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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Miscellaneous Regulations

PART 386—DISPOSAL OF RESERVED MINERAL INTERESTS

SUBPART A—SALES

SALES OF RESERVED MINERAL INTERESTS

Subchapter F in Chapter III in Title 6, Code of Federal Regulations (13 F. R. 9473), is amended to add Part 386 as follows:

SUBPART A—SALES

Sec.
386.1 General.
386.2 Actions by State Directors.
386.3 Sales in $1.00 per application areas.
386.4 Sales in fair market value areas.

AUTHORITY: §§ 386.1 to 386.4 issued under sec. 41, 60 Stat. 1064, as amended; 7 U. S. C. and Sup., 1015. Interpret or apply sec. 2, Pub. Law 499, 81st Cong., Pub. Law 760, 81st Cong.

DERIVATION: §§ 386.1 to 386.4 contained in FHA Instruction 481.1.

§ 386.1 *General.* (a) Public Law 760, 81st Congress, approved September 6, 1950, provides for the disposal by the Government of certain reserved mineral interests under the jurisdiction of the Farmers Home Administration. Such reserved mineral interests covered by a single application will be sold for a total consideration of one dollar in areas in which the Secretary of Agriculture determines that there is no active mineral development or leasing. Such areas are hereinafter referred to as "$1 per application areas." In other areas the reserved mineral interests will be sold for their fair market value. Such areas are hereinafter referred to as "fair market value areas."

(b) This subpart prescribes the authorities, policies, and procedures for sale of reserved mineral interests which are under the jurisdiction of the Farmers Home Administration, including reserved mineral interests representing assets of Defense Relocation Corporations which are conveyed to the Government pursuant to liquidation or other agreements, and reserved mineral interests representing assets of State Rural Rehabilitation Corporations which are conveyed to the Government pursuant to agreements entered into under section 2 (f) of Public Law 499, 81st Congress, authorizing the Government to sell such reserved mineral interests in the manner and on the terms and conditions provided for in Public Law 760.

§ 386.2 *Actions by State Directors.* Subject to the policies and procedures contained herein, State Directors will take the following actions with respect to the sale of reserved mineral interests covered by this subpart.

(a) Accept or reject applications and offers to purchase.

(b) Obtain appraisal reports and determine fair market values in fair market value areas.

(c) Procure and approve vouchers and certified invoices in payment of authorized expenses.

(d) Execute deeds and other instruments necessary in connection with sales.

§ 386.3 *Sales in $1 per application areas.*—(a) *Issuance of forms and advice to applicants.* Upon request, the County Supervisor will furnish each prospective applicant with two copies of Form FHA–987, "Application to Purchase Reserved Mineral Interests in $1 Per Application Areas," and will instruct him as to the manner in which it should be completed. The County Supervisor will also advise each prospective applicant as to the terms and conditions applicable to the sale of the reserved mineral interests under his land.

(b) *Terms and conditions of sale.* Each sale will be made under the following terms and conditions:

(1) *Eligible purchasers.* To be eligible for the purchase of such reserved mineral interests, applicants must be private persons who at the time of application are the owners of the surface of the land covered by the application.

(2) *Application to purchase.* The original of Form FHA–987 will be filed with the County Supervisor serving the county in which the reserved mineral interests are located. Such applications could not be made prior to December 5, 1950, and cannot be made later than September 5, 1957. A single application may cover all of the reserved mineral interests under lands owned by the applicant in the same county, whether the tracts are contiguous or not and even though the mineral reservations were made in more than one deed. No application will be accepted for an undivided interest in the minerals reserved by the

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Government or State Rural Rehabilitation or Defense Relocation Corporation. One of several joint owners may apply on behalf of all owners of the surface rights.

(3) *Establishment of surface title.* Applicants must establish, at their own expense, to the satisfaction of the Government, that on the date of their application, they and any other persons on whose behalf the application is made, are the owners of the surface of the land covered by their application. Applicants will be required to furnish evidence of their surface title in the form of an attorney's opinion or certificate of title based on examination of the records, supplemental abstract of title, or other title evidence which the Government deems necessary for use in determining the surface ownership. Such evidence of surface title will cover the period from the time of recordation of the surface deed or deeds in which the mineral reservations were made (or from the time of recordation of the transfer deed or deeds approved by the Government in transfer cases) through the date of execution of Form FHA–987.

(4) *Sales price and terms.* The reserved mineral interests covered by a single application will be sold for $1 to be tendered with the application.

(5) *Conveyance.* The reserved mineral interests will be conveyed by use of Form FHA–65.__, "Quitclaims Deed to Minerals." All surface owners will be named as grantees in the quitclaim deed. The Government will not furnish the purchaser any base or supplemental abstract of title or any other title evidence. Fees for recording the quitclaim deed, and any revenue, sales, stamp, or other taxes that may be required by law in connection with the conveyance will be paid by the purchaser.

(c) *Transmitting application dockets to the State Office.* When Form FHA–987, the $1.00, and surface title evidence are delivered to the County Supervisor in proper form, he will issue Form FHA–37, "Receipt for Payment," for the $1.00 tendered with the application, and will transmit Form FHA–987 and the title evidence to the State Director.

(d) *Disposition of $1 tendered with application.* The $1 tendered with the application will be held in suspense by the Area Finance Office until it receives notification that the application has been rejected or that the sale has been consummated. If the application is rejected, the $1 will be returned to the applicant. If the sale is consummated, it will be applied as payment of the purchase price.

(e) *Processing dockets in State Office and closing sales.* Upon receipt of an application docket from the County Office, the State Director will review the docket and will take the following actions:

(1) *Dockets showing applicants to be ineligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is not eligible to purchase the reserved mineral interests, the State Director will deliver or mail to the applicant Form FRA–988, "Notice of Rejection of Application to Purchase Reserved Mineral Interests in $1 Per Application Areas," notifying the applicant that the application has been rejected.

(2) *Dockets showing applicants to be eligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is eligible to purchase the reserved mineral interests, the State Director will accept the application and will execute and forward to the County Supervisor the original of Form FHA–65.__, and any abstract of title submitted by the applicant as evidence of his surface title, together with closing instructions. The County Supervisor will close the sale transaction in the manner required by the closing instructions.

§ 386.4 *Sales in fair market value areas*—(a) *Issuance of forms and advice to applicants.* Upon request, the County Supervisor will furnish each prospective applicant with two copies of Form FHA–990, "Application and Offer to Purchase Reserved Mineral Interests in Fair Market Value Areas," and will instruct him as to the manner in which it should be completed. The County Supervisor will also advise each prospective applicant as to the terms and conditions applicable to the sale of the reserved mineral interests under his land.

(b) *Terms and conditions of sale.* Each sale will be made under the following terms and conditions:

(1) *Eligible purchasers.* To be eligible for the purchase of such reserved mineral interests, applicants must be private persons who at the time of application are the owners of the surface of the land covered by the application.

(2) *Application and offer to purchase.* The original of Form FHA–990 must be filed with the County Supervisor serving the county in which the reserved mineral interests are located. Such applications could not be made prior to December 5, 1950, and cannot be made later than September 5, 1957. However, if an application is made within that period and is withdrawn, rejected, or terminated, another application and offer may be made within the same period of time. A single application may cover all of the reserved mineral interests under lands owned by the applicant in the same county, whether the tracts are contiguous or not and even though the mineral reservations were made in more than one deed. No application will be accepted for an undivided interest in minerals reserved by the Government or State Rural Rehabilitation or Defense Relocation Corporation. One of several joint owners may apply on behalf of all owners of the surface rights.

(3) *Subsequent offers.* If the offer contained in the application is rejected by the Government and the application remains in effect, subsequent offers on Form FHA–992, "Subsequent Offer to Purchase Reserved Mineral Interests in Fair Market Value Areas," may be filed by the applicant with the County Supervisor at any time while the application remains in effect.

(4) *Establishment of surface title.* Applicants must establish, at their own expense, to the satisfaction of the Government, that on the date of their appli-

cation, they and any other persons on whose behalf the application is made, are the owners of the surface of the land covered by their application. Applicants will be required to furnish evidence of their surface title in the form of an attorney's opinion or certificate of title based on examination of the records, or a supplemental abstract of title, or other title evidence which the Government deems necessary for use in determining the surface ownership. Such evidence of surface title will cover the period from the time of recordation of the surface deed or deeds in which the mineral interests were reserved (or from the time of recordation of the transfer deed or deeds approved by the Government in transfer cases) through the date of execution of Form FHA–990.

(5) *Sales price.* The reserved mineral interests covered by each application and offer will be sold for their fair market value as determined by the State Director in accordance with paragraph (e) of this section.

(6) *Terms.* The reserved mineral interests will be sold for cash.

(7) *Deposits.* In cases in which the County Supervisor is of the opinion that the fair market value of the reserved mineral interests is $250 or more at the time the application and offer or subsequent offer is made, a deposit of 10 percent of the amount of the offer will be required to accompany the offer. The deposit will be made in the form of cash, a cashier's check, certified check, or United States Postal Money Order made payable to the Treasurer of the United States. The amount of the deposit will be held in suspense by the Area Finance Office pending final action on the application and the offer contained therein or subsequent offer made thereunder. The amount of the deposit will be applied on the purchase price if the offer is accepted and if the purchase is consummated within the time and in the manner required by the Government. The deposit will be returned to the applicant if the application and offer are rejected by the Government. In all other cases in which the sale is not consummated, the deposit may, at the option of the Government, be retained by the Government as liquidated damages.

(8) *Conveyance.* The reserved mineral interests will be conveyed by use of Form FHA–65. __, "Quitclaim Deed to Minerals." All surface owners will be named as grantees in the quitclaim deed. The Government will not furnish the purchaser any base or supplemental abstract of title or any other title evidence. Fees for recording the quitclaim deed, and any revenue, sales, stamp, or other taxes that may be required by law in connection with the conveyance will be paid by the purchaser. If any documentary, Internal Revenue, or other stamp taxes are required by law to be paid on the conveyance, the stamps will be furnished, affixed, and canceled by the purchaser at the time of delivery of the deed. If, at the date of the quitclaim deed, the reserved mineral interests are subject to any mineral lease, lease permit, or contract, the purchaser will be entitled to the Government's interest thereunder in:

(i) Any rentals under any lease on such minerals for the lease year or years beginning subsequent to the date of the quitclaim deed;

(ii) The balance of minimum royalty becoming due and payable on such minerals subsequent to the date of the quitclaim deed; and

(iii) Any royalties or other income from the production or sale of such minerals produced subsequent to the date of the quitclaim deed.

(9) *Duration of applications and offers.* Applications and offers on Form FHA–990 will terminate automatically one year from date thereof, unless they are previously accepted or rejected by the Government or withdrawn by the applicant. Withdrawal or rejection of an offer will not in itself constitute withdrawal or rejection of an application, but withdrawal, rejection or termination of an application will constitute withdrawal, rejection, or termination of an offer.

(c) *Transmitting application and offer dockets to the State Office.* When Form FHA–990, any deposit required, and surface title evidence are delivered to the County Supervisor in proper form, he will:

(1) Issue Form FHA–37 if a deposit is involved.

(2) Prepare a fair market value appraisal report reflecting the appraisal by the County Committee and County Supervisor as required in paragraph (e) (2) of this section.

(3) Transmit to the State Director the original of Form FHA–990, the original appraisal report by the County Committee and County Supervisor, and the required title evidence.

(d) *Processing dockets in State Office and closing sales.* Upon receipt of an application and offer docket from the County Office, the State Director will take the following action:

(1) *Docket showing applicant to be ineligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is not eligible to purchase the reserved mineral interests, the State Director will deliver or mail to the applicant Form FHA–991, "Notice of Acceptance or Rejection (Fair Market Value Areas)," notifying the applicant that the application and offer have been rejected.

(2) *Docket showing applicant to be eligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is eligible to purchase the reserved mineral interests, the State Director will determine whether a technical appraisal is necessary and, if so, obtain it as provided for in paragraph (e) (3) of this section, and will determine the fair market value in accordance with paragraph (e) of this section.

(i) If the offer represents the fair market value, the State Director will accept the application and offer and will execute and forward to the County Supervisor the original of Form FHA–65.__, and any abstract of title submitted by the applicant as evidence of his surface title, together with closing instructions. The County Supervisor will close the sale transaction in the manner required by the closing instructions. The amount of the sale price, less any deposit made in connection with the offer, will be collected at the time of closing the sale, in the form of cash, a cashier's check, certified check, or United States Postal Money Order. The County Supervisor will issue Form FHA–37 to the purchaser.

(ii) If the offer does not represent the fair market value of the reserved mineral interests, the State Director will notify the applicant that the application has been accepted but that the offer has been rejected. The notification will be made by use of Form FHA–991, which will be completed to show the reason for the rejection of the offer, and to advise the applicant as to the amount determined to represent the fair market value of the reserved mineral interests, and as to the period of time within which a subsequent offer in that amount would be acceptable to the Government. Two copies of the subsequent offer form, Form FHA–992, will be furnished to the applicant with the notice of rejection.

(iii) If a subsequent offer on Form FHA–992 is received within the time and in the amount specified in Form FHA–991, the State Director will accept the offer, and the sale transaction will be completed in the manner provided for in subdivision (i) of this subparagraph. If a subsequent offer is received within the time specified in Form FHA–991 but in a different amount than specified therein, the offer will not be considered but will be immediately returned to the applicant personally or by mail with appropriate explanation. If a subsequent offer on Form FHA–992 is received after the date specified in Form FHA–991 and while the application is still in effect, the subsequent offer will be considered on the basis of the fair market value existing at the time action is taken thereon, and the offer will be handled as if it were an original offer. If an application is withdrawn by the applicant, rejected by the Government, or terminates, any abstract of title submitted by the applicant as evidence of his surface title will be returned to him.

(e) *Establishment of fair market value.* In fair market value areas, appraisals will be required and the reserved mineral interests will be sold for their fair market value. "Fair market value" as applied to the sale of such reserved mineral interests means the cash price for which they could reasonably be expected to sell upon negotiations between a reasonably well-informed owner who is willing but not obligated to sell, and a reasonably well-informed buyer who is able and willing but not obligated to buy.

(1) *Fair market value.* The fair market value of the reserved mineral interests in each case will be established by the State Director taking into consideration the appraisal information, his personal knowledge, and any other available pertinent information, including any information which is obtainable from

State authorities on mineral development, production, and other relevant matters.

(2) *Appraisal by County Committee and County Supervisor.* A fair market value appraisal will be made by the appropriate Farmers Home Administration County Committee and County Supervisor for the reserved mineral interests covered by each application in fair market value areas. Some of the factors to be considered in making such appraisals and to be covered by the appraisal report are geological information which may be available, leasing activity, lease bonus and rental prices, prices being paid for royalty or mineral rights in the immediate area, trading activity in royalty or minerals and leases, proximity to drilling or mining activity, and results of previous drilling or mining operations.

(3) *Technical appraisals.* In some cases, the State Director may, because of the existence of development or other conditions, deem it necessary to obtain technical appraisals by persons experienced in the field of appraising minerals. Such appraisals may be made by qualified Government appraisers or by other qualified persons.

Dated: February 20, 1951.

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

Approved: February 23, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2735; Filed, Feb. 28, 1951; 8:47 a. m.]

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

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Wheat Bulletin A]

PART 601—GRAIN AND RELATED COMMODITIES

TERMINATION OF WHEAT ACREAGE ALLOTMENTS

1951 CCC Wheat Bulletin A (15 F. R. 6139) is hereby amended by deleting §§ 601.1201 to 601.1207 inclusive and substituting in lieu thereof the following:

§ 601.1201 *Termination of wheat acreage allotments.* In view of the fact that acreage allotments will not be in effect on 1951 crop wheat (16 F. R. 277) compliance with acreage allotments will not be a condition of eligibility for participation in the 1951 Crop Wheat Price Support Program.

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

Issued this 26th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 51-2776; Filed, Feb. 28, 1951; 8:57 a. m.]

TITLE 7—AGRICULTURE

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

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION INCREASING THE NATIONAL MARKETING QUOTAS AND STATE ACREAGE ALLOTMENTS FOR THE 1951-52 MARKETING YEAR

The purpose of this proclamation is to increase the national marketing quotas for Burley tobacco and for flue-cured tobacco for the 1951-52 marketing year proclaimed on November 28, 1950, and published in the FEDERAL REGISTER of December 1, 1950 (15 F. R. 8216), and to increase the State acreage allotments published in the FEDERAL REGISTER of December 14, 1950 (15 F. R. 8853). The increases are made pursuant to section 312 (a) of the Agricultural Adjustment Act of 1938, as amended.

The findings and determinations by the Secretary contained in §§ 725.202, 725.205, 725.207 and 725.208 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Burley and flue-cured tobacco producers and others, as provided in a notice (16 F. R. 1679) given in accordance with the Administrative Procedure Act (60 Stat. 237).

Since Burley and flue-cured tobacco growers have already seeded plant beds and are now purchasing fertilizer and preparing the land to which tobacco will be transplanted, it is imperative that they be notified as soon as possible of their 1951 acreage allotments and farm marketing quotas. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest, and that the amendments made herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

The Secretary has determined that in order to meet market demands, the amount of the national marketing quotas for Burley and flue-cured tobacco for the marketing years beginning October 1, 1951, and July 1, 1951, respectively, as proclaimed in §§ 725.202 and 725.205 and the State acreage allotments established in §§ 725.207 and 725.208 shall be increased. Therefore, §§ 725.202 and 725.205 are amended by adding new paragraphs (e) and §§ 725.207 and 725.208 are revised as follows:

§ 725.202 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1951.* * * *

(e) *Increase in national marketing quota.* The national marketing quota for Burley tobacco established in paragraph (d) of this section in the amount of 542,000,000 pounds is hereby increased to 580,000,000 pounds.

§ 725.205 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1951.* * * *

(e) *Increase in national marketing quota.* The national marketing quota for flue-cured tobacco established in paragraph (d) of this section in the amount of 1,235,000,000 pounds is hereby increased to 1,297,000,000 pounds.

§ 725.207 *Apportionment of the national marketing quota for Burley tobacco for the 1951-52 marketing year among the several States.* The national marketing quota proclaimed in § 725.202 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State	Acreage allotment
Alabama	56
Arkansas	87
Georgia	123
Illinois	20
Indiana	11,780
Kansas	246
Kentucky	308,978
Missouri	5,244
North Carolina	13,005
Ohio	15,261
Oklahoma	6
Pennsylvania	2
South Carolina	7
Tennessee	91,485
Virginia	15,018
West Virginia	3,999
Reserve [1]	2,338

[1] Acreage reserved for establishing allotments for farms upon which no Burley tobacco has been grown during the past five years.

§ 725.208 *Apportionment of the national marketing quota for flue-cured tobacco for the 1951-52 marketing year among the several States.* The national marketing quota proclaimed in § 725.205 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State	Acreage allotment
Alabama	564
Florida	23,119
Georgia	112,917
North Carolina	739,264
South Carolina	128,654
Virginia	112,146
Reserve [1]	5,614

[1] Acreage reserved for establishing allotments for farms upon which no flue-cured tobacco has been grown during the past five years.

(Sec. 375, 52 Stat. 66, as amended, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 27th day of February 1951. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 51-2797; Filed, Feb. 27, 1951; 3:09 p. m.]

