands will be increased from 9,797,000 Mcf. as previously estimated in the first year, to 11,431,000 Mcf. and its previous estimate of 15,273,000 Mcf. in the fifth year, to 18,979,000 Mcf.; its peak day demand previously estimated at 30,000 Mcf. in the first year will be increased to 38,000 Mcf.; and its estimate of 65,000 Mcf. in the fifth year, to 82,000 Mcf.

The estimated over-all capital cost of Applicant's previously proposed facilities was estimated at approximately \$7,374,100, whereas in its present proposal it estimates the cost of its facilities to be \$9,484,800, which Applicant proposes to finance by the sale of First Mortgage Bonds in the amount of \$7,100,000, and by the issuance of junior securities to cover the balance.

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) before July 21, 1950. The application and amendments thereto are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6185; Filed, July 17, 1950;
8:46 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

DIVISION OF PHARMACEUTICAL CHEMISTRY

ESTABLISHMENT OF A NEW TECHNICAL DIVISION

The description of the organization, functions, and procedures of the Food and Drug Administration as published in the FEDERAL REGISTER of November 27, 1948 (13 F. R. 6983), and amended in the FEDERAL REGISTER of May 6 and November 16, 1949 (14 F. R. 2362, 6959) is amended in the following respect:

In section I, *Organization*, paragraph B, *Washington headquarters*, add to the list of administrative and technical divisions the following: Division of Pharmaceutical Chemistry.

¹ Applicant by its application of March 3, as amended April 24, 1950, proposed to construct 375.1 miles of 4¹/₂-inch to 12³/₄-inch pipeline consisting of a number of separate laterals which did not include a lateral extending to Columbia, South Carolina, as herein proposed.

This notice is published pursuant to § 1.45 (a) of the Federal Register Regulations (1 CFR 1.45 (a)).

Dated: July 11, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-6192; Filed, July 17, 1950;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

AMERICAN NATIONAL LIVE STOCK ASSN.
ET AL.

RAILROAD RATES ON LIVESTOCK

JULY 10, 1950.

In the matter of petition of the American National Live Stock Association et al. for an order citing the rail carriers to show cause why they should not reduce their rates on livestock.

There was filed with the Commission on June 19, 1950, a petition (as amended on July 3, 1950), on behalf of the American National Live Stock Association, National Wool Growers Association, Texas and Southwestern Cattle Raisers Association, Texas Sheep and Goat Raisers Association, Highland-Hereford Breeders Association, Live Stock Traffic Association, National Live Stock Producers Association, and their State affiliates, requesting the Commission (a) to issue an order citing the rail carriers and each of them, to show cause why they should not immediately reduce their rates on livestock throughout the United States by making necessary revisions in their increased rates thereon, and (b) to invite a cooperating committee of commissioners selected by the States to participate in the hearings, oral argument, and subsequent disposition of the proceeding.

Any person desiring to make a representation concerning this petition may do so in writing by filing fifteen copies with the Commission and transmitting copies to:

Lee J. Quasey, Commerce Counsel, 139 North Clark Street, Chicago, Illinois,
Chas. A. Stewart, Traffic Manager, 218 Live Stock Exchange, Fort Worth, Texas,
Calvin L. Blaine, Assistant Traffic Manager;
Chas. E. Blaine, Traffic Manager, 900 Title & Trust Building, Phoenix, Arizona,

counsel for petitioners, on or before August 15, 1950. Such representation should comply with Rule 15 of the general rules of practice of the Commission.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6178; Filed, July 17, 1950;
8:45 a. m.]

[4th Sec. Application 25240]

HAY AND STRAW FROM AND TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

JULY 13, 1950.

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: Union Pacific Railroad Company.

Commodities involved: Hay and straw, also pummies and flax moss, carloads.

Between: Council Bluffs, Iowa, Omaha and South Omaha, Nebr., and Kansas City, Mo.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: U.P., tariff I. C. C. No. 4740, Supplement 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6180; Filed, July 17, 1950;
8:45 a. m.]