[1023 (Burley and Flue-51).3, Supp. 1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS; 1951-52 MARKETING YEAR

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–1314), and is made for the purpose of amending § 725.218 of the Burley and flue-cured tobacco marketing quota regulations, 1951–52 marketing year, relating to adjustment of acreage allotments for old farms. Prior to the adoption of this amendment, notice was given (16 F. R. 1679) that the Secretary was considering amending the regulations in line with this amendment, and that any interested person might express his views in writing with respect thereto. The date, views, and recommendations received pursuant to the notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. Since Burley tobacco growers have already seeded plant beds and are now purchasing fertilizer and preparing the land to which tobacco will be transplanted, it is imperative that they be notified as soon as possible of their 1951 acreage allotments and farm marketing quotas. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is impracticable and contrary to the public interest, and that the amendment made herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

The Marketing Quota Regulations, Burley and Flue-cured Tobacco, 1951–52 Marketing Year, are amended by deleting the last sentence of § 725.218 and inserting in lieu thereof the following: "The acreage available for increasing allotments under this section shall not exceed two percent of the total acreage allotted to all farms in the State for the 1950–51 marketing year in the case of Burley tobacco, and shall not exceed one-half of one percent of the total acreage allotted to all farms in the State for the 1950–51 marketing year in the case of flue-cured tobacco."

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 27th day of February 1951. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 51-2796; Filed, Feb. 27, 1951; 3:09 p. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 930—MILK IN THE TOLEDO, OHIO, MARKETING AREA

ORDER, AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area; and a decision was made with respect to amendments by the Under Secretary on January 30, 1951. Upon the basis of the evidence introduced at such hearing and the record thereto, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Toledo, Ohio, marketing area and will disrupt orderly marketing. The charges effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (section 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1950) were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete subparagraphs (1) and (2) of § 930.5 (a) and substitute therefor the following:

(1) *Class I milk price.* (i) Except as provided in subdivision (ii), add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
March, April, July, August	1.00
All others	1.20

(ii) For the second delivery period following any period of 12 consecutive months in which the total receipts of milk from producers by all handlers exceed 135 percent of the total Class I utilization of all handlers, and continuing until the beginning of the second delivery period following any period of

12 consecutive months in which such milk receipts are less than 125 percent of such utilization, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
March, April, July, August	.95
All others	1.05

(2) *Class II milk price.* The Class II milk price for each delivery period shall be the Class I milk price for such delivery period less 30 cents.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of February 1951, to be effective on and after the first day of March 1951.

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

[F. R. Doc. 51-2778; Filed, Feb. 28, 1951; 8:57 a. m.]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REPORTS

Notice was published in the FEDERAL REGISTER issue (16 F. R. 552) of January 20, 1951, that the Department was giving consideration to the proposed revision of the rules and regulations (7 CFR 936.100 et seq., Subpart—Rules and Regulations; 15 F. R. 236, 3250) currently in effect pursuant to the amended marketing agreement and Order No. 36 (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found and determined that the revision, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of said amended marketing agreement and order and it is hereby approved:

Amend the provisions of paragraphs (a) and (b) of § 936.109 (7 CFR 936.109; 15 F. R. 3250) to read as follows:

§ 936.109 *Reports*—(a) *Bartlett pears*—(1) *Report of daily shipments.* Each shipper who ships Bartlett pears shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the manager of the Control Committee complete daily information stating: (i) The time of departure of each shipment of Bartlett pears from specified railroad points, (ii) the time of shipment of each car of Bartlett pears, (iii) the name of the shipper, (iv) the car number, (v) the number of packages of such pears (or the equivalent thereof in weight) by grades and sizes in each shipment, (vi) the point of origin, and (vii) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall also include any diversion of the shipment of any carload of Bartlett pears made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event any such shipment includes Bartlett pears for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the aforesaid manifest or on separate reports.

(2) *Report of Bartlett pears held in storage.* Each shipper who has Bartlett pears under refrigeration in a storage warehouse shall, upon request, file with the manager of the Control Committee within the time specified in the request an accurate report containing the following information:

(i) The name and address of the shipper;

(ii) The total quantity, as of the date specified in the request, of such Bartlett pears in storage outside the State of California, and in storage in the State of California for a period in excess of 5 days.

(b) *Plums*—(1) *Report of daily shipments.* Each shipper who ships plums shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the manager of the Control Committee complete daily information stating: (i) The name of the shipper, (ii) the car number, (iii) the number of packages by variety and size (or the equivalent thereof), (iv) the weight of each shipment, (v) the point of origin, and (vi) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall include any diversion of the shipment of any carloads of plums made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event the shipment includes plums for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the manifest or on separate reports.

(2) *Report of plums held in storage.* Each shipper who has plums under refrigeration in a storage warehouse shall, upon request, file with the manager of the Control Committee within the time specified in the request, an accurate report containing the following information:

(i) The name and address of the shipper;

(ii) The total quantity, as of the date specified in the request, of each variety of such plums in storage in the State of California, and the portion of such quantity which has been in such storage for a period less than 60 hours; and

(iii) The total quantity of each variety of such plums in storage outside of the State of California as of such date.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 26th day of February, 1951, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F. R. Doc. 51-2777; Filed, Feb. 28, 1951; 8:57 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52675]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

CLEARANCE, INCOMPLETE CLEARANCE, AND TRANSPORTATION ORDERS

The following amendments of the customs regulations are deemed necessary to aid in the enforcement of restrictions imposed upon shipping by transportation orders issued under authority of the Defense Production Act of 1950, and in the enforcement of the export regulations of the Office of International Trade, Department of Commerce.

1. Section 4.61 (b) of the Customs Regulations of 1943, as amended (19 CFR 4.61 (b)), is further amended by the addition at the end thereof of a new subparagraph numbered (20) reading as follows:

(20) Orders restricting shipping (4.73a).

(R. S. 161, sec. 2, 23 Stat. 118; 5 U. S. C. 22, 46 U. S. C. 2. Sec. 102, Reorg. Plan No. 3 of 1946; 11 F. R. 7875)

2. Part 4 (19 CFR Part 4) is amended by the addition of a new section 4.73a (19 CFR 4.73a) immediately following § 4.73 (19 CFR 4.73), reading as follows:

§ 4.73a *Transportation orders.* Clearance shall not be granted to any vessel if the collector has reason to believe that her departure or intended voyage would be in violation of any provision of any transportation order, regulation, or restriction issued under authority of the Defense Production Act of 1950 (Public Law 774, 81st Congress).

(R. S. 161, sec. 2, 23 Stat. 118, as amended, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, 3 CFR, 1946 Supp., 60 Stat. 1097; 5 U. S. C. 22, 46 U. S. C. 2, 5 U. S. C. 133y-16 note)

3. Section 4.74 (f), Customs Regulations of 1943 (19 CFR 4.74 (f)), is amended to read as follows:

(f) During any period covered by a finding by the President under section 1 of Title II of the act of June 15, 1917 (50 U. S. C. 191), as amended by Public Law No. 679, 81st Congress, that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, no vessel shall be cleared for a foreign port until a complete outward foreign manifest and all required export declarations have been filed with the collector, unless clearance

in accordance with paragraphs (a) to (e), inclusive, of this section is authorized by the Commissioner of Customs with the approval of the Secretary of the Treasury.

(R. S. 161, sec. 2, 23 Stat. 118, as amended, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, 3 CFR, 1946 Supp., 60 Stat. 1097; 5 U. S. C. 22, 46 U. S. C. 2, 5 U. S. C. 133y–16 note. Interprets or applies R. S. 4197, as amended, 4200, as amended; 46 U. S. C. 91, 92)

4. Treasury Decision 51628 (12 F. R. 1103), waiving compliance with § 4.74 (f), Customs Regulations of 1943, is hereby rescinded.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: February 21, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51–2752; Filed, Feb. 28, 1951; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 170—ENFORCEMENT OF THE TEA IMPORTATION ACT

TEA STANDARDS

Pursuant to the authority of sections 2, 3, and 10 of the Tea Importation Act (29 Stat. 605, as amended by 35 Stat. 163, 41 Stat. 712, 54 Stat. 1237; 21 U. S. C. 41 et seq.), the regulations for the enforcement of this act (21 CFR 170.1 et seq., 1949 Supp., 170.19, and 15 F. R. 2083) are amended as indicated below:

1. The following standards prepared and submitted by the Board of Tea Experts are fixed and established as standards under the Tea Importation Act for the year beginning May 1, 1951, and ending April 30, 1952, and § 170.19 (b) is amended to read as follows:

§ 170.19 *Tea standards.* * * *

(b) The following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Importation Act for the year beginning May 1, 1951, and ending April 30, 1952:

(1) Formosa Oolong.
(2) India.
(3) Formosa Black (to be used for Formosa Black, Japan Black, and Congou).
(4) Japan Green.
(5) Gunpowder.
(6) Scented Canton.
(7) Canton Oolong.

These standards apply to tea shipped from abroad on or after May 1, 1951. Tea shipped prior to May 1, 1951, will be governed by the standards which became effective May 1, 1950 (15 F. R. 2083).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the tea trade as a whole.

(Sec. 10, 29 Stat. 607, as amended; 21 U. S. C. 50. Interprets or applies sec. 1, 29 Stat. 604, as amended; 21 U. S. C. 41)

Dated: February 23, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51–2747; Filed, Feb. 28, 1951; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 353]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 348]

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

CALIFORNIA, IOWA AND MICHIGAN

Amendment 353 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 348 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 38 is amended to describe the countries in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the Cities of Belmont, Burlingame, Menlo Park, Millbrae, Redwood City, South San Francisco, San Mateo, San Bruno, the Community known as Lomita Park which is adjacent to said City of San Bruno, and the Town of Atherton; and Sonoma County, except (i) the Cities of Healdsburg and Santa Rosa, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the South.

This decontrols the City of San Mateo in San Mateo County, California, a portion of the San Francisco Bay, California, Defense-Rental Area.

2. Schedule A, Item 114d, is amended as follows:

(114d) [Revoked and decontrolled.]

This decontrols the entire Waterloo, Iowa, Defense-Rental Area.

3. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Pontiac, Royal Oak, and South Lyon; Wayne County, except (i) the Cities of Grosse Point and Plymouth, (ii) the Village of Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Mount Clemens in Macomb County, Michigan, and the City of Royal Oak in Oakland County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

4. Schedule A, Item 150, is amended to describe the counties in the Defense-Rental Area as follows:

Muskegon County.
Kent County, except the Cities of East Grand Rapids and Grand Rapids.

This decontrols the City of Grand Rapids in Kent County, Michigan, a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area.

5. Schedule A, Item 154a, is amended to describe the counties in the Defense-Rental Area as follows:

Monroe County, except the Village of Maybee.

This decontrols the Village of Maybee in Monroe County, Michigan, a portion of the Monroe, Michigan, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

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

This amendment shall become effective February 27, 1951.

Issued this 26th day of February 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51–2748; Filed, Feb. 28, 1951; 8:51 a. m.]

TITLE 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENT OF PROCEDURE

PART 102—RULES AND REGULATIONS, SERIES 6

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 499, 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following amendments to its rules and regulations, Series 5 (General Rules and Regulations), and statements of procedure, as amended August 18, 1948, which it finds necessary to carry out the provisions of said act. Said amendments shall become effective on March 1, 1951. National Labor Relations Board rules and regulations, Series 5, and statements of procedure as hereby further amended, shall be in force and effect as Series 6 until further amended, or rescinded by the Board.

Dated: Washington, D. C., February 21, 1951.

By direction of the Board.

[SEAL] FRANK M. KLEILER,
Executive Secretary.

PART 101—STATEMENT OF PROCEDURE

Statement of procedure[1] of the National Labor Relations Board, Series 5, as amended, is hereby amended, as follows, effective March 1, 1951, and shall be in force and effect as Series 6:

1. In § 101.10 (a) the second sentence is stricken and the following sentence substituted: "A duly designated trial examiner presides over the hearing."

2. a. In § 101.18 (b) after the words "are heard and" in the eighth sentence insert "if directed by the Board, a report containing findings of fact and recommendations as to the disposition of the challenges or objections, or both, and resolving issues of credibility is issued by the hearing officer and served upon the parties, who may file exception thereto within 10 days with the Board in Washington."

b. Capitalize "the" preceding the word "record" in the eighth sentence and complete the sentence as written.

c. In the sentence reading, "If the union has been selected as the representative, the Board issues its certification and the proceeding is terminated." insert after "the Board," the words "or the regional director, as the case may be" and substitute "a" for "its" preceding the word "certification." As amended this sentence reads: "If the union has been selected as the representative, the Board or the regional director, as the case may be, issues a certification and the proceeding is terminated."

3. In the second sentence of § 101.19, substitute "to" for "from" preceding the words "the general counsel."

(Sec. 101, 61 Stat. 140; 29 U. S. C. Sup., 156)

PART 102—RULES AND REGULATIONS, SERIES 6

The rules and regulations of the National Labor Relations Board, Series 5, as amended,[2] are hereby amended, effective March 1, 1951, and shall be in force and effect as Series 6.

A summary of the substance of the major changes made by Series 6 follows:

1. Section 102.11 is changed to require that three additional copies of a charge that any person has engaged in or is engaging in any unfair labor practice must be filed with the regional director. One additional copy of such charge must also be submitted for each party named respondent.

2. Section 102.13 is revised to conform to the present instruction that an international labor organization file evidence from the Department of Labor of that organization's compliance with section 9 (f) and (g) of the act with the general counsel in Washington, D. C., and that local labor organizations file such evidence with the regional director for the region in which the proceeding is pending.

3. In § 102.13 (c), the definition of the term "officer" of a labor organization, adopted by the Board on November 29, 1949, which appeared in the FEDERAL REGISTER on December 2, 1949 (14 F. R. 7250), effective January 1, 1950, is incorporated.

4. Section 102.15 is amended to strike the word "charges" in line 5, and in lieu thereof the words "unfair labor practices" have been inserted.

5. Each of § 102.25, 102.30 (c) 102.34, 102.36, 102.37, 102.42 is changed to incorporate necessary references to the newly established branch office of the trial examining division in San Francisco, California, under an associate chief trial examiner. These changes refer to the designation of trial examiners to preside over cases originating under the jurisdiction of that office, and to the appropriate place to file necessary motions, depositions, briefs, exceptions, and other portions of the record of such cases.

6. Section 102.31 (a) is changed to make clear that either a regional director or a trial examiner, on behalf of any member of the Board, shall grant appropriate applications for subpenas after complaint has issued in an unfair labor practice proceeding.

7. Section 102.38 is amended to require that "documentary evidence" or exhibits, submitted during hearing in an unfair labor practice proceeding, shall be submitted in duplicate.

8. Section 102.42 is modified to increase from 15 days to 20 days the limit of the time that may be granted by a trial examiner for submission of proposed findings and conclusions or brief after hearing in a complaint case. A further change provides that no request for an extension of such time will be considered unless received at least 3 days prior to the expiration of the time fixed for the submission of such documents. Notice of request for extension of time must be served on all other parties and proof of service furnished. It is also required that three copies of all documents must be submitted.

9. Section 102.45 is changed to provide that service upon the parties of the intermediate report and of the order transferring the case to the Board shall be complete on the date the Board in Washington, D. C., deposits such documents in the United States mail.

10. Section 102.46 is expanded to make clear that when any party chooses to file exceptions to an intermediate report that such filing must be achieved by actual receipt by the Board in Washington, D. C., within 20 days or within such further period as the Board may allow from the date of the service of the order transferring the case to the Board. Otherwise, such filing will be regarded as untimely and will not be received.

This section is further amended to require that seven copies of such exceptions and brief in support of exceptions or in support of the intermediate report must be filed and also served on the other parties, and proof made of such service. It is further required that statements of exceptions and briefs must designate by precise citation of page and line the portions of the record relied upon.

A change in paragraph (c) requires that applications for permission to argue orally before the Board must be submitted simultaneously with the statement of any exceptions filed to an intermediate report.

It is also required by an amendment to paragraph (e) that documents filed must be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and if submitted, will not be accepted.

11. Section 102.48 is broadened to make clear that the Board will exercise its discretion in determining whether to issue its decision and order upon an intermediate report to which no exceptions have been filed and with which the respondent has complied. If the Board deems the proof of compliance adequate it may, in its discretion, order such case closed even though no exceptions have been filed to such report under section 10 (c) of the act.

12. Section 102.53 (a) (6) is changed to eliminate the requirement that a petitioner in a representation matter indicate the number of employees who have designated the petitioner to act in collective bargaining matters in their behalf. Further, subparagraph (7) is changed to require a petitioner to recite either that "the employer declines to recognize petitioner * * * within the meaning of section 9 (a)" or "that the labor organization is currently recognized but desires certification under the act."

13. Sections 102.57 (a), 102.60, and 102.76 are changed to make clear that exceptions, motions, and briefs and similar documents submitted to the Board in connection with any proceeding may be printed or duplicated in any manner desired: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and if submitted, will not be received by the Board.

14. Section 102.58 is expanded to make clear that a regional director may rule upon a petition to revoke a subpena in a representation matter or to refer such petition to the hearing officer.

15. As noted above, § 102.60 is amended to conform to the Board's rule in respect of printing and submission of briefs. Copies of briefs submitted in representation proceedings must be served on all other parties and proof of such service filed with the Board. It is also provided that for good cause shown, a hearing officer, prior to the close of the hearing, may grant an extension of time within which to file a brief, but which may not exceed 14 additional days. Requests for extension of time within which to file briefs, not addressed to the hearing officer, must be received in Washington, D. C., not later than 3 days before such briefs are due.

16. Section 102.61 is amended in the following respects:

a. The regional director has been authorized to approve a timely request by a labor organization to have its name

[1] This amends Statement of Procedure effective August 22, 1947, which appeared at 12 F. R. 5651 and amendments effective August 21, 1948, appearing in 13 F. R. 4871, and amendments effective January 1, 1950, appearing in 14 F. R. 7250. Redesignation noted at 14 F. R. 78.

[2] This amends rules and regulations, Series 5, effective August 22, 1947, which appeared at 12 F. R. 5651, 5656, and amendments effective August 21, 1948, appearing at 13 F. R. 4871, and amendments effective January 1, 1950 appearing at 14 F. R. 7250. Redesignation noted at 14 F. R. 78.

removed from the ballot whenever two or more labor organizations have been included as choices in a Board-directed election.

b. Minor language changes have been made in the first paragraph to make clear that the time for filing objections to the conduct of an election or conduct effecting an election is within 5 days following issuance of the tally of ballots. It is also provided that copies of such objections shall be served on all parties, and proof of service must be made to the Board.

c. Section 102.61 (b) is changed to enlarge from 5 days to 10 days from the date of issuance of a report on challenged ballots, objections, or both, the time within which any party may file with the Board in Washington, D. C., exceptions to such report.

d. Section 102.61 (b) is further amended to provide that if exceptions to a report on challenged ballots, objections, or both, raise substantial and material factual issues, that the Board may direct further hearing on said objections and also may direct the hearing officer to issue and serve a report.

e. A final paragraph is added to the section which provides that whenever the Board in respect of challenged ballots, has directed the regional director to open and count such ballots, and no objection has been made to the revised tally of ballots resulting within 3 days after the revised tally has been furnished the parties, that the regional director may forthwith issue a certification of representatives whenever appropriate, with the same force and effect as if issued by the Board.

17. Section 102.62 (d) is changed to provide that in the event two or more choices receive the same number of ballots in a runoff election, and another choice receives no ballots and there are no challenged ballots that would affect the results of the election, and if all eligible voters have cast valid ballots, there shall be no runoff election and the representation petition shall be dismissed.

18. Section 102.63 is changed to require that an appeal from a dismissal by the regional director of a representation petition must be served on each of the other parties to the proceeding.

19. Section 102.66 is changed to eliminate the requirement that a petition seeking a referendum for authority to make an agreement requiring membership in a labor organization recite the number of employees in the unit and the number of such employees who have authorized the petitioner to make such an agreement. These changes were effected by striking paragraphs (e) and (i) of the section.

20. Section 102.85 is expanded to recite that "the date of service" by the Board in addressing any matter to parties to its proceeding, shall be the day when the matter is deposited by the Board in the United States mail or is delivered in person, as the case may be. Also in this respect see especially the amendments to §§ 102.45, 102.46 (a), and 102.86.

21. Section 102.86 is expanded to require that whenever the act or any Board rule requires or permits "the filing" by any party of motions, briefs, exceptions, or other papers in any proceeding, that such filing means that the document or documents must be received by the Board or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted. A further amendment makes clear that the 3 days that may be added to any such period whenever service is made by mail, is not to be added in the event an extension of such time may have been granted.

As amended, Part 102 is completely revised to read as follows:

SUBPART A—DEFINITIONS

SUBPART B—PROCEDURE UNDER SECTION 10 (a) TO (i) OF THE ACT FOR PREVENTION OF UNFAIR LABOR PRACTICES

CHARGE

COMPLAINT

ANSWER

MOTIONS

INTERVENTION

WITNESSES, DEPOSITIONS, AND SUBPENAS

TRANSFER, CONSOLIDATION, AND SEVERANCE

HEARINGS

INTERMEDIATE REPORT AND TRANSFER OF CASE TO THE BOARD

EXCEPTIONS TO THE RECORD AND PROCEEDING

PROCEDURE BEFORE THE BOARD

SUBPART C—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

AUTHORITY: §§ 102.1 to 102.97 issued under sec. 101, 61 Stat. 140; 29 U. S. C., Sup., 156.

SUBPART A—DEFINITIONS

§ 102.1 *Terms defined in section 2 of the act.* The terms "person," "employer," "employee," "representative," "labor organization," "commerce," "affecting commerce," and "unfair labor practice," as used in this part, shall have the meanings set forth in section 2 of the National Labor Relations Act, as amended by title I of the Labor Management Relations Act, 1947.

§ 102.2 *Act; Board; Board agent.* The term "act" as used in this part shall mean the National Labor Relations Act, as amended. The term "Board" shall mean the National Labor Relations Board, and shall include any group of three or more members designated pursuant to section 3 (b) of the act. The term "Board agent" shall mean any member, agent, or agency of the Board, including its general counsel.

§ 102.3 *General counsel.* The term "general counsel" as used in this part shall mean the General Counsel under section 3 (d) of the act.

§ 102.4 *Region.* The term "region" as used in this part shall mean that part of the United States or any Territory thereof fixed by the Board as a particular region.

§ 102.5 *Regional director; regional attorney.* The term "regional director" as used in this part shall mean the agent designated by the Board as regional director for a particular region. The term "regional attorney" as used herein shall mean the attorney designated by the Board as regional attorney for a particular region.

§ 102.6 *Trial examiner; hearing officer.* The term "trial examiner" as used in this part shall mean the agent of the Board conducting the hearing in an unfair labor practice or Telegraph Merger Act proceeding. The term "hearing officer" as used herein shall mean the agent of the Board conducting the hearing in a proceeding under section 9 or in a dispute proceeding under section 10 (k) of the act.

§ 102.7 *State.* The term "State" as used in this part shall include the District of Columbia and all States, Territories, and possessions of the United States.

§ 102.8 *Party.* The term "party" as used in this part shall mean the regional director in whose region the proceeding is pending, and any person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any Board proceeding, including, without limitation, any person filing a charge or petition under the act, any person named as respondent, as employer, or as party to a contract in any proceeding under the act, and any labor organization alleged to be dominated, assisted, or supported in violation of section 8 (a) (1) or (8) (a) (2) of the act; but nothing in this part shall be construed to prevent the Board or its designated agent from limiting any party to participate in the proceedings to the extent of his interest only.

SUBPART B—PROCEDURE UNDER SECTION 10 (a) TO (i) OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES [1]

CHARGE

§ 102.9 *Who may file; withdrawal and dismissal.* A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person: *Provided,* That if such charge is filed by a labor organization, no complaint will be issued pursuant thereto, unless such labor organization is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13. Any such charge may be withdrawn, prior to the hearing, only with the consent of the regional director with whom such charge was filed; at the hearing and until the case has been transferred to the Board pursuant to § 102.45, upon motion, with the consent of the trial examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 102.45, upon motion, with the consent of the Board. Upon withdrawal of any charge, any complaint based thereon shall be dismissed by the regional director issuing the complaint, the trial examiner designated to conduct the hearing, or the Board.

§ 102.10 *Where to file.* Except as provided in § 102.33 such charge shall be filed with the regional director for the region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more regions may be filed with the regional director for any of such regions.

§ 102.11 *Forms; jurat; or declaration.* Such charge shall be in writing and signed, and shall either be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments, or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. Three addi-

[1] Procedure under section 10 (j) to (l) of the act is governed by Subparts E and F.

tional copies of such charge shall be filed together with one additional copy for each named party respondent.[2]

§ 102.12 *Contents.* Such charge shall contain the following:

(a) The full name and address of the person making the charge.

(b) If the charge is filed by a labor organization, the full name and address of any national or international labor organization of which it is an affiliate or constituent unit.

(c) The full name and address of the person against whom the charge is made (hereinafter referred to as the "respondent").

(d) A clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce.

§ 102.13 *Compliance with section 9 (f), (g), and (h) of the act.* (a) For the purpose of the rules and regulations in this part, compliance with section 9 (f) and (g) of the act means (1) that the Secretary of Labor has issued to the labor organization, pursuant to the rules of the Department of Labor, a letter showing that the labor organization has filed the material required under section 9 (f) and (g) of the act; (2) that the labor organization has filed with the general counsel in Washington, D. C., or with the regional director, either as part of the charge (or petition) or otherwise, the duplicate copy of such compliance letter; and (3) that the labor organization has filed with the general counsel or with the regional director for the region in which the proceeding is pending or in which it customarily files cases, either as part of the charge (or petition) or otherwise, a declaration executed by an authorized agent stating that the labor organization has complied with section 9 (f) (B) (2) of the act requiring that it furnish to all of its members copies of the financial report filed with the Department of Labor, and setting forth the method by which such compliance was made.

(b) For the purpose of the rules and regulations in this part, compliance with section 9 (h) of the act means in the case of a national or international labor organization, that it has filed with the general counsel in Washington, D. C., and in the case of a local labor organization, that any national or international labor organization of which it is an affiliate or constituent body has filed with the general counsel in Washington, D. C., and that the labor organization has filed with the regional director in the region in which the proceeding is pending:

(1) A declaration by an authorized representative of the labor organization, executed contemporaneously with the charge (or petition) or within the preceding 12-month period, listing the titles of all offices of the filing organization and stating the name of the incumbent, if any, in each such office and the date of expiration of each incumbent's term.

(2) An affidavit by each officer referred to in subparagraph (1) of this paragraph, executed contemporaneously with the charge (or petition) or within the preceding 12-month period, stating that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

(3) The term "officer" as used in subparagraph (2) of this paragraph shall mean any person occupying a position identified as an office in the constitution of the labor organization; except, however, that where the Board has reasonable cause to believe that a labor organization has omitted from its constitution the designation of any position as an office for the purpose of evading or circumventing the filing requirements of section 9 (h) of the act, the Board may, upon appropriate notice, conduct an investigation to determine the facts in that regard, and where the facts appear to warrant such action the Board may require affidavits from persons other than incumbents of positions identified by the constitution as offices before the labor organization will be recognized as having complied with section 9 (h) of the act.

§ 102.14 *Service of charge.* Upon the filing of a charge, the charging party shall be responsible for the timely and proper service of a copy thereof upon the person against whom such charge is made. The regional director will, as a matter of course, cause a copy of such charge to be served upon the person against whom the charge is made, but he shall not be deemed to assume responsibility for such service.

COMPLAINT

§ 102.15 *When and by whom issued; contents; service.* After a charge has been filed, if it appears to the regional director that formal proceedings in respect thereto should be instituted, he shall issue and cause to be served upon all the other parties a formal complaint in the name of the Board stating the unfair labor practices and containing a notice of hearing before a trial examiner at a place therein fixed and at a time not less than 10 days after the service of the complaint.

§ 102.16 *Hearing; extension.* Upon his own motion or upon proper cause shown by any other party, the regional director issuing the complaint may extend the date of such hearing.

§ 102.17 *Amendment.* Any such complaint may be amended upon such terms as may be deemed just, prior to the hearing, by the regional director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to § 102.45, upon motion, by the trial examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to §102.45, at any time prior to the issuance of an order based thereon, upon motion, by the Board.

§ 102.18 *Withdrawal.* Any such complaint may be withdrawn before the hearing by regional director on his own motion.

§ 102.19 *Review by the general counsel of refusal to issue.* If, after the charge has been filed, the regional director declines to issue a complaint, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds. The person making the charge may obtain a review of such action by filing a request therefor with the general counsel in Washington, D. C., and filing a copy of the request with the regional director, within 10 days from the service of the notice of such refusal by the regional director. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

ANSWER

§ 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.* The respondent shall, within 10 days from the service of the complaint, file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the ground of defense. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

§ 102.21 *Where to file; service upon the parties; form; jurat.* An original and four copies of the answer shall be filed with the regional director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on each of the other parties. The answer shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post-office address of the respondent.

§ 102.22 *Extension of time for filing.* Upon his own motion or upon proper cause shown by any other party the regional director issuing the complaint may by written roder extend the time within which the answer shall be filed.

§ 102.23 *Amendment.* The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the trial examiner or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the trial examiner or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the trial examiner or the Board.

MOTIONS

§ 102.24 *Motion; where to file prior to hearing and during hearing; contents;*

[2] A blank form for making a charge will be supplied by the regional director upon request.

service on other parties. All motions made prior to the hearing shall be filed in writing with the regional director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an original and four copies of all such motions and immediately serve a copy thereof upon each of the other parties. All motions made at the hearing shall be made in writing to the trial examiner or stated orally on the record.

§ 102.25 *Ruling on motions; where to file motions after hearing and before transfer of case to Board.* The trial examiner designated to conduct the hearing shall rule upon all motions (except as provided in §§ 102.16, 102.22, 102.29, and 102.47). The trial examiner may, before the hearing, rule on motions filed prior to the hearing, and shall cause copies of his ruling to be served upon all the parties. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to § 102.45, shall be filed with the trial examiner, care of the chief trial examiner, in Washington, D. C., or associate chief trial examiner, San Francisco, California, as the case may be, and a copy thereof shall be served on each of the parties. Rulings by the trial examiner on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases such rulings and orders shall be issued in writing. The trial examiner shall cause a copy of the same to be served upon each of the other parties, or shall make his ruling in the intermediate report. Whenever the trial examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to § 102.50, the Board shall rule on such motion.

§ 102.26 *Motions; rulings and orders part of the record; rulings not to be appealed directly to Board without special permission; requests for special permission to appeal.* All motions, rulings, and orders shall become part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved thereby, as provided in § 102.31. Unless expressly authorized by the rules and regulations, rulings by the regional director and by the trial examiner on motions, by the trial examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exception to the ruling or order is included in the statement of exceptions filed with the Board, pursuant to § 102.46. Requests to the Board for special permission to appeal from such rulings of the regional director or the trial examiner shall be filed promptly, in writing and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party.

§ 102.27 *Review of granting of motion to dismiss entire complaint; reopening of record.* If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the trial examiner before filing his intermediate report, any party may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and immediately on such filing shall serve a copy thereof on the regional director and the other parties. Unless such request for review is filed within 10 days from the date of the order of dismissal, the case shall be closed.

§ 102.28 *Filing of answer or other participation in proceedings not a waiver of rights.* The right to make motions or to make objections to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the trial examiner or the Board.

INTERVENTION

§ 102.29 *Intervention; requisites; rulings on motions to intervene.* Any person desiring to intervene in any proceeding shall file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Prior to the hearing, such a motion shall be filed with the regional director issuing the complaint; during the hearing such motion shall be made to the trial examiner. An original and four copies of written motions shall be filed. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties. The regional director shall rule upon all such motions filed prior to the hearing, and shall cause a copy of said rulings to be served upon each of the other parties, or may refer the motion to the trial examiner for ruling. The trial examiner shall rule upon all such motions made at the hearing or referred to him by the regional director, in the manner set forth in § 102.25. The regional director or the trial examiner, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper.

WITNESSES, DEPOSITIONS, AND SUBPENAS

§ 102.30 *Examination of witnesses; depositions.* Witnesses shall be examined orally under oath, except that for good cause shown after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post-office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the "officer"). Such application shall be made to the regional director prior to the hearing, and to the trial examiner during and subsequent to the hearing but before transfer of the case to the Board pursuant to § 102.45 or § 102.50. Such application shall be served upon the regional director or the trial examiner, as the case may be, and upon all other parties, not less than 7 days (when the deposition is to be taken within the continental United States) and 15 days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The regional director or trial examiner, as the case may be, shall upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken and the time, the place, and the designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all the other parties by the regional director or upon all parties by the trial examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States.

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered mail to the regional director or the trial examiner, care of the chief trial examiner, in Washington, D. C., or associate chief trial examiner, San Francisco, Calif., as the case may be.

(d) The trial examiner shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or,

with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 102.31 *Issuance of subpenas; petitions to revoke subpenas; right to inspect or copy data.* (a) Any member of the Board shall, on the written application of any party, forthwith issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents, in their possession or under their control. Applications for subpenas, if filed prior to the hearing, shall be filed with the regional director. Applications for subpenas filed during the hearing shall be filed with the trial examiner. Either the regional director or the trial examiner, as the case may be, shall grant the application, on behalf of any member of the Board. Applications for subpenas may be made ex parte. The subpena shall show on its face the name and address of the party at whose request the subpena was issued.

(b) Any person subpenaed, if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena upon him, petition in writing to revoke the subpena. All petitions to revoke subpena shall be served upon the party at whose request the subpena was issued. Such petition to revoke, if made prior to the hearing, shall be filed with the regional director and the regional director shall refer the petition to the trial examiner or the Board for ruling. Petitions to revoke subpenas filed during the hearing shall be filed with the trial examiner. Notice of the filing of petitions to revoke shall be promptly given by the regional director or the trial examiner, as the case may be, to the party at whose request the subpena was issued. The trial examiner or the Board, as the case may be, shall revoke the subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required. The trial examiner or the Board, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the petition to revoke. The petition to revoke, any answer filed thereto, and any ruling thereon, shall not become part of the official record except upon the request of the party aggrieved by the ruling.

(c) Persons compelled to submit data or evidence at a public proceeding are entitled to retain or, on payment of lawfully prescribed costs, to procure, copies or transcripts of the data or evidence submitted by them. Persons compelled to submit data or evidence in the nonpublic investigative stages of proceedings may, for good cause, be limited by the regional director to inspection of the official transcript of their testimony, but shall be entitled to make copies of documentary evidence or exhibits which they have produced.

(d) Upon the failure of any person to comply with a subpena issued upon the request of a private party, the general counsel shall in the name of the Board but on relation of such private party, institute proceedings in the appropriate district court for the enforcement of such subpena, but neither the general counsel nor the Board shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

§ 102.32 *Payment of witness fees and mileage; fees of persons taking depositions.* Witnesses summoned before the trial examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

TRANSFER, CONSOLIDATION, AND SEVERANCE

§ 102.33 *Transfer of charge and proceeding from region to region; consolidation of proceedings in same region; severence.* Whenever the general counsel deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, he may permit a charge to be filed with him in Washington, D. C., or may, at any time after a charge has been filed with a regional director pursuant to § 102.10, order that such charge and any proceeding which may have been initiated with respect thereto:

(a) Be transferred to and continued before him for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such other region.

The provisions of §§ 102.9 to 102.32, inclusive, shall, insofar as applicable, govern proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the general counsel. After the transfer of any charge and any proceeding which may have been instituted with respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such charge and such proceeding as if the charge had originally been filed in the region to which the transfer is made.

Motions to sever proceedings may be filed before hearing, with the regional director, and during the hearing, with the trial examiner. The regional director shall refer all such motions filed with him to the trial examiner for ruling. Rulings by the trial examiner on motions to sever may be appealed to the Board in accordance with § 102.26.

HEARINGS

§ 102.34 *Who shall conduct; to be public unless otherwise ordered.* The hearing for the purpose of taking evidence upon a complaint shall be conducted by a trial examiner designated by the chief trial examiner, Washington, D. C., or, the associate chief trial examiner, San Francisco, Calif., as the case may be, unless the Board or any member thereof presides. At any time a trial examiner may be designated to take the place of the trial examiner previously designated to conduct the hearing. Such hearings shall be public unless otherwise ordered by the Board or the trial examiner.

§ 102.35 *Duties and powers of trial examiners.* It shall be the duty of the trial examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. The trial examiner shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the Board, subject to the Rules and Regulations of the Board and within its powers:

(a) To administer oaths and affirmations;

(b) To grant applications for subpenas;

(c) To rule upon petitions to revoke subpenas;

(d) To rule upon offers of proof and receive relevant evidence;

(e) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(f) To regulate the course of the hearing and, if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all related testimony of witnesses refusing to answer any proper question;

(g) To hold conferences for the settlement or simplification of the issues by consent of the parties, but not to adjust cases;

(h) To dispose of procedural requests or similar matters, including motions referred to the trial examiner by the regional director and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened prior to issuance of intermediate reports (recommended decisions);

(i) To make and file intermediate reports in conformity with section 8 of the Administrative Procedure Act;

(j) To call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence;

(k) To take any other action necessary under the foregoing and authorized by the published rules and regulations of the Board.

§ 102.36 *Unavailability of trial examiners.* In the event the trial examiner designated to conduct the hearing becomes unavailable to the Board after the

hearing has been concluded and before the filing of his intermediate report, the Board may transfer the case to itself for purposes of further hearing or issuance of an intermediate report or both on the record as made, or may request the chief trial examiner, Washington, D. C., or associate chief trial examiner, San Francisco, Calif., as the case may be to designate another trial examiner for such purposes.

§ 102.37 *Disqualification of trial examiners.* A trial examiner may withdraw from a proceeding whenever he deems himself disqualified. Any party may request the trial examiner, at any time following his designation by the chief trial examiner or associate chief trial examiner and before filing of his intermediate report, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the trial examiner, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and withdraw from the proceeding. If the trial examiner does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and proceed with the hearing, or if the hearing has closed, he shall proceed with issuance of his intermediate report, and the provisions of § 102.26, with respect to review of rulings of trial examiners, shall thereupon apply.

§ 102.38 *Rights of parties.* Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence, except that the participation of any party shall be limited to the extent permitted by the trial examiner, and provided further that documentary evidence shall be submitted in duplicate.

§ 102.39 *Rules of evidence controlling so far as practicable.* Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (28 U. S. C. 723–B, 723–C).

§ 102.40 *Stipulations of fact admissible.* In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

§ 102.41 *Objection to conduct of hearing; how made; objections not waived by further participation.* Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

§ 102.42 *Filing of briefs and proposed findings with the trial examiner and oral argument at the hearing.* Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the trial examiner who may fix a reasonable time for such filing, but not in excess of 20 days from the close of the hearing. Requests for further extensions of time shall be made to the chief trial examiner in Washington, D. C., or associate chief trial examiner, San Francisco, California, as the case may be. No request will be considered unless received at least 3 days prior to the expiration of the time fixed for the filing of briefs or proposed findings and conclusions. Notice of the request for any extension shall be immediately served upon all other parties, and proof of service shall be furnished. Three copies of the brief or proposed findings and conclusions shall be filed with the trial examiner.

§ 102.43 *Continuance and adjournment.* In the discretion of the trial examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the trial examiner, or by other appropriate notice.

§ 102.44 *Contemptuous conduct; refusal of witness to answer questions.* Contemptuous conduct at any hearing before a trial examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the trial examiner, be ground for striking all testimony previously given by such witness on related matters.