[4th Sec. Application 25241]

GRAIN FROM KANSAS AND OKLAHOMA TO
TEXAS

APPLICATION FOR RELIEF

JULY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of The Atchison, Topeka and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Points in Kansas and Oklahoma.

To: Points in Texas.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3832, Supplement 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission,

in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6181; Filed, July 17, 1950;
8:46 a. m.]

[4th Sec. Application 25242]

HAY AND STRAW FROM AND TO KANSAS
CITY, MO.

APPLICATION FOR RELIEF

JULY 13, 1950.

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: Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Hay, straw and articles taking same rates, carloads.

Between: Council Bluffs, Iowa, Omaha and South Omaha, Nebr., and Kansas City, Mo.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: CRI&P, tariff I. C. C. No. C-12869, Supplement 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6182; Filed, July 17, 1950;
8:46 a. m.]

[Application 25243]

PASSENGER FARES; LONG ISLAND RAIL ROAD
APPLICATION FOR RELIEF

JULY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Long Island Rail Road Company.

Commodities involved: Passenger fares.

Between: Stations on The Long Island Rail Road.

Grounds for relief: No grounds advanced for the relief prayed.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6183; Filed, July 17, 1950;
8:46 a. m.]

[4th Sec. Application 25244]

LUMBER TO CHATTANOOGA, JOHNSON CITY,
AND VOSE, TENN.

APPLICATION FOR RELIEF

JULY 13, 1950.

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: Southern Railway Company for itself and on behalf of The Alabama Great Southern Railway Company and other carriers named in the application.

Commodities involved: Lumber and other forest products, carloads.

From: Points on the Southern Railway and subsidiary lines.

To: Chattanooga, Johnson City, and Vose, Tenn.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: Sou. Ry., tariff I. C. C. No. A-11211.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary

before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6184; Filed, July 17, 1950;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2410]

CHARLES C. HARRISON, 3D, ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

In the matter of Charles C. Harrison, 3d, David B. Sharp, Jr., Robert E. Daffron, Jr., File No. 70-2410.

Notice is hereby given that Charles C. Harrison, 3d, David B. Sharp, Jr. and Robert E. Daffron, Jr. have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935. Applicants have designated sections 9 (a) (2) and 10 of the act as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 31, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by such joint application, as filed or as amended, 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 July 31, 1950, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application which is on file in the offices of this Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Chesapeake Utilities Corporation ("Chesapeake") is a holding company claiming exemption as such pursuant to the provisions of Rule U-9. Harrison, Sharp and Daffron, jointly, hold 13,000 shares of common stock of Chesapeake of the par value of \$5 per share out of the 26,000 shares of such stock outstanding, and hold indirectly, through Harrison & Co., in which they are partners, 50 shares of 5 percent Cumulative Preferred Stock of Chesapeake of the par value of \$100 per share of which 1,000 shares are outstanding. Mary Callery owns 950 shares of the preferred and

11,000 shares of the common stocks of Chesapeake. Harrison, Sharp and Daffron propose to acquire from Mary Callery an indirect interest, through Harrison & Co., in an additional 50 shares of the preferred stock of Chesapeake, the initial 50 shares having been acquired from Mary Callery pursuant to an order of this Commission dated February 13, 1950. Harrison & Co. will pay Mary Callery a cash consideration of \$5,000, being the aggregate par value of such stock and the cost of such shares to her.

Applicants state that no State commission and no Federal agency, other than this Commission, has any jurisdiction in the matter and have requested that our order herein be issued as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6174; Filed, July 17, 1950;
8:45 a. m.]

[File No. 70-2384]

NORTHERN NATURAL GAS CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July 1950.

The Commission by order dated May 29, 1950, having permitted an amended declaration to become effective with respect to the issuance and sale by Northern Natural Gas Company, a registered holding company, of \$40,000,000 principal amount of its 2½ percent Serial Debentures, dated May 1, 1950, due 1953-70, and said order having reserved jurisdiction over the fees and expenses of counsel for the prospective purchasers and over the engineering fees and expenses; and

Statements having been filed with respect to requested fees in the amount of \$12,500 and expenses in the amount of \$500, payable to the firm of Pam, Hurd & Reichmann, of Chicago, Illinois, as counsel for the prospective purchasers, and engineering fees payable to Ralph E. Davis, of Pittsburgh, Pennsylvania, in the amount of \$8,103.20, including expenses in the amount of \$780.70, for services rendered Northern Natural Gas Company in connection with the issuance of said debentures; and

The Commission having considered such statements and finding that the requested fees and expenses are not unreasonable and deeming it appropriate that jurisdiction with respect thereto be released:

It is ordered, That the jurisdiction heretofore reserved over such fees and expenses be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6175; Filed, July 17, 1950;
8:45 a. m.]

[File Nos. 54-72, 59-66, and 54-105]

STANDARD GAS AND ELECTRIC CO. ET AL. ORDER REGARDING PLANS AND APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of July 1950.

In the matter of Standard Gas and Electric Company, File Nos. 54-72 and 59-66, Standard Power and Light Corporation and Standard Gas and Electric Company, File No. 54-105.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Power and Light Corporation ("Standard Power"), also a registered holding company, having filed, on March 24, 1943, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), its "Plan for Recapitalization of Standard Gas and Electric Company", and the Commission having entered its findings and opinion, on May 29, 1944, disapproving said plan; and

Standard Gas having filed, on August 28, 1944, pursuant to section 11 (e) of the act, its "Amended Plan for Recapitalization of Standard Gas and Electric Company", as subsequently modified by amendments Nos. 1 and 2 thereto, and the Commission having entered its Findings and Opinion and Order, on November 15, 1944, approving said plan, as amended; and

The Commission having applied to the United States District Court for the District of Delaware to enforce and carry out the provisions of said "Amended Plan for Recapitalization of Standard Gas and Electric Company", as amended, and said Court having remanded said plan to the Commission for further proceedings in accordance with an opinion of said Court, entered December 29, 1945; and

Standard Gas having filed, on October 3, 1947, pursuant to section 11 (e) of the act, its "Plan of Standard Gas and Electric Company", and the Commission having entered its Memorandum opinion and order, on October 30, 1947, directing, among other things, that Standard Gas show cause why said plan should not be dismissed because of vagueness and lack of specificity; and

Standard Power and Standard Gas having filed, on September 27, 1944, pursuant to section 11 (e) of the act, their "Joint Plan of Standard Power and Light Corporation and Standard Gas and Electric Company," and the Commission having entered its findings and opinion and order, on February 22, 1945, approving said plan; and

Standard Gas having filed, on May 8, 1950, an application requesting (a) that it be permitted to withdraw its plans filed on August 28, 1944 and October 3, 1947, (b) that it be permitted to withdraw as a party to the joint plan filed on September 27, 1944, (c) that the Commission vacate its order, dated November 15, 1944, under section 11 (e) of the act, approving the plan, as amended, filed August 28, 1944, and (d) that the Commission terminate and dismiss all pending proceedings involving the plans filed by Standard Gas on March 27, 1943,

August 28, 1944, and October 3, 1947; and Standard Gas having agreed that its withdrawal, as requested, of said plans and as a party to said joint plan shall not terminate or in any way limit any jurisdiction conferred upon the Commission by law over fees and expenses in connection with the reorganization of Standard Gas under the act, including any and all transactions related to said plans, and that Standard Gas will pay only such of the fees and expenses which are subject to the jurisdiction of the Commission, as aforesaid, as shall be approved, awarded, allowed or allocated by the Commission; and

The Commission having entered an order, dated December 31, 1948, pursuant to section 11 (b) (2) of the act, directing Standard Gas to liquidate and dissolve, or, in the alternative, to recapitalize on the basis of a single class of stock, namely, common stock; and Standard Gas having filed, on December 28, 1949, pursuant to section 11 (c) of the act, an application requesting that the time for compliance with said order be extended for a period of one year; and

Notice of said application filed by Standard Gas on May 8, 1950, having been duly given, all interested persons having been afforded an opportunity for hearing and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or as subsequently extended by order of the Commission, dated June 8, 1950, or otherwise, and not having ordered a hearing thereon; and the Commission having considered the record and filed its Memorandum Opinion herein:

It is ordered, That the "Amended Plan for Recapitalization of Standard Gas and Electric Company", as amended, and the "Plan of Standard Gas and Electric Company" filed on August 28, 1944, and October 3, 1947, respectively, pursuant to section 11 (c) of the act, be, and the same hereby are, permitted to be withdrawn.