INTERMEDIATE REPORT AND TRANSFER OF CASE TO THE BOARD

§ 102.45 *Intermediate report and recommended order; contents; service; transfer of the case to the Board; contents of record in case.* After hearing for the purpose of taking evidence upon a complaint, the trial examiner shall prepare an intermediate report and recommended order, but the initial decision shall be made by the Board. Such report shall contain findings of fact, conclusions, and the reasons or basis therefor, upon all material issues of fact, law, or discretion presented on the record, and the recommended order shall contain recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practices, a recommendation for such affirmative action by the respondent as will effectuate the policies of the act. The trial examiner shall file the original of the intermediate report and recommended order with the Board and cause a copy thereof to be served upon each of the parties. Upon the filing of the report and recommended order, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, upon all the parties. Service of the intermediate report and of the order transferring the case to the Board shall be complete upon mailing.

The charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence and depositions, together with the intermediate report and recommended order and exceptions, shall constitute the record in the case.

EXCEPTIONS TO THE RECORD AND PROCEEDING

§ 102.46 *Exception or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.* (a) Within 20 days or within such further period as the Board may allow from the date of the service of the order transferring the case to the Board, pursuant to § 102.45, any party may (in accordance with section 10 (c) of the act and §§ 102.85 and 102.86) file with the Board in Washington, D. C., seven copies of a statement in writing setting forth exceptions to the intermediate report and recommended order or to any other part of the record or proceedings (including rulings upon all motions or objections), together with seven copies of a brief in support of said exceptions and immediately upon such filing copies shall be served on each of the other parties; and any party may, within the same period, file seven copies of a brief in support of the intermediate report and recommended order. Copies of such exceptions and briefs shall immediately be served on each of the other parties. Statements of exceptions and briefs shall designate by precise citation of page and line the portions of the record relied upon. Upon special leave of the Board, any party may file a reply brief upon such terms as the Board may impose. Requests for such leave or for extension of the time in which to file exceptions or briefs under authority of this section shall be in writing and copies thereof shall be immediately served on each of the other parties.

(b) No matter not included in a statement of exceptions may thereafter be urged before the Board, or in any further proceedings.

(c) Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board simultaneously with the statement of any exceptions filed pursuant to the provisions of paragraph (a) of this section. The Board shall notify the parties of the time and place of oral argument, if such permission is granted.

(d) Oral arguments are limited to 30 minutes for each party entitled to participate. No request for additional time will be granted unless timely application is made in advance of oral argument.

(e) Exceptions to intermediate reports and recommended orders, or to the record, briefs in support of exceptions, and briefs in support of intermediate reports

and recommended orders shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and if submitted will not be accepted.

§ 102.47 *Filing of motion after transfer of case to Board.* All motions filed after the case has been transferred to the Board pursuant to § 102.45 shall be filed with the Board in Washington, D. C., by transmitting seven copies thereof, together with an affidavit of service upon each of the parties. Such motions shall be legibly printed or otherwise duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and if submitted will not be accepted.

PROCEDURE BEFORE THE BOARD

§ 102.48 *Action of Board upon expiration of time to file exceptions to intermediate report.* (a) In the event no statement of exceptions is filed as herein provided, the findings, conclusions, and recommendations of the trial examiner as contained in his intermediate report and recommended order shall be adopted by the Board and become its findings, conclusions, and order, and all objections and exceptions thereto shall be deemed waived for all purposes. However, the Board may, in its discretion, order such case closed upon compliance.

(b) Upon the filing of a statement of exceptions and briefs, as provided in § 102.46, the Board may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other Board agent or agency, or may close the case upon compliance with recommendations of the intermediate report or may make other disposition of the case.

§ 102.49 *Modification or setting aside of order of Board before record filed in court; action thereafter.* Within the limitations of the provisions of section 10 (c) of the act, and § 102.48, until a transcript of the record in a case shall have been filed in a court, within the meaning of section 10 of the act, the Board may at any time upon reasonable notice modify or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter, the Board may proceed pursuant to § 102.50, insofar as applicable.

§ 102.50 *Hearings before Board or member thereof.* Whenever the Board deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, it may, at any time after a complaint has issued pursuant to § 102.15 or § 102.33 order that such complaint and any proceeding which may have been instituted with respect thereto be transferred to and continued before it or any member of the Board. The provisions of this subpart shall, insofar as applicable, govern proceedings before the Board or any member pursuant to this section, and the powers granted to trial examiners in such provisions shall, for the purpose of this section, be reserved to and exercised by the Board or the member thereof who shall preside.

§ 102.51 *Settlement or adjustment of issues.* At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have opportunity to submit to the regional director with whom the charge was filed, for consideration, facts, arguments, offers of settlement, or proposals of adjustment.

SUBPART C—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

§ 102.52 *Petition for certification or decertification; who may file; where to file; withdrawal.* A petition for investigation of a question concerning representation of employees under paragraphs (1) (A) (i) and (1) (B) of section 9 (c) of the act (hereinafter called a petition for certification) may be filed by an employee or group of employees or any individual or labor organization acting in their behalf or by an employer. A petition under paragraph (1) (A) (ii) of section 9 (c) of the act, alleging that the individual or labor organization which has been certified or is being currently recognized as the bargaining representative is no longer such representative (hereinafter called a petition for decertification), may be filed by any employee or group of employees or any individual or labor organization acting in their behalf. When any such petition is filed by a labor organization, no investigation shall be made of any question of representation raised by such labor organization unless such labor organization is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13. Petitions under this section shall be in writing and signed,[3] and shall either be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgements, or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. Four copies of the petition shall be filed. Except as provided in § 102.64, such petitions shall be filed with the regional director for the region wherein the bargaining unit exists, or, if the bargaining unit exists in two or more regions, with the regional director for any of such regions. Prior to the close of the hearing, pursuant to § 102.55, the petition may be withdrawn only with the consent of the regional director with whom such petition was filed. After the close of the hearing, the petition may be withdrawn only with the consent of the Board. Whenever the regional director or the Board as the case may be approves the withdrawal of any petition, the case shall be closed.

§ 102.53 *Contents of petition for certification; contents of petition for decertification.* (a) A petition for certification, when filed by an employee or group of employees or an individual or labor organization acting in their behalf, shall contain the following:

(1) The name of the employer.

(2) The address of the establishments involved.

(3) The general nature of the employer's business.

(4) A description of the bargaining unit which the petitioner claims to be appropriate.

(5) The names and addresses of any other persons or labor organizations who claim to represent any employees in the alleged appropriate unit, and brief descriptions of the contracts, if any, covering the employees in such unit.

(6) The number of employees in the alleged appropriate unit.

(7) A statement that the employer declines to recognize the petitioner as the representative within the meaning of section 9 (a) of the act or that the labor organization is currently recognized but desires certification under the act.

(8) The name, affiliation, if any, and address of the petitioner.

(9) Any other relevant facts.

(b) A petition for certification, when filed by an employer, shall contain the following:

(1) The name and address of the petitioner.

(2) The general nature of the petitioner's business.

(3) A brief statement setting forth that one or more individuals or labor organizations have presented to the petitioner a claim to be recognized as the exclusive representative of all employees in the unit claimed to be appropriate; a description of such unit; and the number of employees in the unit.

(4) The name or names, affiliation, if any, and addresses of the individuals or labor organizations making such claim for recognition.

(5) A statement whether the petitioner has contracts with any labor organization or other representatives of employees and, if so, their expiration date.

(6) Any other relevant facts.

(c) Petitions for decertification shall contain the following:

(1) The name of the employer.

(2) The address of the establishments and a description of the bargaining unit involved.

(3) The general nature of the employer's business.

(4) Name and address of the petitioner and affiliation, if any.

(5) Name or names of the individuals or labor organization, who have been certified or are being currently recognized by the employer and who claim to represent any employees in the unit involved, and the expiration date of any contracts covering such employees.

(6) An allegation that the individuals or labor organization who have been certified or are currently recognized by the employer are no longer the representative in the appropriate unit as defined in section 9 (a) of the act.

(7) The number of employees in the unit and the number who have designated the petitioner to act for them.

(8) Any other relevent facts.

[3] Blank forms for filing such petitions will be supplied by the regional office upon request.

§ 102.54 *Consent election agreements.* (a) Where a petition has been duly filed, the employer and any individuals or labor organizations representing a substantial number of employees involved may, with the approval of the regional director, enter into a consent election agreement leading to a determination by the regional director of the facts ascertained after such consent election. Such agreement shall include a description of the appropriate unit, the time and place of holding the election, and the payroll to be used in determining what employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the regional director. The method of conducting such consent election shall be consistent with the method followed by the regional director in conducting elections pursuant to §§ 102.61 and 102.62 except that the rulings and determinations by the regional director of the results thereof shall be final, and the regional director shall issue to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board.

(b) Where a petition has been duly filed, the employer and any individuals or labor organizations representing a substantial number of the employees involved may, with the approval of the regional director, enter into an agreement providing for a waiver of hearing and a consent election leading to a determination by the Board of the facts ascertained after such consent election. Such agreement shall also include a description of the appropriate bargaining unit, the time and place of holding the election, and the payroll to be used in determining which employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the regional director. The method of conducting such election and the post-election procedure shall be consistent with that followed by the regional director in conducting elections pursuant to §§ 102.61 and 102.62.

§ 102.55 *Investigation of petition by regional director; notice of hearing; service of notice; withdrawal of notice.* After a petition has been filed, if no agreement such as that provided in § 102.54 is entered into and if it appears to the regional director that there is reasonable cause to believe that a question of representation affecting commerce exists, that the policies of the act will be effectuated, and that an election will reflect the free choice of employees in the appropriate unit, he shall prepare and cause to be served upon the parties and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing before a hearing officer at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing. Any such notice of hearing may be amended or withdrawn before the close of the hearing by the regional director on his own motion.

§ 102.56 *Conduct of hearing.* (a) Hearings shall be conducted by a hearing officer and shall be open to the public unless otherwise ordered by the hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding. It shall be the duty of the hearing officer to inquire fully into all matters in issue and necessary to obtain a full and complete record upon which the Board may discharge its duties under section 9 (c) of the act.

(b) The hearing officer may, in his discretion, continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing, or by other appropriate notice.

§ 102.57 *Motions; interventions.* (a) All motions, including motions for intervention pursuant to paragraph (b) of this section shall be in writing or, if made at the hearing, may be stated orally on the record, and shall briefly state the order or relief sought and the grounds for such motion. An original and four copies of written motions shall be filed and a copy thereof immediately shall be served upon each of the other parties to the proceeding. Motions made prior to the hearing shall be filed with the regional director, and motions made during the hearing shall be filed with the hearing officer. After the close of the hearing all motions shall be filed with the Board. Such motions to the Board shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and, if submitted, will not be accepted. Seven copies of such motions shall be filed with the Board. The regional director may rule upon all motions filed with him, causing a copy of said ruling to be served upon each of the parties, or he may refer the motion to the hearing officer: *Provided,* That if the regional director grants a motion to dismiss the petition the petitioner may obtain a review of such ruling in the manner prescribed in § 102.63. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that he shall refer to the Board for appropriate action all motions to dismiss petitions, at such time as the Board considers the entire record.

(b) Any person desiring to intervene in any proceeding shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the proceeding. The regional director or the hearing officer, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper, and such intervenor shall thereupon become a party to the proceeding.

(c) All motions, rulings, and orders shall become a part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved, as provided in § 102.58 (c). Unless expressly authorized by these rules and regulations in this part, rulings by the regional director and by the hearing officer shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board when it reviews the entire record. Requests to the Board for special permission to appeal from such rulings of the regional director or the hearing officer shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party.

(d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceedings.

§ 102.58 *Introduction of evidence; rights of parties at hearing; subpenas.* (a) Any party shall have the right to appear at any hearing in person, by counsel, or by other representatives, and any party and the hearing officer shall have power to call, examine and cross-examine witnesses, and to introduce into the record documentary and other evidence. Witnesses shall be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced in evidence with respect to any issue.

(b) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

(c) Applications for subpenas may be filed in writing by any party, with the regional director if made prior to hearing, or with the hearing officer if made at the hearing. Applications for subpenas may be made ex parte. The regional director or the hearing officer, as the case may be, shall forthwith grant the subpenas requested. Any person subpenaed, if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena, petition in writing to revoke the subpena. Such petition shall be filed with the regional director who may either rule upon it or refer it for ruling to the hearing officer: *Provided, however,* That if the evidence called for is to be produced at a hearing and the hearing has opened, the petition to revoke shall be filed with the hearing officer. Notice of the filing of petitions to revoke shall be promptly given by the regional director or hearing officer, as the case may be, to the party at whose request the subpena was issued. The regional director or the hearing officer, as the case may be, shall revoke the subpena if, in his opinion, the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required. The regional director or the hearing officer, as the case may be, shall make a simple statement of procedural or other grounds for his ruling. The petition to revoke, any answer filed thereto, and any ruling thereon, shall not become part of the record except

upon the request of the party aggrieved by the ruling. Persons compelled to submit data or evidence are entitled to retain or, on payment of lawfully prescribed costs, to procure, copies or transcripts of the data or evidence submitted by them.

(d) Contemptuous conduct at any hearing before a hearing officer or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matters.

(e) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing, for oral argument, which shall be included in the stenographic report of the hearing.

(f) The hearing officer may submit an analysis of the record to the Board but he shall make no recommendations.

(g) Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 102.59 *Record; what constitutes; transmission to Board.* Upon the close of the hearing the regional director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

§ 102.60 *Proceedings before the Board; further hearings; briefs; Board direction of election; certification of results.* The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or further hearing, as it may determine, to direct a secret ballot of the employees, or to make other disposition of the matter. Should any party desire to file a brief with the Board, seven copies thereof shall be filed with the Board in Washington, D. C., within 7 days after the close of the hearing: *Provided, however,* That, prior to the close of the hearing and for good cause, the hearing officer may grant an extension of that time not to exceed an additional 14 days. Such brief shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and, if submitted, will not be accepted. Copies shall be served on all other parties to the proceeding, and proof of such service shall be filed with the Board at the time the briefs are filed. Requests for extension of time in which to file a brief under authority of this section not addressed to the hearing officer during the hearing, shall be in writing and copies thereof shall immediately be served on each of the other parties. Requests for extension of time shall be made not later than 3 days before the date such briefs are due in Washington, D. C. No reply brief may be filed except upon special leave of the Board.

§ 102.61 *Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.* Unless otherwise directed by the Board, all elections shall be conducted under the supervision of the regional director in whose region the proceeding is pending. All elections shall be by secret ballot. Whenever two or more labor organizations are included as choices in an election, either participant may, upon its prompt request to, and approval thereof by, the regional director, whose decision shall be final, have its name removed from the ballot. Any party may be represented by observers of his own selection, subject to such limitations as the regional director may prescribe. Any party and Board agents may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded. Upon the conclusion of the election, the regional director shall cause to be furnished to the parties a tally of the ballots. Within 5 days after the tally of ballots has been furnished, any party may file with the regional director four copies of objections to the conduct of the election or conduct affecting the results of the election, which shall contain a short statement of the reasons therefor. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Copies of such objections shall immediately be served upon each of the other parties by the party filing them, and proof of service shall be made.

If no objections are filed within the time set forth above, if the challenged ballots are insufficient in number to affect the result of the election, and if no runoff election is to be held pursuant to § 102.62, the regional director shall proceed in the following manner:

(a) After an election conducted pursuant to an agreement waiving a hearing and providing for Board determination of the facts ascertained after such election, as contemplated by § 102.54 (b), and after any election in a case in which a determination of appropriate bargaining unit remains to be made by the Board, the regional director shall forthwith forward to the Board in Washington, D. C., the tally of ballots, which together with the record previously made, shall constitute the record in the case, and the Board may thereupon decide the matter forthwith upon the record, or may make other disposition of the case.

(b) After an election not conducted pursuant to an agreement contemplated by § 102.54 (b), and where no determination of the appropriate bargaining unit remains to be made by the Board, the regional director shall forthwith issue to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board, and the proceeding will thereupon be closed.

If objections are filed to the conduct of the election or conduct affecting the results of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the regional director shall investigate such objections, challenges, or both, and shall prepare and cause to be served upon the parties a report on challenged ballots, objections, or both, including his recommendations, which report, together with the tally of the ballots, he shall forward to the Board in Washington, D. C. Within 10 days from the date of issuance of the report on challenged ballots, objections, or both, any party may file with the Board in Washington, D. C., seven copies of exceptions to such report. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties, and shall file a copy with the regional director. Proof of service shall be made to the Board. If no exceptions are filed to such report the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record, or may make other dispostion of the case.

The report on challenged ballots may be consolidated with the report on objections in appropriate cases.

If exceptions are filed, either to the report on challenged ballots, objections, or both if it be a consolidated report, and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material factual issues, the Board may direct the regional director or other agent of the Board to issue and cause to be served upon the parties, a notice of hearing on said exceptions before a hearing officer. The hearing shall be conducted in accordance with the provisions of §§ 102.56, 102.57, and 102.58, insofar as applicable. Upon the close of the hearing, the agent conducting the hearing, if directed by the Board, shall prepare and cause to be served upon the parties a report resolving questions of credibility, and containing findings of fact, and recommendations to the Board, as to the disposition of the challenges or objections, or both, if it be a consolidated report. The agent conducting the hearing shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the objection to the conduct of the election or conduct affecting the results of the election, the report on such objections, the report on challenged ballots, and exceptions to the report on objections or to the report on challenged ballots, and the record previously made, together with his report, if any, shall constitute the record in the case. In any case in which the Board has directed that a report be prepared and served, any party may within 10 days from the date of issuance of the report on challenged ballots, objections, or both, file with the Board in Washington, D. C., seven copies of exceptions to such report. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties, and shall file a copy with the regional director. Proof of service

shall be made to the Board. If no exceptions are filed to such report the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record, or may make other disposition of the case. The Board shall thereupon proceed pursuant to § 102.60.

In any such case in which the Board, upon a ruling on challenged ballots, has directed the regional director to open and count such ballots and to issue a revised tally of ballots, and no objection to such revised tally is filed by any party within 3 days after the revised tally of ballots has been furnished, the regional director shall forthwith issue to the parties certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board. The proceeding shall thereupon be closed.

§ 102.62 *Runoff election.* (a) The regional director shall conduct a runoff election, without further order of the Board, when an election in which the ballot provided for not less than three choices (i. e., at least two representatives and "neither") results in no choice receiving a majority of the valid ballots cast and no objections are filed as provided in § 102.61. Only one runoff shall be held pursuant to this section.

(b) Employees who were eligible to vote in the election and who are employed in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

(c) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

(d) In the event the number of votes cast in an inconclusive election in which the ballot provided for a choice among two or more representatives and "neither" or "none" is equally divided among the several choices; or in the event the number of ballots cast for one choice in such election is equal to the number cast for another of the choices but less than the number cast for the third choice, the regional director shall declare the first election a nullity and shall conduct another election, providing for a selection from among the three choices afforded in the original ballot; and he shall thereafter proceed in accordance with paragraphs (a), (b), and (c) of this section. In the event two or more choices receive the same number of ballots and another choice receives no ballots and there are no challenged ballots that would affect the results of the election, and if all eligible voters have cast valid ballots, there shall be no runoff election and the petition shall be dismissed. Only one such further election pursuant to this paragraph may be held.

(e) Upon the conclusion of the runoff election, the provisions of § 102.61 shall govern, insofar as applicable.

§ 102.63. *Refusal to issue notice of hearing; appeals to Board from action of the regional director.* If, after a petition has been filed, it shall appear to the regional director that no notice of hearing should issue as provided in § 102.55, the regional director may dismiss the petition, and shall so advise the petitioner in writing, accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the regional director and each of the other parties within 10 days of service of such notice of dismissal. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 102.64 *Filing petition with general counsel; investigation upon motion of general counsel; transfer of petition and proceeding from region to general counsel or to another region; consolidation of proceedings in same region; severance; procedure before general counsel in cases over which he has assumed jurisdiction.* Whenever the general counsel deems it necessary in order to effectuate the purposes of the act, or to avoid unnecessary costs or delay, he may permit a petition to be filed with him in Washington, D. C., or may, at any time after a petition has been filed with a regional director pursuant to § 102.52, order that such petition and any proceeding that may have been instituted with respect thereto:

(a) Be transferred to and continued before him, for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region, for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such region; or

(d) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

The provisions of §§ 102.52 and 102.63, inclusive, shall insofar as applicable, apply to proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section be reserved to and exercised by the general counsel. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such petition and such proceeding as if the petition had originally been filed in the region to which the transfer is made.