It is further ordered, That the proceedings at File No. 54-72 involving the "Plan for Recapitalization of Standard Gas and Electric Company", the "Amended Plan for Recapitalization of Standard Gas and Electric Company", and the "Plan of Standard Gas and Electric Company", filed on March 24, 1943, August 28, 1944, and October 3, 1947, respectively, be, and the same hereby are, terminated and dismissed.

It is further ordered, That jurisdiction is reserved with respect to all fees and expenses paid or to be paid by Standard Gas (except as heretofore specifically approved by the Commission) for services in connection with the reorganization of Standard Gas under the act, including the said plans filed by Standard Gas on March 24, 1943, August 28, 1944, and October 3, 1947, and the joint plan filed by Standard Power and Standard Gas on September 27, 1944, and any and all transactions related thereto.

It is further ordered, That the findings and opinion of the Commission, entered May 29, 1944, and the findings and opin-

ion of the Commission, entered November 15, 1944, at File No. 54-72, be, and the same hereby are, vacated and set aside and that the order of the Commission, dated November 15, 1944, entered at File No. 54-72, be, and the same hereby is, rescinded.

It is further ordered, That the application of Standard Gas to withdraw as a party to the "Joint Plan of Standard Power and Light Corporation and Standard Gas and Electric Company," filed on September 27, 1944, at File No. 54-105, be, and the same hereby is, granted, effective forthwith.

It is further ordered, That the time in which Standard Gas may comply with the order, dated December 31, 1948, entered by the Commission pursuant to section 11 (b) (2) of the act, at File No. 59-66, be, and the same hereby is, extended for a period of one year from December 31, 1949.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-6176; Filed, July 17, 1950;
8:45 a. m.]

[File No. 70-2418]

SOUTH JERSEY GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington D. C., on the 12th day of July 1950.

South Jersey Gas Company ("South Jersey"), a gas utility subsidiary of The United Corporation, a registered holding company, having filed an application-declaration regarding the purchase of all the common stock of the Bridgeton Gas Light Company ("Bridgeton"), consisting of 3,880 shares, at their par value of \$100 per share, and the issuance and sale of \$388,000 principal amount of its 2 1/4 percent bank notes for the purpose of temporarily financing such purchase, and the issuance and sale of \$52,000 principal amount of its 2 3/4 percent bank notes for the purpose of converting the Bridgeton customers' appliances for the use of natural gas; and

A public hearing having been held after appropriate public notice and the Commission having considered the record and filed its memorandum findings and opinion herein:

It is ordered, That said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-6177; Filed, July 17, 1950;
8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9758, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14823]

MARIE SCHROEDER

In re: Debts owing to Marie Schroeder, F-28-26080-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Schroeder, whose last known address is Hamburg (24) Flattbek, Lindemanstrasse 9, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the Union National Bank, Reading, Pennsylvania, payable to Marie Schroeder, dated April 2, 1940, numbered N-265993 in the amount of \$50.81, said check representing the fourth dividend on Claim No. 5001 against the Farmers National Bank and Trust Company, Reading, Pennsylvania, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

b. That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the Berks County Trust Company, Reading, Pennsylvania, payable to Marie Schroeder, dated December 1, 1941, numbered P-252493 in the amount of \$35.57, said check representing the fifth dividend on Claim No. 5001 against the Farmers National Bank and Trust Company, Reading, Pennsylvania, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and

c. That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the Berks County Trust Company, Reading, Pennsylvania, payable to Marie Schroeder, dated December 30, 1942, numbered P-969997 in the amount of \$22.10, said check representing the sixth

(final) dividend on Claim No. 5001 against the Farmers National Bank and Trust Company, Reading, Pennsylvania, presently in the custody of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6204; Filed, July 17, 1950;
8:48 a. m.]