Subpart D—Procedure for Referendum Under Section 9 (e) of the Act

§ 102.65 *Petition for referendum under section 9 (e) (1) of the act; who may file; where to file; withdrawal.* A petition for authority to make an agreement requiring membership in a labor organization as a condition of employment, pursuant to section 9 (e) (1) of the act, may be filed by a labor organization, which is the representative of employees as provided in section 9 (a) of the act, provided that such petition will not be entertained unless the labor organization filing it is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13. The petition shall be in writing and signed, and shall either be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgements, or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief.[4] Four copies of the petition shall be filed with the regional director wherein the bargaining unit exists, or, if the unit exists in two or more regions, with the regional director for any of such regions. The petition may be withdrawn only with the approval of the regional director with whom such petition was filed, except that if the proceeding has been transferred to the Board, pursuant to § 102.59, the petition may be withdrawn only with the consent of the Board. Upon approval of the withdrawal of any petition the case shall be closed.

§ 102.66 *Contents of petition.* Such petition shall contain the following:

(a) The name of the employer.

(b) The address of the establishments involved.

(c) The general nature of the employer's business.

(d) A description of the bargaining unit to be covered by the agreement if made.

(e) The names and addresses of any other persons or labor organizations who claim to represent any employees in the unit.

(f) The name, affiliation, if any, and address of the petitioner.

(g) The date of certification or date of recognition of the labor organization by the employer if there is no certification, or any other facts to support petitioner's claim to be the representative of the employees.

(h) Any other relevant facts.

§ 102.67 *Investigation of petition by regional director; consent referendum; directed referendum.* Where a petition has been filed pursuant to § 102.65 and it appears to the regional director that the petitioner has made an appropriate showing, in such form as the regional director may determine, that 30 percent or more of the employees within an appropriate unit desire to authorize the petitioner to make an agreement with their employer requiring membership in the union as a condition of employment and when it further appears to the regional director that no question of representation affecting such employees exists, he shall proceed forthwith to conduct a secret ballot of the employees involved on the question whether they desire to authorize the petitioner to enter into such agreement: *Provided, however,* That in any case in which it appears to the regional director that the proceeding raises questions which should be decided by the Board before election he may issue and cause to be served on the parties, a notice of hearing

[4] Forms for filing such petitions will be supplied by the regional office upon request.

before a hearing officer at a time and place fixed therein. The regional director shall fix the time and place of the election, eligibility requirements for voting, and other arrangements of the balloting, but the parties may enter into an agreement, subject to the approval of the regional director, fixing such arrangements. In any such consent agreements, provision may be made for final determination of all questions arising with respect to the balloting by the regional director or by the Board.

§ 102.68 *Hearing: posthearing procedure.* The method of conducting the hearing and the procedure following the hearing, including transfer of the case to the Board, shall be governed, insofar as applicable, by §§ 102.55 to 102.60, inclusive.

§ 102.69 *Method of conducting balloting: postballoting procedure.* The method of conducting the balloting and the postballoting procedure shall be governed by the provisions of § 102.61, insofar as applicable.

§ 102.70 *Refusal to conduct referendum; appeal to Board.* If, after a petition has been filed, it shall appear to the regional director that no referendum should be conducted, he shall dismiss the petition. Such dismissal shall be in writing and accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the regional director, within 10 days from the service of notice of such dismissal. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 102.71 *Petition for referendum under section 9 (e) (2) of the act; who may file; where to file; withdrawal.* A petition to rescind the authority of a labor organization to make an agreement requiring as a condition of employment membership in a labor organization may be filed by, or by any employee or group of employees on behalf of, 30 percent or more of the employees in a bargaining unit for which the labor organization has been authorized to make such an agreement with their employer. The provisions of § 102.65 shall apply in all other respects.

§ 102.72 *Contents of petition to rescind authority.* Such petition shall contain the following:

(a) The name of the employer.

(b) The address of the establishments involved.

(c) The general nature of the employer's business.

(d) A description of the bargaining unit involved.

(e) The name and address of the labor organization whose authority it is desired to rescind, and the date of the last referendum conducted by the Board.

(f) The number of employees in the unit and the number on whose behalf the petitioner is authorized to act.

(g) The date of execution and of expiration of any contract in effect covering the unit involved.

(h) The name and address of the person designated to accept service of documents for petitioners.

(i) Any other relevant facts.

§ 102.73 *Subsequent proceedings under section 9 (e) (2).* Where a petition has been filed pursuant to § 102.71, and it appears to the regional director that the petitioner has made an appropriate showing, in such form as the regional director may determine, that 30 percent or more of the employees within an appropriate unit for which the labor organization has been authorized to make an agreement with the employer requiring membership in such organization as a condition of employment, desire to rescind such authority, he shall proceed forthwith to conduct a secret ballot of the employees to determine whether they desire to rescind such authority: *Provided, however,* That in any case in which it appears to the regional director that the proceeding raises questions which should be decided by the Board before the balloting is held, he may issue and cause to be served on the parties, a notice of hearing before a hearing officer at a time and place fixed herein.

The provisions of §§ 102.67 to 102.70, inclusive, shall, insofar as applicable, govern the proceedings.

SUBPART E—PROCEDURE TO HEAR AND DETERMINE DISPUTES UNDER SECTION 10 (k) OF THE ACT

§ 102.74 *Initiation of proceedings; notice of filing charge; notice of hearing.* Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the regional director shall investigate such charge, giving it priority over all other cases in the office except cases under paragraph (4) (A), (4) (B), and (4) (C) of section 8 (b) and other cases under paragraph (4) (D) of section 8 (b). If it appears to the regional director that further proceedings should be instituted, he shall cause to be served on all parties to the dispute out of which such unfair labor practice may have arisen a notice of the filing of said charge together with a notice of hearing before a hearing officer at a time and place fixed therein which shall be not less than 10 days after service of the notice of hearing. The notice of hearing shall contain a simple statement of the issues involved in such dispute.

§ 102.75 *Adjustment of dispute; withdrawal of notice of hearing; hearing.* If, within 10 days after service of the notice of hearing the parties submit to the regional director satisfactory evidence that they have adjusted or agreed upon methods of voluntary adjustment of the dispute, the regional director shall withdraw the notice of hearing and shall dismiss the charge. Hearings shall be conducted by a hearing officer and the procedure shall conform, insofar as applicable, to the procedure set forth in §§ 102.56 to 102.59, inclusive.

§ 102.76 *Proceedings before the Board; further hearings; briefs; certification.* Upon the close of the hearing, the Board shall proceed either forthwith upon the record, or after oral argument, or the submission of briefs, or further hearing, as it may determine, to certify the labor organization or the particular trade, craft, or class of employees, as the case may be, which shall perform the particular work tasks in issue, or to make other disposition of the matter. Should any party desire to file a brief with the Board, seven copies thereof shall be filed with the Board at Washington, D. C., within 7 days after the close of the hearing. Immediately upon such filing, a copy shall be served on the other parties. Such brief shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and if submitted, will not be accepted. Requests for extension of time in which to file a brief under authority of this section shall be in writing and copies thereof shall immediately be served on each of the other parties. No reply brief may be filed except upon special leave of the Board.

§ 102.77 *Compliance with certification; further proceedings.* If, after issuance of certification by the Board, the parties submit to the regional director satisfactory evidence that they have complied with the certification, the regional director shall dismiss the charge. If no satisfactory evidence of compliance is submitted, the regional director may proceed with the charge under paragraph (4) (D) of section 8 (b) and section 10 of the act and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern.

§ 102.78 *Review of certification.* The record of the proceeding under section 10 (k) and the certification of the Board thereon, shall become a part of the record in such unfair labor practice proceeding and shall be subject to judicial review insofar as it is in issue, in proceedings to enforce or review the final order of the Board under 10 (e) and (f) of the act.

SURPART F—PROCEDURE IN CASES UNDER SECTION 10 (j) AND (l) OF THE ACT

§ 102.79 *Expeditious processing of section 10 (j) cases.* (a) Whenever temporary relief or a restraining order pursuant to section 10 (j) of the act has been procured by the Board, the complaint which has been the basis for such temporary relief or restraining order shall be heard expeditiously and the case shall be given priority by the Board in its successive steps following the issuance of the complaint (until ultimate enforcement or dismissal by the appropriate circuit court of appeals) over all other cases except cases of like character and cases under section 10 (l) of the act.

(b) In the event the trial examiner hearing a complaint concerning which the Board has procured temporary relief or a restraining order pursuant to section 10 (j), recommends a dismissal in whole or in part of such complaint, the chief law officer shall forthwith suggest to the district court which issued such temporary relief or restraining order, the possible change in circumstances arising out of the findings and recommendations of the trial examiner.

§ 102.80 *Priority of cases pursuant to section 10 (l) of the act.* Whenever a charge is filed alleging the commission of an unfair labor practice within the meaning of paragraph 4 (A), (B), or (C), of section 8 (b) of the act, the regional office in which such charge is filed or to which it is referred shall give it priority over all other cases in the office except cases of like character.

§ 102.81 *Issuance of complaint promptly.* Whenever the regional attorney or other Board officer to whom the matter may be referred seeks injunctive relief of a district court pursuant to section 10 (l) of the act, a complaint against the labor organization sought to be enjoined, covering the same subject matter as such application for injunctive relief, shall be issued promptly, normally within 5 days of the date upon which such injunctive relief is first sought.

§ 102.82 *Expeditious processing of section 10 (l) cases in successive stages.* Any complaint issued pursuant to § 102.80 shall be heard expeditiously and the case shall be given priority in its successive steps following its issuance (until ultimate enforcement or dismissal by the appropriate circuit court of appeals) over all cases except cases of like character.

SUBPART G—SERVICE AND FILING OF PAPERS

§ 102.83 *Service of process and papers; proof of service.* Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

§ 102.84 *Same; by parties; proof of service.* Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

§ 102.85 *Date of service; filing of proof of service.* The date of service shall be the day when the matter served is deposited in the United States mail, as is delivered in person, as the case may be. In computing the time from such date, the provisions of § 102.80 apply.

The person or party serving the papers or process on other parties in conformance with §§ 102.83 and 102.84 shall make proof of service thereof to the Board promptly and in any event within 24 hours after the return post-office receipt or other evidence for such proof of service comes into the possession of the party making the service. Failure to make proof of service does not affect the validity of the service.

§ 102.86 *Time; additional time after service by mail.* In computing any period of time prescribed or allowed by the rules in this part, the day of the act, event, or default after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event, the period runs until the end of the next day, which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Sundays and holidays shall be excluded in the computation. For the purpose of this section a Saturday on which the Board's offices are not open for business shall be considered as a holiday, but a half holiday shall be considered as other days and not as a holiday. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period: *Provided, however,* That 3 days shall not be added if any extension of such time may have been granted.

When the act or any of these rules requires the filing of a motion, brief, exception, or other paper in any proceeding, such document must be received by the Board or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

SUBPART H—CERTIFICATION AND SIGNATURE OF DOCUMENTS

§ 102.87 *Certification of papers and documents.* The executive secretary of the Board, or, in the event of his absence or disability, whosoever may be designated by the Board in his place and stead, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

§ 102.88 *Signatures of orders.* The executive secretary or the associate executive secretary, or, in the event of their absence or disability, whosoever may be designated by the Board in their place and stead, are hereby authorized to sign all orders of the Board.

SUBPART I—RECORDS AND INFORMATION

§ 102.89 *Files, records, etc., in exclusive custody of Board and not subject to inspection; formal documents and final opinions and orders subject to inspection.* (a) The formal documents described as the record in the case or proceeding and defined in §§ 102.45, 102.59, and 102.61 are matters of official record, and are available to inspection and examination by persons properly and directly concerned, during usual business hours, at the appropriate regional office of the Board or in Washington, D. C., as the case may be. True and correct copies thereof will be certified upon submission of such copies a reasonable time in advance of need and payment of lawfully prescribed costs: *Provided, however,* That if the Board, the general counsel, or the regional director with whom the documents are filed shall find in a particular instance good cause why a matter of official record should be kept confidential such matter shall not be available for public inspection or examination. Application for such inspection, if desired to be made at the Board's office in Washington, D. C., shall be made to the executive secretary or the general counsel, as the case may be, and if desired to be made at any regional office, shall be made to the regional director. The executive secretary, general counsel, or the regional director may, in his discretion, require that the application be made in writing and under oath and set forth the facts upon which the applicant relies to show that he is properly and directly concerned with such inspection and examination. Should the executive secretary, general counsel, or the regional director, as the case may be, deny any such application, he shall give prompt notice thereof, accompanied by a simple statement of procedural or other grounds.

(b) All final opinions or orders of the Board in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and its rules and regulations are available to public inspection during regular business hours at the Board's offices in Washington, D. C. Copies may be obtained upon request made to any regional office of the Board at its address as published in the FEDERAL REGISTER, or to the Director of Information in Washington. Subject to the provisions of §§ 102.31 and 102.58, all files, documents, reports, memoranda, and records pertaining to the internal management of the Board or to the investigation or disposiiton of charges or petitions during the nonpublic investigative stages of proceedings and before the institution of formal proceedings, and all matters of evidence obtained by the Board or any of its agents in the course of investigation, which have not been offered in evidence at a hearing before a trial examiner or hearing officer or have not been made part of an official record by stipulation, whether in the regional offices of the Board or in its principal office in the District of Columbia, are for good cause found by the Board held confidential and are not matters of official record or available to public inspection, unless permitted by the Board, its chairman, the general counsel, or any regional director.

§ 102.90 *Same; Board employees prohibited from producing files, records, etc., pursuant to subpena duces tecum, prohibted from testifying in regard thereto.* No regional director, field examiner, trial examiner, attorney, specially designated agent, general counsel, member of the Board, or other officer or employee of the Board shall produce or present any files, documents, reports, memoranda, or records of the Board or testify in behalf of any party to any cause pending in any court or before the Board, or any other board, commission, or other administrative agency of

the United States, or of any State, Territory, or the District of Columbia with respect to any information, facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, whether in answer to a subpena, subpena duces tecum or otherwise, without the written consent of the Board or the chairman of the Board, if the official or document is subject to the supervision or control of the Board; or the general counsel if the official or document is subject to the supervision or control of the general counsel. Whenever any subpena or subpena duces tecum calling for records or testimony as described hereinabove shall have been served upon any such persons or other officer or employee of the Board, he will, unless otherwise expressly directed by the Board or the chairman of the Board, or the general counsel, as the case may be, appear in answer thereto and respectfully decline any reason of this rule to produce or present such files, documents, reports, memoranda, or records of the Board or give such testimony.

SUBPART J—PRACTICE BEFORE THE BOARD OF FORMER EMPLOYEES

§ 102.91 *Prohibition of practice before Board of its former regional employees in cases pending in region during employment.* No person who has been an employee of the Board and attached to any of its regional offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any regional office to which he was attached during the time of his employment with the Board.

§ 102.92 *Same; application to former employees of Washington staff.* No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any regional offices during the time of his employment with the Board.

SUBPART K—CONSTRUCTION OF RULES

§ 102.93 *Rules to be liberally construed.* The rules and regulations in this part shall be liberally construed to effectuate the purposes and provisions of the act.

SUBPART L—ENFORCEMENT OF RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED UNDER SECTION 222 (f), COMMUNICATIONS ACT OF 1934, AS AMENDED, TO EMPLOYEES OF MERGED TELEGRAPH CARRIERS

§ 102.94 *Enforcement.* All matters relating to the enforcement of rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended, shall be governed by the provisions of Subparts A, B, G, H, I, and K of this part, insofar as applicable, except that reference in Subpart B to "unfair labor practices" or "unfair labor practices affecting commerce" shall for the purposes of this article mean the denial of any rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended.

SUBPART M—AMENDMENTS

§ 102.95 *Amendment or rescission of rules.* Any rule or regulation in this part may be amended or rescinded by the Board at any time.

§ 102.96 *Petitions for issuance, amendment, or repeal of rules.* Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and five copies of such petition shall be filed with the Board in Washington, D. C., and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

§ 102.97 *Action on petition.* Upon the filing of such petition, the Board shall consider the same, and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial is self-explanatory.

[F. R. Doc. 51-2663; Filed, Feb. 28, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 1, Amendment 1]

DMO 1—CREATION OF COMMITTEE ON FOREIGN SUPPLIES AND REQUIREMENTS

ADDITIONS TO MEMBERSHIP

Defense Mobilization Order No. 1,[1] issued by this Office under date of January 19, 1951, creating a Committee on Foreign Supplies and Requirements, is hereby revised, under paragraph 1, to include a representative of the Economic Stabilization Agency and a representative of the Export-Import Bank of Washington as regular members of the committee.

(E. O. 10193, Dec. 16, 1950, 15 F. R. 9031, 3 CFR, 1950 Supp.)

This order shall take effect on February 27, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-2832; Filed, Feb. 28, 1951; 10:44 a. m.]

[Defense Mobilization Order 6, Amendment 1]

DMO 6—CREATING INTERAGENCY REGIONAL COMMITTEES ON DEFENSE MOBILIZATION

PROVISION FOR CO-CHAIRMEN

Defense Mobilization Order No. 6,[2] issued by this Office under date of February 9, 1951, creating Interagency Regional Committees on Defense Mobilization, is hereby revised, under paragraph 1, to provide that the regional directors of the Defense Production Administration and the Office of Defense Manpower shall serve as co-chairmen of the Regional Committees on Defense Mobilization.

(E. O. 10193, Dec. 16, 1950, 15 F. R. 9031, 3 CFR, 1950 Supp.)

This order shall take effect on February 27, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-2833; Filed, Feb. 28, 1951; 10:45 a. m.]

[1] 16 F. R. 646.
[2] 16 F. R. 1583.

Chapter II—Economic Stabilization Agency

[General Order 6]

GO 6—ABOLISHMENT OF OFFICES AND TRANSFER OF PERSONNEL

By virtue of the authority vested in me as the Economic Stabilization Administrator by Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), and in order to further define the internal organization of the Economic Stabilization Agency, it is hereby determined and ordered:

SECTION 1. The respective offices of Management, Field Operations, Public Information, and Economic Policy within the Economic Stabilization Agency be and the same are hereby abolished.

SEC. 2. With due consideration for the personnel requirements of the Administrator of the Economic Stabilization Agency, the Chief Executive Officer thereof, be and he is hereby authorized and directed to transfer within the Economic Stabilization Agency to the Office of Price Stabilization and the Wage Stabilization Board, respectively, such personnel presently assigned to the offices abolished by Section 1, above, as may be considered necessary or advisable.

SEC. 3. With due consideration for the personnel requirements of the General Counsel of the Economic Stabilization Agency, the General Counsel be and he is hereby authorized and directed to effectuate the transfer within the Legal Division of the Economic Stabilization Agency to the Office of Price Stabilization and the Wage Stabilization Board, respectively, such personnel as may be considered necessary or advisable.

SEC. 4. This order shall become effective at the beginning of business on the 18th of February, 1951.

(Sec. 704, Pub. Law 774, 81st Cong., Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

ERIC JOHNSTON,
Economic Stabilization Administrator.

FEBRUARY 18, 1951.

[F. R. Doc. 51-2843; Filed, Feb. 28, 1951; 11:52 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Correction]

CPR 7—Retail Ceiling Prices for Certain Consumer Goods

Due to a clerical error categories 1026 to 1030 inclusive were omitted from Appendix B of Ceiling Price Regulation 7, effective February 27, 1951 (16 F. R. 1872). Accordingly, Appendix B of Ceiling Price Regulation 7 is corrected by adding at the end thereof, following the text for category 1025, the following:

(7) Ski and Snow Suits

Categories 1026 and 1027 cover ski and snow suits of all materials for women, misses, girls and teenage girls. All one-piece and two-piece snow suits and ski suits with separate or attached hood are included when sold at a unit price.

Category 1026—Women's Ski and Snow Suits

Included are garments in all sizes for women, misses and juniors, and in waist sizes equivalent to these sizes.

Category 1027—Girls' and Teen-Age Ski and Snow Suits

This category covers garments in girls' sizes 7 to 14 and teenage sizes 10 to 16 and garments bought in waist sizes equivalent to these.

(8) Legging Sets and Separate Leggings

The following category covers legging sets and separate leggings for girls, children and toddlers. Included are all sets consisting of coats or jackets with leggings, with or without hats, hoods, or caps sold at a unit price.

Category 1028—Legging Sets and Separate Leggings

This category includes legging sets for girls, children and toddlers (sizes 1–14) and separate leggings (sizes 1–14, inclusive).

(9) Separate Ski Pants for Women and Children

Category 1029—Women's, Misses' and Junior Misses' Separate Ski Pants

Category 1030—Toddler, Girls' and Teen-Age Separate Ski Pants

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Effective date. This correction shall become effective on the 27th day of February 1951.

Michael V. DiSalle,
Director of Price Stabilization.

February 26, 1951.

[F. R. Doc. 51-2822; Filed, Feb. 27, 1951; 5:14 p. m.]

[General Ceiling Price Regulation, Amdt. 4]

GCPR—Clarification of Securities Exemption

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 14 (h) of the General Ceiling Price Regulation exempts "Sales of bonds, stocks, or other securities and evidences of indebtedness." The Office of Price Stabilization has been informed that there is some confusion as to whether or not warehouse receipts for tangible personal property are "securities" exempted under this section.

The word "securities" as used in this section has reference to evidences of debt embodied in written instruments providing for the payment of money. Warehouse receipts, on the other hand, are not evidences of debt. They are documents acknowledging the receipt by the warehouseman of specific property, usually containing the warehouseman's contract to hold the property and return the identical or equivalent property to the holder of the warehouse receipt.

The purpose of the amendment is to eliminate the confusion and make it clear that the exemption of "securities" in section 14 (h) of the General Ceiling Price Regulation does not extend to warehouse receipts and other documents which evidence ownership of personal property. The amendment does not affect the present exemption for intangibles such as corporate stocks, bonds and other evidences of indebtedness which represent monetary obligations only.

AMENDATORY PROVISION

Section 14 (h) of the General Ceiling Price Regulation is amended to read as follows:

(h) Sales of bonds, stocks and other evidences of indebtedness representing monetary obligations only.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Michael V. DiSalle,
Director of Price Stabilization.

February 27, 1951.

[F. R. Doc. 51-2844; Filed, Feb. 28, 1951; 11:52 a. m.]

[General Ceiling Price Regulation, Amdt. 3 to Supplementary Regulation 1]

GCPR, SR 1—Defense Agency Pricing

HARDSHIP ADJUSTMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Supplementary Regulation 1 (16 F. R. 1707) to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

1. The title "Supplemental Regulation 1 to the General Ceiling Price Regulation" of this regulation is changed to "Supplementary Regulation 1 to the General Ceiling Price Regulation."

2. The title of section 10, as it appears in the table of contents of Supplementary Regulation 1, is amended to read: "Hardship Adjustments."

3. Section 10 of Supplementary Regulation 1, Amendment 1, is revised to permit, in exceptional cases, applications for adjustment by a group of sellers.

4. Section 10 of Supplementary Regulation 1, as amended, reads as follows:

Sec. 10. *Hardship adjustments.* The Director of Price Stabilization, on application for adjustment in the form prescribed in Price Procedural Regulation 1, may adjust the ceiling price or prices of any seller who has entered into or proposes to enter into a defense contract or subcontract for the sale of a commodity or service essential to the defense program, whenever it appears that the ceiling price impedes or threatens to impede the production, manufacture, or distribution of such commodity or the supply of such service. In exceptional cases, the Director of Price Stabilization, upon request by the appropriate Defense Agency, may, in his discretion, accept an application for adjustment by a group of sellers.

5. That portion of section 12 of Supplementary Regulation 1, which precedes the colon is amended to read as follows:

Sec. 12. *Certification required for adjustment.* The seller shall file such application with the appropriate Defense Agency which shall transmit it to the Director of Price Stabilization, Washington 25, D. C., with a certification by the Defense Agency that in its judgment:

6. Section 13 of Supplementary Regulation 1, Amendment 1, is revised by adding the words "individual or group" before the word "adjustment" in the first line.

7. Section 13 of Supplementary Regulation 1, as amended, reads as follows:

Sec. 13. *Contracts and deliveries pending disposition of adjustment applications.* Upon the filing of an individual or group application for adjustment with the appropriate Defense Agency for transmittal to the Director of Price Stabilization and pending final disposition of the application, contracts may be entered into or proposals and bids may be submitted at the price or prices requested in the application and deliveries may be made under such contracts, but the seller may not receive and the buyer may not pay the amount by which the requested price exceeds the ceiling price unless and until an order granting a higher price has been issued. The seller shall include in any sale, contract to sell, or offer to sell at the price requested:

(a) The ceiling price for the commodity or service in question.

(b) A statement that the quoted price is subject to approval by the Director of Price Stabilization.

(c) A statement that an appropriate application has been filed with the Defense Agency for transmittal to the Director of Price Stabilization.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Effective date. This Amendment 3 is effective immediate.

Michael V. Di Salle,
Director of Price Stabilization.

February 28, 1951.

[F. R. Doc. 51-2845; Filed, Feb. 28, 1951; 11:53 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 8]

GCPR, SR 8—Coal Exporters

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 8 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

Substantial changes have occurred in our coal export markets in recent years. Prior to World War II, American coal exports were limited in tonnage, and, other than shipments to Canada, were principally to South America. Immediately upon the close of World War II, it became apparent that substantial tonnages of American coals would have to be exported to Western Europe and Italy in order to assist in the rehabilitation of such areas. During the years 1946 through 1948 American coal exports to European countries represented the greatest export of American coals in the history of the industry.

The initial export of American coals to Europe was conducted under government supervision and financed by lend-lease or UNRRA. Upon the termination of this method of export, coal exports were on a commercial basis for a short period until interim aid was granted. Following interim aid, coal purchases were made by various European countries with the assistance of ECA funds.

At the commencement of commercial exports, the export regulations of the Office of Price Administration were applied. After experience under such regulations and commercial export, the Office of Price Administration, after a detailed study, established specific mark-ups for exporters of coal by Amendment 1 to its 3d Revised Maximum Export Price Regulation. This amendment became effective September 11, 1946. The amendment provided for a mark-up for both the producer and the export merchant. This mark-up applied to all types of coal, rather than limiting it to bituminous coal. The office of Price Administration in its statement of considerations accompanying the amendment found that the functions normally required in the export of anthracite coal were the same as those for bituminous coal. The statement of considerations further found that the percentage mark-up on commercial exports as of March 31, 1946, was representative of the average percentage mark-up of coal exporters. Due to the fact that the greater part of the export tonnages over the years 1946 through 1948 were more or less regulated by government, the interim period of commercial export selected by the OPA was a representative period of uncontrolled commercial export. It appears that such average mark-up as established by OPA was reasonable and fairly representative and should be adopted and established in this interim supplementary regulation to General Ceiling Price Regulation until a more detailed study has been completed to establish a permanent regulation with respect to the export mark-ups on coal.

The interim mark-up established herein is conservative and admittedly does not reflect some of the changes in the export markets which have occurred subsequent to 1946. The producers' sale prices of both bituminous and anthracite coal have been substantially increased and railway transportation costs have also been increased. As a result the financing of an export cargo calls for greater initial costs to the exporter than in 1946. The demurrage charges as well as the demurrage risk of the exporters have also greatly increased in recent months due to car and vessel shortages. All of these additional factors will be considered in the establishment of a permanent regulation.

The interim mark-up established by this supplementary regulation does, however, relieve the exporters from the pressure which is occasioned by the freezing of export differentials by General Ceiling Price Regulation when, at the same time, coal producers' prices have been increased as reflected in Ceiling Price Regulations 3 and 4.

During 1950, coal exports overseas amounted to less than 3 million tons, the smallest annual figure since World War II. This was in spite of the fact that shipments were stimulated towards the end of that year by new demands for American coal in certain foreign countries. It is expected that the overseas movement will total about 15 million tons in 1951. Urgent coal demands by allied countries, particularly those of Western Europe, make it essential that a reasonable and efficient export market structure be established.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 8 to General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to coal exporters' mark-ups during a period established by the Office of Price Administration and to relevant factors of general applicability.

In formulating this supplementary regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.

Authority: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret, or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

Section 1. *Applicability of supplementary regulation.* This supplementary regulation authorizes coal exporters to establish their export prices on cargo export shipments in the manner provided herein.

Sec. 2. *Definitions.* When used in this part, the term:

(a) "Coal exporter" or "exporter" means (1) a producer who ships coal produced at his own mines, and (2) an export merchant or producer who buys and resells for his own account, coal for export to any area outside the continental United States, except Canada.

(b) "Export sale" is a sale (1) to a person located outside the continental United States by a seller who invoices the coal and ships it from the continental United States to a point outside thereof regardless of whether the invoicing is done within or outside the continental United States by the seller or his agent, or (2) by a seller with delivery to a purchaser in the continental United States of coal which is to be subsequently shipped outside the continental United States, including sales to purchasing missions of foreign governments.

(c) "Producer" means a person engaged in the business of mining or preparing coal at a preparation plant and any person acting as an agent of a producer in the sale of coal.

(d) "Coal" means (1) bituminous coal, including all bituminous, semi-bituminous and sub-bituminous coal; (2) lignite coal; (3) Virginia anthracite; and (4) Pennsylvania anthracite.

(e) "Domestic sale" is a sale by a seller with delivery of the commodity in the continental United States for use in the continental United States.

(f) "Continental United States" means only the 48 states and the District of Columbia.

(g) "Ton" means a short or net ton of 2,000 pounds.

(h) "F. o. b. mine" means free on board transportation facilities at a mine, preparation plant or other loading facilities (not including ground storage facilities).

(i) "GCPR" means General Ceiling Price Regulation issued by the Director of the Office of Price Stabilization on January 26, 1951 (16 F. R. 809).

(j) "CPR 3" means Ceiling Price Regulation No. 3 issued by the Director of the Office of Price Stabilization on February 1, 1951 (16 F. R. 1008).

(k) "CPR 4" means Ceiling Price Regulation No. 4 issued by the Director of the Office of Price Stabilization on February 1, 1951 (16 F. R. 1011).

All definitions used in the GCPR which are pertinent to this supplementary regulation are incorporated in this supplementary regulation by this reference, except those which are more particularly defined and used herein.

Sec. 3. *Method for calculating ceiling prices and authority for using mark-up.* On and after the 1st day of March, 1951, regardless of any contract, agreement, lease or other obligation:

(a) Each coal exporter shall determine his ceiling price on coal to be exported as follows: By adding to the f. o. b. mine price which he pays for the coal, not to exceed the applicable ceiling price determined under other regulations issued or

which may hereafter be issued by the Office of Price Stabilization, the actual dollars-and-cents amounts which he pays or is obligated to pay for any or all of the following items: Transportation of the coal to the tidewater port, dumping, trimming, lightering, loading, wharf rental charges and other miscellaneous charges which are incurred or prepaid by the exporter, plus one of the following amounts as an exporter mark-up, whichever is applicable.

Type of seller	Mark-ups (per net ton of 2,000 pounds) (cents)
The producer or sales agent of producer	40
Export merchant or producer buying and reselling for his own account	60

(1) If the contract of sale stipulates that railroad demurrage charges shall be for the account of the exporter and not charged to the buyer outside of the continental United States, 15 cents per net ton may be added to the above mark-ups.

(2) If the buyer requires that the contract of sale include a premium-and-penalty provision, the exporter may demand and receive compensation in an amount per ton, for all or any part of the shipments under the contract, in addition to the ceiling price provided by said contract: *Provided*, The terms of such premium-and-penalty provision are reasonable and are not more liberal than premium-and-penalty provisions contained in similar contracts entered into on or since June 30, 1948.

(3) Notwithstanding any other provisions of this supplemental regulation, a seller may add a mark-up only if he performs all of the following functions:

(1) Inspects or arranges for inspection of coal at mines and/or at dock.

(2) Arranges for all necessary permits and governmental clearances.

(3) Assembles cargo.

(4) Payment of railroad freight.

(5) Makes shipment to purchaser outside of the continental United States either directly or through the seller's or purchaser's agent or confirming house.

(6) Sends an invoice (original or copy) directly to the purchaser located outside the continental United States and not through the medium of a third party; except, however, that if the exporter receives payment from a commercial bank located in the continental United States and the terms of payment require that invoices be presented to and forwarded by the bank, this function may be so performed.

(7) Obtains an export license (where one is required) in his own name unless a blanket license is issued to the foreign purchaser or agent of such purchaser.

SEC. 4. *Miscellaneous.* The coal exporter subject to this supplementary regulation shall be subject to all other provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions hereof, including, but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on the 1st day of March, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 28, 1951.

[F. R. Doc. 51-2846; Filed, Feb. 28, 1951; 11:53 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Regulation 6]

GR 6—GENERAL WAGE FORMULA

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816), and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 6 is hereby issued.

Statement of considerations. The wage and salary policy recommendations hereinafter set forth are adopted by the Wage Stabilization Board and submitted to the Economic Stabilization Administrator for his approval under the provisions of the Defense Production Act of 1950, Executive Order 10161, and General Order No. 3 and General Wage Stabilization Regulation No. 1 of the Economic Stabilization Administrator.

Congress has declared its intent, in the Defense Production Act of 1950, that price and wage stabilization shall be used to prevent inflation and to preserve the value of the national currency; to avoid dissipation of defense appropriations through excessive costs; to stabilize the cost of living and the costs of production; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from abnormal conditions; to protect against undue impairment of living standards; to prevent economic disturbances, labor disputes, and interference with effective mobilization of national resources; to assist in maintaining a reasonable balance between purchasing power and supply to avoid dissipation of individual savings; and to prevent a future collapse of values.

Congress has further stated its intent that the exercise of stabilization authority shall maintain and further sound working relations, including collective bargaining, between business and labor, shall be generally fair and equitable and shall provide for such adjustments as are deemed necessary to prevent or to correct hardships or inequities.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences, some of which were attended by representatives of labor and some of industry, who presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

There were broad changes in wages, salaries, and other compensation paid employees during 1950 and in January 1951 until the issuance of General Wage Regulation No. 1 by the Economic Stabilization Administrator. These changes followed the period of late 1949 and early 1950, when wage and salary rates had remained relatively unchanged. The consumer price index was also relatively stable in that same period. In the spring of 1950 business conditions improved, and both wages and the cost of living commenced to rise. The outbreak of the Korean war accentuated these developments. Disparities arose as between different groups of employees as a consequence of such factors as different expiration or wage reopening dates in collective bargaining agreements or other special circumstances. Disparities also developed in various industries between increases in wage and salary rates and increases in the cost of living. These disparities were frozen as a result of the issuance of General Wage Stabilization Regulation No. 1 of the Economic Stabilization Administrator. In order to deal with, and attempt to solve this time inequity, or "catching up" problem, and to facilitate the effective prosecution of the national defense effort, the Wage Stabilization Board has determined and adopted the policies set forth below. These policies are designed to correct such inequities as have arisen because of disparities between increases in wages and salaries and the increase in the cost of living since January 15, 1950, or which may subsequently arise during the period covered by this policy.

The Wage Stabilization Board recognizes that there may be further changes in the cost of living. The present policy is adopted for the period until July 1, 1951. The policy set forth herein will be fully reviewed and re-examined before the end of this period.

REGULATORY PROVISIONS

Sec.
1. Policy.
2. Definitions under this regulation.
3. Administration.
4. Base pay period abnormalities.
5. Rare and unusual cases.
6. Further study.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Policy.* If general increases in wage and salary levels in an appropriate employee unit have been less than ten (10) percent since the base pay period, future increases in wages, salaries, and other compensation may be permitted in amounts up to but not in excess of the difference between such past increases, if any, and the permis-

sible ten (10) percent.[1] This ten (10) percent figure shall be reviewed in the light of the April 1951 index number of the Official Consumer Price Index (revised) of the Bureau of Labor Statistics when published.

SEC. 2. *Definitions under this regulation*—(a) *Base pay period.* The base pay period shall be the first regular payroll period for each appropriate employee unit ending on or after January 15, 1950.

(b) *Appropriate employee unit.* An appropriate employee unit for the measurement of changes in wage levels is a group composed of all employees in a bargaining unit, in a plant or other establishment, or in a department thereof, or in a company, or in an industry, as best adapted to preserve contractual or historical relationships.

An appropriate employee unit for the measurement of changes in salary levels is each plant or major business division of an employer, or each rectified or recognized collective bargaining unit, treating as separate groups, however, (1) those employees who qualify as "executive, administrative, professional or outside sales personnel" under the definition of the Fair Labor Standards Act, as amended, and (2) other salaried employees in the unit.

(c) *Wage and salary levels.* Wage and salary levels include time and incentive earnings, commission rates, and actual or prorated sums of any regularly paid bonuses and night shift differentials, but exclude overtime premium payments, employer contributions to or payments of insurance or welfare benefits, employer contributions to pension funds or annuities, and other like allowances.

Thus, wage levels are to be expressed as average straight time hourly earnings, including prorated night shift differentials. Salary levels may be computed on the basis of regularly scheduled weekly, bi-weekly, semi-monthly, or monthly pay periods.

(d) *General increases in wages and salaries.* For the purpose of calculating prior increases in wage and salary levels, general increases are defined as those increases in wage and salary rates which raised straight time earnings by one (1) percent or more in the appropriate employee unit. General increases do not include merit increases, promotions, reclassifications, length of service increases or other wage or salary adjustments of the types covered by General Regulation 5.

(e) *Other compensation.* Increases in other compensation to be considered for the purpose of applying the policy herein set forth are prorated changes in compensation benefits such as night shift bonuses, overtime premium rates, vacation, holiday and like allowances, pension, insurance, and health and welfare benefits paid by employers, or contributions of employers on account thereof.

(f) *Proration.* Proration of bonuses, commissions, incentive earnings, etc., and of other compensation, to a payroll period shall be done by allocating to said payroll period a proportionate share of the total of such payments within the appropriate employee unit over the calendar year or such shorter period of time as is representative in the case of each class of payments.

SEC. 3. *Administration.* Subject to subsequent administrative arrangement increases in wages, salaries and other compensation permissible under the terms of the policy set forth in section 1 above do not require the specific prior authorization of the Wage Stabilization Board: *Provided, however,* That no such increase shall be deemed permissible unless appropriate written reports are filed with the nearest office of the Wage and Hour Division of the United States Department of Labor within 10 days after such increases are made effective showing the essential facts and the method of calculation. These reports are subject to review and the increases on which they report are subject to revocation if they are found to exceed permissible amounts. In the case of executive, administrative and professional employees, reports shall be filed as subsequently determined by the Board.

SEC. 4. *Base pay period abnormalities.* Companies, including appropriate employee units thereof, having no payroll period ending on or about January 15, 1950 because they were not in operation at that time, or having plainly abnormal pay levels during that period because of seasonal peculiarities, broad changes in product mix, wide swings in employment, and the like, may apply to the Wage Stabilization Board for appropriate and supportable adjustments of the base period pay level figures against which employee compensation changes are to be measured. The Wage Stabilization Board may give consideration on application to the special problems of seasonal industries; and to unusual cases involving firms or industries in which the rates on or about January 15, 1950 were grossly out of line with their normal relationships, provided the parties had no adequate opportunity to correct such misalignment by January 25, 1951. Applications under this section may be submitted to the nearest office of the Wage and Hour Division of the United States Department of Labor on forms to be provided for that purpose.