[Vesting Order 14824]

ERNST SONNTAG

In re: Stock owned by Ernst Sonntag also known as Ernest Sonntag.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Sonntag also known as Ernest Sonntag, whose last known address is Plochingenstrasse 13, Wernau am Neckar, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value capital stock of the International Telephone and Telegraph Corporation, 67 Broad Street, New York 4, New York.

evidenced by a certificate numbered NNAF 1501, registered in the name of Ernst Sonntag, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6205; Filed, July 17, 1950;
8:48 a. m.]

[Vesting Order 14827]

TOKIZO YAMASHITA

In re: Debt owing to Tokizo Yamashita. F-39-6694-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokizo Yamashita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tokizo Yamashita, by Fidelity and Deposit Company of Maryland, 405 Montgomery Street, San Francisco 4, California, arising out of funds on deposit in a Time Deposit Open Account, numbered P/B3631, entitled Fidelity and Deposit Company of Maryland, maintained with the Bank of America National Trust and Savings Association, Market-New Montgomery Street, San Francisco, California, and representing cash collateral deposited with the aforesaid Fidelity and Deposit Company of Maryland as security on an Immigration Bond for one Kenji Yamashita, together with any and all accruals thereto, and

any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6206; Filed, July 17, 1950;
8:48 a. m.]

[Vesting Order 14830]

ALMA L. DEETJEN

In re: Trust under will of Alma L. Deetjen, deceased. File No. F-28-9589-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Doeblein and Gerda Pfeifer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lina Doeblein, deceased, and the issue, names unknown, of Ilse Schorr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the Will of Alma L. Deetjen, deceased, is property within the United States, owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lina Doeblein, deceased, and the issue, names unknown, of Ilse Schorr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6207; Filed, July 17, 1950;
8:48 a. m.]

[Vesting Order 14831]

AUGUSTE GIESKE ET AL.

In re: Trust agreement between Auguste Gieske, donor, and Alfred W. Gieske and William Lentz, trustees, dated November 11, 1926. File No. F-28-9853-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Driver, Bernhard Driver and Marianne Driver, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charlotte Essen, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under the Trust Agreement between Auguste Gieske, Donor, and Alfred W. Gieske and William Lentz, Trustees,

dated November 11, 1926, presently being administered by William Lentz, Surviving Trustee, 316 Equitable Building, Baltimore 2, Maryland,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charlotte Essen, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6208; Filed, July 17, 1950;
8:48 a. m.]

[Vesting Order 14832]

THERESA GOESSEL

In re: Estate of Theresa Goessel, deceased. File No. D-28-12848; E. T. sec. 17013.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Goessel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the Domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Helene Goessel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to the Estate of Theresa Goessel, deceased, is property payable or deliverable to, or

claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles J. Molloy, as Administrator, acting under the judicial supervision of the Essex County Court, Probate Division, New Jersey;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the Domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Helene Goessel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6209; Filed, July 17, 1950;
8:48 a. m.]

[Vesting Order 14836]

GEORGE DENISON MORGAN ET AL.

In re: Trust under agreement dated April 14, 1914, between George Denison Morgan, settlor, and Ernest A. Bigelow and Henry A. Wise, trustees. File: F-39-148.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yuki Morgan, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated April 14, 1914, by and between George Denison Morgan, settlor, and Ernest A. Bigelow and Henry A. Wise, trustees, presently being administered by Henry A. Wise, as trustee, 122 East Forty-Second Street, New York 17, New York, and John S. Wise, Ivy Creek Farm, Charlottesville, Virginia, as successor trustee to Ernest A. Bigelow, deceased,

is property within the United States owned or controlled by, payable or deliv-

erable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6210; Filed, July 17, 1950;
8:48 a. m.]