SEC. 5. *Rare and unusual cases.* In rare and unusual cases where the critical needs of essential civilian or defense production require it, the Wage Stabilization Board will consider the approval or authorization of increases in wages, salaries, and other compensation greater in amount than those specified in section 1 hereof. Such cases will be limited to those situations where there are serious manpower shortages and in which other governmental agencies concerned with production and manpower problems certify to the Board that a concerted program has been undertaken to remedy the shortages and that an increase in wages, salaries or other compensation is indispensable to attract required labor to or retain it in essential civilian or defense industries or plants. Applications under this section may be submitted to the nearest office of the Wage and Hour Division of the United States Department of Labor on forms to be provided for that purpose.

SEC. 6. *Further study.* The Board continues to have under study, among other subjects, the question of pension and health and welfare plans.

Effective date. This regulation shall become effective upon approval by the Economic Stabilization Administrator.

Adopted by the Wage Stabilization Board. Dissenting: Labor Members Emil Rieve, Elmer E. Walker, Harry C. Bates.

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

CYRUS S. CHING,
Chairman.

Approved: February 27, 1951, 5:55 p. m.

ERIC JOHNSTON,
Economic Stabilization Administrator.

[F. R. Doc. 51-2830; Filed, Feb. 28, 1951; 8:44 a. m.]

[1] For example, if general wage and salary increases in an appropriate unit have amounted to seven (7) percent since the base pay period, then not more than a three (3) percent increase is permissible. This three (3) percent may be applied to wages and salaries alone or it may be applied wholly or in part to other forms of compensation. The cost of increases in other forms of compensation must be deducted from the three (3) percent.

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-12, Amendment No. 1]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

BUILDING MATERIALS

This amendment affects NPA Order M-12, as amended February 19, 1951, as follows:

The item relating to Unit heaters, unit ventilators, etc., appearing under the heading "Building Materials" in section 16, List A, should be deleted and the following substituted therefor:

Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction (except for valves, controls, fins, bearings or parts necessary for conducting electricity, and for water or steam courses and headers).

The following item shall be inserted in section 17, List B, under the heading "Building Materials" immediately following "Terrazzo strips":

Fins for: Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774,

81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, 16 F. R. 61)

This order, as amended, shall take effect on February 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2801; Filed, Feb. 27, 1951; 4:11 p. m.]

[NPA Reg. 2, as amended Feb. 27, 1951]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of the amendment herein mentioned has been rendered impracticable by the fact that the amendment applies to all trades and industries.

This amendment affects NPA Reg. 2 (as amended Jan. 11, 1951) as follows: It amends section 11.5 (a) thereof by deleting two sentences. It amends section 11.6 (a) thereof by omitting the last clause. It redesignates §§ 11.1 through 11.27 as sections 1 through 27; §§ 11.31 and 11.100 become sections 31 and 100, respectively. The word "part" becomes "order" throughout.

As amended February 27, 1951, Regulation 2 reads as follows:

GENERAL

INTERPRETATIONS

AUTHORITY: Sections 1 to 100 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order states the basic rules of the priorities system to be administered by the National Production Authority in the Department of Commerce. It states what kind of orders are rated orders, how to place them and the preference status of such orders. These rules apply to all business transactions within the jurisdiction of NPA unless more specific regulations, orders or directives of the NPA state otherwise.

SEC. 2. *Definitions.* (a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Materials" means any raw, in process, or manufactured commodity, equipment, component, accessory, part, assembly or product of any kind.

(c) "NPA" means the National Production Authority in the Department of Commerce.

(d) "Rated order" means any purchase order, contract or other form of procurement for materials or services bearing the authorized rating and certification provided for in this order.

(e) "Assignment" of a rating. A rating is assigned when the NPA, or a Government agency that it has authorized, grants a person the right to use the rating.

(f) "Application" of a rating. A rating is applied when the person to whom it is assigned uses the rating.

(g) "Extension" of a rating. A rating is extended when it is used by the person to whom it was applied or when it is further used by another person to whom it was extended.

SEC. 3. *Rating authorized.* Only a single rating is authorized, to be known as a "DO rating". This rating will be identified by the prefix DO and the two digits identifying the procurement program, which must be furnished a supplier by the person using the rating. All DO rated orders will have equal preferential status as provided in this order.

SEC. 4. *When ratings may be applied.* (a) When a regulation, order or certificate assigns a DO rating to any person either by naming him or by describing the class of persons to which he belongs, that person may apply the DO rating to get delivery of material or the performance of certain services.

(b) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

SEC. 5. *When ratings may be extended for material.* (a) When a person has received a rated order for the delivery of material, he may extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in the material which he will deliver, including containers and packaging materials required to make the delivery, and including also chemicals directly used in the production of the material. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(b) If a person has made delivery of material or has incorporated it into the material which he has delivered on a rated order, he may extend the rating to replace it in his inventory subject to the provisions of Reg. 1 on inventory. Whether or not the material is covered by Reg. 1 no rating may be used for any inventory replacement which would result in more than a practicable minimum working inventory, as defined in Reg. 1. Any material ordered with a rating as replacement in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

SEC. 6. *Additional restrictions upon the use of ratings for certain materials.* (a) A person who has received a rated order may not extend the rating to get material for plant improvement, expansion, or construction, or to get machine tools or other items which he will carry as capital equipment, or to get maintenance, repair or operating supplies.

(b) The ratings established by this order shall have no effect upon deliveries of items in section 31, *List A.* No person shall use ratings to get any of the items in section 31, *List A,* and no person selling such items shall require a rating as a condition of sale. Any rating purporting to be used to get any such items on a preferred basis shall be void.

SEC. 7. *Use of ratings for services.* (a) When a person is entitled to use a rating to get processed material, he may furnish the unprocessed material to a processor and use the same rating to get the material processed

(b) If the NPA specifically authorizes a person to use a rating to get services, he may use it for that purpose.

(c) Except as provided in paragraphs (a) and (b) of this section, no person may use a rating to get services.

(d) A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

SEC. 8. *How to apply or extend a rating.* (a) When a person applies or extends a rating, he must put the prefix DO and the two digits supplied to him, for example DO-39, on his purchase order, or on a separate piece of paper attached to the order or clearly identifying it, together with the words "Certified under NPA Reg. 2," signed as prescribed in this section. This certificate constitutes a representation to the supplier and to the NPA that the purchaser is authorized under the provisions of this order to use the rating for the delivery of the materials covered by the order.

(b) Certifications on purchase or delivery orders must be signed by the person placing the order or by a responsible individual who is duly authorized to sign

for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be kept.

(c) When a rated order is placed by telegram, the rating identification and certificate must be set out in full in the telegram. It will be sufficient if the file copy of the telegram is signed in the manner required for certification by this order.

(d) On rated orders requiring shipment within seven days, the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

(e) The person who places a rated order, the individual whose signature is used and the individual who approves the use of the signature, will each be considered to be making a representation to the NPA that the statements contained in the certification are true to the best of his knowledge and belief. The person receiving the certification and any other information required to be included with it, shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to believe that it is false.

(f) No person shall knowingly apply or extend or purport to apply or extend a rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

SEC. 9. *Special provisions applicable to extensions; grouping of orders.* (a) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it.

(b) If the purchase requirements for filling a number of rated orders for different items bearing different rating identifications are combined in one purchase order, each applicable rating identification must be placed alongside the related item.

(c) If the purchase requirements for filling a number of rated orders for the same material but bearing different rating identifications are combined in one purchase order, the purchase order must show the amount of each material to which a particular rating identification is extended.

(d) In the case of a manufacturer of common components or shelf items or any other person who has a number of rated orders for which he cannot place orders for minimum commercially procurable quantities of materials, to fill the rated orders individually, he may place one rated order for all the materials using the identification symbol DO–99. However, the amounts so ordered may not exceed the total amount of the material required for the rated orders so combined.

SEC. 10. *Rules for acceptance and rejection of rated orders.* Every order bearing a rating must be accepted and filled regardless of existing contracts and orders except as provided in this section. The "existing contracts and orders" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced.

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery of rated orders which he has already accepted, nor if delivery of the material ordered would interfere with delivery on an order which the NPA has previously directed him to fill.

(b) If a person when receiving a rated order bearing a specific delivery date does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a rated order just because he expects to receive other rated orders in the future.

(c) A supplier does not have to accept a rated order in any of the following cases, but there must be no discrimination in such cases against rated orders or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. When a person who has a rated order asks a supplier to quote his regularly established prices and terms of sale or payment, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and say that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and advises the person seeking the quotation of the reason for his refusal.

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition, if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If an order for material is offered to a person who produces or acquires it for his own use only, and he has not filled any orders for that material within the past two years. If he has filled any orders within that period, but the rated order would take more than the excess over his own needs, he may reject the order for any amount over the excess.

(4) If filling the order would stop or interrupt the supplier's operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(d) A manufacturer or processor need not accept a rated order from another person who manufactures or processes the same product, unless specifically directed to do so by the NPA.

(e) Any person who refuses to accept a rated order shall, upon written request of the person placing the order, promptly give his reasons in writing for his refusal.

SEC. 11. *Report to NPA of improperly rejected orders.* When a rated order is rejected in violation of this order, a report of the relevant facts may be filed with the NPA, Washington 25, D. C., Ref: Reg. 2. The NPA will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

SEC. 12. *Cancellation of ratings.* If a rating which has been used by a person is revoked he must immediately, in the case of each order to which he has applied such rating, either cancel the order or inform his supplier that it is no longer to be treated as a rated order. If any person receives notice from his customer or otherwise that the customer's order is no longer a rated order or that the customer's order is cancelled, he must immediately withdraw any extensions of that rating which he has made to any purchase order placed by him.

SEC. 13. *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date. If this is not possible, for any reason, he must give precedence to all rated orders over unrated orders.

(b) As between conflicting rated orders, precedence must be given to the order which was received first with the rating: *Provided,* That orders received prior to October 3, 1950, and which receive ratings prior to October 31, 1950, take precedence as of the dates on which orders were first placed. As between conflicting rated orders received on the same date, precedence must be given to the order which has the earliest required delivery or performance date.

(c) A rated order calling for earlier delivery than a rated order already accepted must not be allowed to interfere with scheduled delivery on the first order, but if both deliveries can be made on schedule it is not necessary to produce or make delivery on the first customer's order ahead of the second.

(d) In the usual case, the date on which specifications have been furnished to the manufacturer in sufficient detail to enable him to put the product into production is to be considered the date on which the rated order is received.

(e) If a rated order or a rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop processing in order to put other rated orders into production. He may continue to process the material which he had put into production for the cancelled order to a stage of completion which will avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated orders on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

SEC. 14. *Changes in customers' orders.* (a) The general rule is that any change in a customer's rated order constitutes a cancellation of the order and must be considered as a new order received on the date of the change, if the change will require the manufacturer to interfere with his production. For example:

(1) A change in shipping destination does not constitute the placing of a new order.

(2) An increase in the total amount ordered is a new order to the extent of the increase unless it can be filled with only a negligible interference with the filling of later rated orders.

(3) A change in the date of the delivery, whether advanced or deferred, when made by the customer, is a new rated order if it interferes with production or delays delivery on another rated order.

(4) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and will not constitute a new rated order. If the quantity is reduced below a minimum production quantity, the manufacturer may insist on the delivery of not less than a minimum production quantity. If the customer is not willing to order that amount, the manufacturer may reject the order. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts.

(5) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the rated order must be considered cancelled. If requested to do so within ten days after receiving such an instruction, the manufacturer must reinstate the order as nearly as possible to its former place in his proposed schedule of delivery as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries of other rated orders. Any request for reinstatement made after ten days shall be treated as the placing of a new rated order.

(6) Where minor variations in size, design, capacity, etc., are requested by the customer and can be arranged by the manufacturer without interfering with his production, such changes do not constitute a new rated order.

(b) Where a change in an order constitutes a new rated order, the conditions existing at the time the change is received govern the acceptance of the rated order and its sequence in delivery under the rules of this order.

SEC. 15. *Delivery or performance dates.* (a) Every rated order must specify delivery or performance on a particular date or dates or during a particular month, which, in no case, may be earlier than required by the person placing the order. Any order which fails to comply with this requirement shall not be treated as a rated order. The words "immediately" or "as soon as possible" or other words to that effect do not meet the requirements of this paragraph.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to section 13, shall be the date on which delivery or performance is actually required. The person with whom the rated order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it approximately on time, he must promptly notify the customer, telling him when he expects to be able to fill the order.

SEC. 16. *Relation of rating and directives.* Special directives or authorizations issued by NPA take precedence over rated orders previously or subsequently received, unless a contrary instruction appears on the directive or authorization.

SEC. 17. *Use or disposition of material acquired under this order.* (a) Any person who gets material with a rating or through a specific authorization or a directive of the NPA must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(b) The restriction in paragraph (a) of this section does not apply when a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priority assistance was given, for example, when the assistance was given to fill a particular order and the material or product does not meet the customer's specifications or the contract order is cancelled. In such cases the rules on further use or disposition in paragraph (c) of this section must be observed.

(c) The holder of a material or product subject to paragraph (b) of this section may sell it as long as he complies with all requirements of other applicable section of this order and of other orders and regulations of the NPA, or he may use it himself in any manner or for any purpose as long as he complies with such requirements.

SEC. 18. *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the NPA.

SEC. 19. *Intra-company deliveries.* The provisions of this order apply not only to deliveries to other persons, including affiliates, and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

SEC. 20. *Inventory restrictions on materials acquired with a rating.* The inventory restrictions described in NPA Reg. 1 apply to all listed materials acquired with ratings or other priorities assistance.

SEC. 21. *Scope of regulations and orders.* (a) All regulations and orders of the NPA (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by contracts previously entered into. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 States and the District of Columbia. However, restrictions of NPA orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Department of Defense outside the 48 States and the District of Columbia, unless otherwise specifically provided.

(b) All orders and regulations of the NPA which control the sale, transfer or delivery of any material, product or equipment, apply to sales made by any person, whether for his own account or for the account of others, and all restrictions upon accepting delivery apply to acceptance of delivery at any type of sale, including sales made by auctioneers, receivers, trustees in bankruptcy, and other cases where the assets of a business are being liquidated.

SEC. 22. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any regulation or order of the NPA (including any direction, directive or other instruction) notwithstanding that any such regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

SEC. 23. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require altera-

tion of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 24. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 25. *Reports.* Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act.

SEC. 26. *Violations.* Any person who wilfully violates any provision of this order or any other regulation or order of the NPA, or furnishes false information or conceals any material fact in the course of operation under any such regulation or order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 27. *Adjustments and exceptions.* Any person affected by any provision of this order may file an application for an adjustment or exception upon the ground that such provision works an unreasonable hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense.

SEC. 31. *List A.* Allocation and distribution of the following items is subject to regulation by other Government agencies and these items are therefore not subject to ratings issued by or under authority of NPA. However, producers of such items are subject to NPA regulations with respect to other materials and products used by them:

Electric power.[1]
Farm equipment.[2]
Fertilizer, commercial.[2]
Food.[2]
Fuels, solid.[1]
Gas.[1]
Petroleum.[1]
Source and fissionable materials.[3]
Transportation services, domestic, storage and port facilities.[4]

The following items are not subject to any ratings issued by or under authority of the NPA at the present time, and no rating issued by NPA may be extended to obtain such items unless specific authorization is given by NPA:

Communications services.
Ice.
Mineral aggregates:
  Sand.
  Gravel.
  Crushed stone.
  Slag.
Ores and scrap.
Steam heating, central.
Transportation services, other.
Waste paper.
Water.
Wood pulp.

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

Regulation 2 as amended shall be effective February 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

INTERPRETATION NO. 1

SEC. 100. *Certain containers, packaging and chemicals.* (a) The authority to apply ratings under the priorities system established by this order (NPA Reg. 2) to direct contracts and purchase orders for certain purposes has been delegated, subject to stated limitations, to the Secretary of Defense and the Atomic Energy Commission (NPA Dels. 1 and 2). However, this order (Reg. 2) does not apply to the items specified in section 31 *List A*, including petroleum and food. The Secretary of Defense and the Atomic Energy Commission may not therefore, apply a rating to a purchase order for petroleum or food.

(b) In addition, the Secretary of Defense and the Atomic Energy Commission have been authorized by the same delegations to assign the right to apply ratings to persons placing orders for materials to be delivered to the Department of Defense and to the Commission, respectively. The "Assignment" of a rating is defined by section 2 (e) of Reg. 2 as follows:

> A rating is assigned when the NPA, or a Government agency that it has authorized, grants a person the right to use the rating.

(c) In view of the Delegations of Authority mentioned and of the provisions of this order (Reg. 2), the Secretary of Defense and the Atomic Energy Commission, and their respective authorized representatives, may assign to their suppliers of petroleum and food the right to apply ratings to get the drums, cans and other containers and packaging required for the delivery of the petroleum and food, and to get chemicals required for use (i) directly in the production of the petroleum and food, or (ii) in processing the petroleum and food and which will be consumed or converted into by-products in the course of the processing. These ratings may not be used to get containers, packaging or chemicals, in excess of the minimum quantities required to fill such orders for petroleum and food.

(1) *Illustration 1.* The Department of the Navy places an order with the X Refining Company for 500 drums of gasoline. This is not a rated order. An authorized Navy representative may assign to the X Company the right to apply a rating to get the drums required for delivery of the 500 drums of gasoline.

(2) *Illustration 2.* The Department of the Army places an order with the X Company for 100 bbls. of flour. This is not a rated order. An authorized Army representative may assign to the X Company the right to apply a rating to get the packages or containers required for the delivery of the 100 bbls. of flour.

(3) *Illustration 3.* The Department of the Air Force places an order with the Z Refining Company for 100 cans of lubricating oil. This is not a rated order. The Z Company requires two types of chemicals to be used in filling this order: (i) A chemical to be directly used in the production of the oil, and (ii) a chemical that will be consumed or converted into by-products in the course of processing the oil. An authorized representative of the Air Force may assign to the Z Company the right to apply a rating to get the chemicals so required.

[F. R. Doc. 51-2802; Filed, Feb. 27, 1951; 4:11 p. m.]

[NPA Reg. 4]

REG. 4—MAINTENANCE, REPAIR AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with a number of industry representatives including trade association representatives, but it has been impracticable to consult with all affected industries because the regulation applies to all trades and industries.

Sec.
1. What this regulation does.
2. Definitions.
3. DO rating assigned.
4. Quarterly MRO quotas.
5. Quantity restrictions.
6. Materials obtained for another's benefit.
7. Use of material.
8. Relation to other regulations.
9. Records and reports.
10. Adjustments and exceptions.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* This regulation provides a uniform procedure by which any business enterprise, Government agency, or public or private institution may use a DO rating (identified by the symbol "DO-97") to obtain limited quantities of maintenance, repair and operating supplies (hereinafter collectively referred to as "MRO") as well as minor capital additions. The regulation does not limit the quantity of MRO or capital additions that a person may obtain without using this DO rating, except that, if he makes any use of the rating in any particular calendar quarter, his total acquisition of MRO (rated and unrated) for such quarter becomes subject to the limitations of the

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[1] Under jurisdiction of the Department of the Interior—E. O. 10161, 15 F. R. 6105.
[2] Under jurisdiction of the Department of Agriculture—E. O. 10161, 15 F. R. 6105.
[3] Under jurisdiction of the Atomic Energy Commission—60 Stat. 755; 42 U. S. C. et seq.
[4] Under jurisdiction of the Interstate Commerce Commission—E. O. 10161, 15 F. R. 6105.

regulation. The rating may not be used to secure materials for personal or household use.