[Vesting Order 14838]

WILHELM C. BURMEISTER

In re: Bank account owned by Wilhelm C. Burmeister. F-28-29379-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm C. Burmeister, whose last known address is 49/51 Papenluderstr., Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The San Francisco Bank, 526 California Street, San Francisco, California, arising out of a Savings Account, account number 238580, entitled "Carl H. Burmeister, Trustee for Wilhelm C. Burmeister", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm C. Burmeister, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6211; Filed, July 17, 1950;
8:49 a. m.]

[Vesting Order 14840]

LEOPOLD JOSEF MOSEL

In re: Debt owing to Leopold Josef Mosel. F-28-1478-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leopold Josef Mosel, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Leopold Josef Mosel by the Trustees-Overseas Fund, Standard Oil Company of New Jersey, 30 Rockefeller Plaza, New York, New York, representing the accumulated Cash Thrift and Pension contributions of the aforesaid Leopold Josef Mosel under the Overseas Thrift Plan of the Standard Oil Co. (N. J.), together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6212; Filed, July 17, 1950;
8:49 a. m.]

[Vesting Order 14842]

ERNA AND CURT SCHOENBRODT

In re: Safe deposit lease and contents owned by Erna Schoenbrodt and Curt Schoenbrodt. F-28-27569-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Schoenbrodt and Curt Schoenbrodt, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Erna Schoenbrodt and Curt Schoenbrodt, under and by virtue of a safe deposit box lease agreement by and between Erna Schoenbrodt, Curt Schoenbrodt and the Corn Exchange Safe Deposit Company, William and Beaver Streets, New York, New York, relating to Safe Deposit Box No. 1074, located in the vaults of said company at the 86th Street Branch, 86th Street at Lexington Avenue, including particularly but not limited to, the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Erna Schoenbrodt and Curt Schoenbrodt, in the safe deposit box referred to in subparagraph 2 (a) hereof, and any and all rights of said persons evidenced or represented thereby,

subject, however, to any liens of the aforesaid Corn Exchange Safe Deposit Company, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6214; Filed, July 17, 1950;
8:49 a. m.]

[Vesting Order 14841]

ANNA REINIKE

In re: Stock owned by Anna Reinike, also known as Anna Selma Reinike. F-28-26216 A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Reinike, also known as Anna Selma Reinike, whose last known address is Bergstrasse 1, Ruppertsgruen bei Werdau, Sachsen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty-six (46) shares of \$25.00 par value Cumulative Participating Preferred Stock of Transit Investment Corporation (in dissolution), evidenced by a certificate numbered TP06999, registered in the name of Anna Reinike, and presently in the custody of Weniger & Walter, Inc., 215 E. Penn Street, Philadelphia 44, Pennsylvania, together with all declared and unpaid dividends thereon, and any and all rights under an order of dissolution of the Philadelphia County Court of Common Pleas,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6213; Filed, July 17, 1950;
8:49 a. m.]

[Vesting Order 14843]

EMIL SCHMIERER

In re: Interest in a bank account owned by Emil Schmierer. F-28-28755-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Schmierer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One-third (1/3) interest in that certain debt or other obligation of the Seattle-First National Bank, Seattle 14, Washington, arising out of a checking account entitled Georg Tobias Schmierer, "a national of Germany," maintained with the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Schmierer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6215; Filed, July 17, 1950;
8:49 a. m.]

[Vesting Order 14844]

ROBERT WAHL

In re: Bonds owned by Robert Wahl. F-28-30788-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Wahl, whose last known address is Balingen, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Two (2) American Telephone and Telegraph Co., 3 1/4 % Bonds due 1966, of \$1,000.00 face value, each bearing the numbers 16-473 and 16-474, presently in the custody of Dominick and Dominick, 14 Wall Street, New York 5, N. Y., in an account for Banque Cantonale de Schaffhouse, Schaffhouse, Switzerland, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Robert Wahl, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6216; Filed, July 17, 1950;
8:49 a. m.]