SEC. 2. *Definitions.* For purposes of this regulation:

(a) "Person" means any individual, partnership, corporation, association, or any other organized group and includes specifically any business enterprise, Government agency, or institution. Where such a "person" has more than one department, branch, plant, or other unit which maintains separate MRO records, each shall be treated as a separate "person" hereunder.

(b) "Business enterprise" means lawful activity conducted for profit in the United States (including its territories and possessions).

(c) "Government agency" means the United States, its territories and possessions, any of the 48 States or the District of Columbia, any political subdivision thereof, and any agency of any of the foregoing which is not a business enterprise.

(d) "Institution" means any lawful organization, public or private, within the United States (including its territories and possessions) which is neither a business enterprise nor a Government agency, and includes, more specifically, institutions such as schools, libraries, hospitals, churches, clubs, and welfare establishments.

(e) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment by replacing material which is in sound working condition with material of a new or different kind, quality, or design.

(f) "Operating supplies" means, in the case of a business enterprise, any materials which are normally carried as operating supplies according to established accounting practice, and also includes items (such as hand tools) purchased by an employer for sale to his employees for use only in his business and under circumstances where they would constitute operating supplies according to established accounting practice if issued to his employees without charge. In the case of a Government agency or an institution, however, "operating supplies" means any materials which are essential for conducting any activity or rendering any service, provided such materials do not constitute capital equipment according to established accounting practice but are consumed in the course of operation. Materials incorporated in a product ordinarily may not be treated by the producer as operating supplies but may be so treated where they are normally chargeable as an operating expense according to established accounting practice.

(g) "Minor capital additions" means any improvement or addition carried as capital according to established accounting practice where the total cost of materials used does not exceed $750 for any one complete capital addition. The term "one complete capital addition" includes all items entering into the improvement or addition as part of a single project or plan whether or not installed or completed at the same time, and the cost of all such items is to be included in figuring the total cost of the addition regardless of whether they are acquired with or without the use of a rating. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing definitions. Where the capital addition requires construction, authorization to construct must be obtained wherever so required by any applicable order of the NPA.

(h) "MRO" means maintenance, repair and operating supplies but does not include minor capital additions. The latter term is specifically used in this regulation wherever the meaning so requires. Products used for "MRO" (or materials required for incorporation in such products) shall not be deemed "MRO" as to the producer of such products (except as provided in paragraph (f) of this section) even though he sells them for use by others as "MRO." However, when he receives rated orders for such products, he may extend the rating to get materials to be incorporated in the products. Materials or products sold by a distributor thereof for use by others as "MRO" shall not be deemed "MRO" as to such distributor but, when he receives rated orders for them, he may extend the rating to get them.

SEC. 3. *DO rating assigned.* The NPA hereby assigns to every business enterprise, Government agency, and institution the right to apply a DO rating to obtain MRO and minor capital additions, subject to the quantity restrictions specified in section 5. Such DO rating shall be applied by placing on the order for MRO or minor capital additions, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO–97" together with the words "Certified under NPA Regulation 4." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. This certification shall constitute a representation to the supplier and to the NPA that the person making it is authorized under the provisions of this regulation to use the rating to obtain the materials covered by the order.

SEC. 4. *Quarterly MRO quotas.* Every person making any use of the DO–97 rating herein assigned must establish his quarterly MRO quotas in accordance with this section. In figuring such quotas, he may include all expenditures for MRO in the applicable 1950 base periods, but not expenditures for minor capital additions.

(a) *Standard quota.* A person's standard quarterly MRO quota, to be used unless he elects to use the seasonal quota permitted by paragraph (b) of this section, is one-fourth of the amount he spent for MRO in the calendar year 1950 (or, if he operated on a fiscal year basis, in his fiscal year ending nearest to December 31, 1950). An election to use either the standard quota or the seasonal quota may not afterward be changed without prior written authorization of the NPA.

(b) *Seasonal quota.* A person may, if he so elects, take as his quarterly MRO quotas the amounts he spent for MRO in the corresponding quarters of the calendar year 1950 (or, if he operated on a fiscal year basis, in the corresponding quarters of his fiscal year ending nearest to December 31, 1950).

(c) *Quotas where 1950 base inapplicable.* A person not in operation throughout the year 1950 (calendar or fiscal) shall establish and report his quarterly MRO quotas as follows:

(1) *Partial operation in 1950.* A person who was in operation during a part of the year 1950 (calendar or fiscal) shall compute the amount he would have spent for MRO in that year, had he continued throughout the year the same rate of expendiutre for MRO as during that part of the year when he was in operation, making such reasonable corrections as necessary to compensate for seasonal or other exceptional characteristics of the period of actual operation, so that the yearly amount so computed will be fairly representative of the year as a whole. His standard quarterly MRO quota shall be one-fourth of the amount so computed. If he elects to use seasonal quotas, he may apportion the amount so computed into four seasonal quarterly MRO quotas, in accordance with the seasonal demands of the activity in which he is engaged.

(2) *No operation in 1950.* If a person was not in operation in any part of the year 1950 (calendar or fiscal), his quarterly MRO quota (standard or seasonal) shall be the minimum amount of MRO which he determines to be reasonably necessary for his operation, but not in excess of $5,000 per quarter. If such quota is insufficient, an application for an increased quota may be made as provided in section 10.

(3) *Notice to NPA.* Any person who establishes a quarterly MRO quota in excess of $1,000 under the provisions of subparagraphs (1) or (2) of this paragraph must, within 30 days after his first use of a DO–97 rating pursuant thereto, notify the NPA in writing of the quota he has established, the base period he has used, the method by which he has figured the quota, and any corrections he has made for seasonal or other factors.

(d) *Future use of increased quotas.* If a person's quarterly MRO quota is increased by specific authorization of the NPA, he may continue to operate with the increased quota as his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(e) *Increases not retroactive.* An increase in quota will not be granted for any period prior to the filing of the application and will not have the effect of retroactively authorizing receipt of MRO or minor capital additions previously received in violation of this regulation.

SEC. 5. *Quantity restrictions.* (a) *Charges against quota.* Every person who, during any calendar quarter, makes any use of the DO–97 rating assigned by this regulation, shall charge against his MRO quota for that quarter:

(1) All MRO material ordered for delivery during the quarter, whether or not obtained by use of the DO–97 rating, and

(2) All material for minor capital additions ordered for delivery during the quarter, if (but only if) obtained by use of the DO–97 rating.

(If, instead of computing his charges against his quarterly MRO quota on the basis of orders calling for delivery during a quarter, a person prefers to compute such charges on the basis of actual receipts of MRO during the quarter, he may do so. However, he cannot use one method for a part of his MRO and the other method for the remainder in any one quarter.)

(b) *Excess of quota prohibited.* No person shall use the DO–97 rating assigned by this regulation to get anything except material needed for MRO or minor capital additions nor shall any person who, during any calendar quarter, makes any use of the rating so assigned, order for delivery (or, if he is operating on the basis of receipts, he shall not receive) during such quarter a quantity of material chargeable against his quarterly MRO quota which exceeds the amount of such quota (nor, during the first month of such quarter, a quantity of such material exceeding 40 percent of such quarterly quota): *Provided, however,* That the quantity restrictions of this section shall not apply in any calendar quarter to any person whose aggregate charges against his MRO quota for that quarter do not exceed $1,000.

SEC. 6. *Materials obtained for another's benefit*—(a) *Materials supplied by service trades.* Any business enterprise (such as a service repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person (as defined in section 2) may use the DO–97 rating to obtain material therefor to the same extent that such person would be entitled to use it if he were doing the work himself. The cost of materials so obtained shall be charged to the MRO quota of the person for whom the work is done.

(b) *Materials for operators under government franchise.* Any person (such as the operator of a toll bridge or a contract garbage collector) who, pursuant to a franchise from or contract with any Government agency, performs any service for such agency, may use the DO–97 rating to obtain MRO or minor capital additions to the same extent that such agency would be entitled to use it if the agency performed such service itself. Such service shall, for purposes of computing the quantity restrictions under section 5, be treated as if performed by a separate unit of such agency, and the cost of the materials so obtained shall be charged against the quota of such unit.

(c) A person who is obligated to maintain, repair, or operate any plant, facilities, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may use the DO–97 rating to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus using the DO rating except that, if his purchase is made on a reimbursable basis for the account of the person using the property, the latter's MRO quota shall be charged.

SEC. 7. *Use of material.* If a person has acquired material for MRO or minor capital additions by use of the DO–97 rating and then finds that he has another use for it, he may use the material for such other purpose if he could have used any DO rating to acquire the material for such other purpose. However, if he uses the material for another rated purpose, he may not replace it in inventory by the use of the DO–97 rating assigned by this regulation. He may replace such material in inventory only by using the DO rating under which he might have obtained the material for the purpose to which it was devoted. If he uses material acquired under this regulation for another rated use, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized rated uses.

SEC. 8. *Relation to other regulations.* (a) *Rules governing use of rating.* This regulation supplements NPA Reg. 2, which sets forth the basic rules of the priorities system, and the provisions of that regulation govern the use of the DO–97 rating herein assigned.

(b) *Inventory limitations.* Nothing in this regulation shall be deemed to authorize any person to order or receive any material if acceptance thereof would increase his inventory above a practicable working minimum as provided in NPA Reg. 1 or the limit fixed in any other applicable regulation or order of the NPA.

(c) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use ratings other than DO–97 for direct procurement of its own requirements of MRO or minor capital additions.

(d) *Other regulations and orders.* Nothing in the regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of the NPA or with any order of any other competent authority.

SEC. 9. *Records and reports.* (a) *Records to be kept.* Each person who makes any use of the rating assigned by this regulation shall make and preserve, for so long as this or any successor regulation remains in effect and for 2 years thereafter, accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, all materials ordered or received for use as MRO or minor capital additions whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this regulation have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) *Inspection and audit.* All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

(c) *Other records and reports.* Persons subject to this regulation shall make such further records and submit such further reports to the NPA as it shall require, subject to the terms of the Federal Reports Act of 1942. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F.)

SEC. 10. *Adjustments and exceptions.* Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that the MRO quotas provided in section 4 are insufficient for his requirements, or that a specified provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing and in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. More particularly, where the relief sought is an increase of MRO quota, the applicant shall fully describe the nature of his business or other activity, indicating any seasonal or other unusual features, products made or distributed, or services or other activities performed, the quarterly volume of such business or other activity since January 1, 1950, etc.; state the amount spent for MRO in each quarter since January 1, 1950; specify the amount of increase in quota requested; and set forth in detail the facts and circumstances allegedly justifying such an increase.

SEC. 11. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: Reg. 4.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this regulation or wilfully conceals a material

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

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

This regulation shall take effect on February 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2803; Filed, Feb. 27, 1951; 4:11 p. m.]

[NPA Reg. 4, Direction 1]

REG. 4—MAINTENANCE, REPAIR AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

DIR. 1.—TRANSITIONAL PROVISIONS

This Direction 1 to NPA Reg. 4 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has been consultation with a number of industry representatives including trade association representatives, but it has been impracticable to consult with all affected industries because the direction applies to all trades and industries.

Sec.
1. What this direction does.
2. Quota for remainder of quarter.
3. Special adjustment where quota inadequate.
4. Rating outstanding non-rated orders.
5. Re-rating outstanding orders not required.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this direction does.* NPA Reg. 4 provides for the use of DO ratings to get MRO and minor capital additions. This direction provides for the transition to operation under Reg. 4 and particularly for operation during that portion of the first calendar quarter of 1951 which remains after Reg. 4 takes effect (February 27, 1951).

SEC. 2. *Quota for remainder of quarter.* A person must compute his MRO quota for the first calendar quarter of 1951 as provided in Reg. 4. However, he need not charge against that quota any MRO or minor capital additions ordered for delivery (or received, if he operates on the basis of receipts) prior to the effective date of Reg. 4. Instead, he may take one-half of such quota and consider that as his remaining MRO balance available for use until April 1, 1951.

SEC. 3. *Special adjustment where quota inadequate.* A person whose quarterly MRO quota is too small to provide him with MRO and minor capital additions needed for performance of DO rated orders which he holds may, upon filing an application for an increased quota under section 10 of Reg. 4, consider his application as approved by NPA (unless he is advised to the contrary) to the extent that it calls for no larger MRO quota than in fact needed for performance of DO rated business. He may accordingly take one half of such requested quota as the balance remaining available for use prior to April 1, 1951.

SEC. 4. *Rating outstanding non-rated orders.* A person who, on the effective date of Reg. 4, has outstanding non-rated orders for MRO or minor capital additions which he would be entitled to rate under Reg. 4, or who thereafter places such orders without rating them, may nevertheless apply the DO-97 rating to them at any time while they remain outstanding. If he so rates them prior to March 15, 1951, such ratings and all DO-97 ratings applied to new MRO orders prior to March 15, 1951, shall take effect as of March 15, 1951. All ratings applied on or after March 15, 1951, shall take effect only as of the dates when applied.

SEC. 5. *Re-rating outstanding orders not required.* A person who has placed DO rated orders pursuant to section 5 of NPA Reg. 2, as amended January 11, 1951, for jigs, dies, tools, or fixtures used directly in the production of rated orders, need not re-rate such outstanding rated orders by applying the DO-97 rating to them regardless of their delivery dates. He need not cancel such outstanding rated orders, even if they exceed his MRO quota for one or more quarters, but in the latter event they will exhaust his quota so that no other MRO or minor capital additions chargeable against it may be obtained in such quarter or quarters without specific authorization from NPA.

This direction shall take effect on February 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2804; Filed Feb. 27, 1951; 4:12 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

CROSS REFERENCE: For changes made in waiver of navigation and vessel inspection laws and regulations, see Title 46, Chapter I, Part 154, *infra*.

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable To Certain Vessels During Emergency

[CGFR 51-10]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

PROCEDURES FOR EFFECTING INDIVIDUAL WAIVERS

The purpose for the following waiver order is to provide procedures for effecting individual waivers of navigation and vessel inspection laws and regulations administered by the Coast Guard to the extent and in the manner and upon such terms and conditions as considered necessary in the interest of national defense. This waiver order is designated as 46 CFR 154.01, as well as 33 CFR 19.01. Because of the urgency of providing waiver authority in the interest of national defense, it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by the Acting Secretary of the Treasury in his order CGFR 51-1, dated January 23, 1951, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following general waiver order is prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

Part 154 is amended by adding a new section 154.01, reading as follows:

§ 154.01 *Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.* (a) It is hereby found necessary in the interest of national defense to waive compliance with the navigation and vessel inspection laws administered by the Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent and in the manner and upon the terms and conditions as set forth in this section.

(b) An application requesting that a waiver be made effective with respect to a particular vessel may be made by any authorized representative of an agency of the United States Government or any other interested person (including the master, agent, or owner of the vessel involved). Except as provided in paragraph (d) of this section, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of a vessel in any port or place of the Canal Zone or in any foreign port or place, the application shall be made to the designated representative of the Commandant at such port or place, or if the Coast

[1] This is also codified in 33 CFR Part 19.

Guard has not established facilities in such port or place, to the nearest designated representative of the Commandant at a port or place where such facilities have been established. Every application shall contain a statement of the particular provisions of law with respect to which waiver of compliance is requested, a certification that the waiver of compliance with such laws with respect to the vessel involved is necessary in the interest of national defense and, an outline of the facts upon which such certification is based. The Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) shall promptly examine every application for the purpose of determining whether the necessity for prompt action is such as to require that the waiver be made effective by him without reference to the Commandant. In any case in which it appears to the Coast Guard officer concerned that reference of the application to the Commandant for action would not delay the sailing of the vessel or otherwise be contrary to the interest of national defense, the application shall be so referred. In all other cases such Coast Guard officer shall give immediate consideration to the application and if he reaches the conclusion that the urgency of the situation outweighs the marine hazard involved, then such waiver shall be made effective in regard to such vessel to the extent and under the circumstances specified by him.

(c) The Coast Guard officer making such a waiver effective pursuant to paragraph (b) of this section shall immediately prepare, in triplicate, an order setting forth the name of the vessel involved, the laws (also regulations, if any) with respect to which the waiver is effective, the extent to which compliance with such laws (also regulations, if any) is waived, and the period for which the waiver shall be effective. If practicable, one copy of this order shall be delivered to the master of the vessel involved before such vessel sails. In any case where the order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the order shall be transmitted to the Commandant and the remaining copy kept on file.

(d) In any case of extreme urgency the application for a waiver may be made orally and if the Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) reaches the conclusion referred to in paragraph (b) of this section, the waiver shall be made effective without further delay, subject to the condition that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the order.

(e) No penalty shall be imposed because of failure to comply with any provision of law (or regulation, if any), the waiver of which has been made effective pursuant to the requirements in this section.

(Order CGFR 51–1, dated January 23, 1951, of Acting Secretary of the Treasury; 16 F. R. 731. Interpret or apply Pub. Law 891, 81st Cong., 2d Sess., approved Dec. 27, 1950)

(Pub. Law 891, 81st Cong.)

Dated: February 21, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51–2750; Filed, Feb. 28, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FEBRUARY 19, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; and 45 Stat. 210, 25 U. S. C. 367), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 10, 1946 (11 F. R. 10267), notice is hereby given of intention to modify §§ 130.16 and 130.17 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project not subject to the jurisdiction of the several irrigation districts as follows:

Charges applicable to all irrigable lands in the Flathead Indian Irrigation Project but which are not included in the various irrigation district organizations.

§ 130.16 *Charges, Jocko Division.* An annual minimum charge of $2.19 per acre shall be made against all assessable irrigable lands, not included in the Jocko Valley Irrigation District within the Jocko Division, to which water can be delivered regardless of whether water is used.

The minimum charge when paid shall be credited on the delivery of water at the following acre-foot rates:

(a) For assessable irrigable lands receiving water from the Lower Jocko and Revais Creek laterals, water will be delivered in amounts equal to one acre-foot per acre for the entire assessable area of the farm unit, allotment, or tract, at the rate of one dollar ($1.00) per acre foot, and additional water will be delivered at the rate of fifty cents (50¢) per acre-foot.

(b) For assessable irrigable lands in the Upper Jocko area receiving water from Finley, East Finley, Agency, and Big Knife Creeks, water will be delivered at the rate of seventy-five cents (75¢) per acre-foot at any time during the irrigation season.

(c) For assessable irrigable lands in the Upper Jocko area receiving water from the Jocko River through the Jocko K lateral system, water will be delivered at the rate of fifty cents (50¢) per acre-foot at any time during the irrigation season.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) A minimum charge of $2.09 per acre shall be made against all assessable irrigable lands, not included in any irrigation district within the Mission Valley Division, to which water can be delivered regardless of whether water is used.

(b) A minimum charge of $2.27 per acre shall be made against all assessable irrigable lands, not included in any irrigation district within the Camas Division, to which water can be delivered regardless of whether water is used.

(c) The payment of the minimum charges, in paragraphs (a) and (b) of this section, shall entitle the farm unit, allotment or tract of land to receive one and one-half (1½) acre-feet of water per assessable irrigable acre or, in cases of shortage, the proportionate per acre share of the available water supply. For water delivered in excess of one and one-half (1½) acre-feet per assessable irrigable acre there shall be an additional charge of one dollar ($1.00) per acre-foot.

The foregoing proposed amendments of §§ 130.16 and 130.17 of the non-district operation and maintenance assessment rate order for the season 1950 are to become effective for the irrigation season of 1951 and continue in effect thereafter until further notice. All other provisions of the 1950 order shall continue in effect for the 1951 irrigation season and thereafter until further notice.

Interested parties are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument, in writing, to Paul L. Fickinger, Area Director, U. S. Indian Service, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Amendment to order dated March 17, 1950 (15 F. R. 1632), signed by Paul L. Fickinger, Area Director.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51–2725; Filed, Feb. 28, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 205]

[Draft Release No. 48]

TEMPORARY SUSPENSION OF SERVICE BY LOCAL AREA CARRIERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Board has under consideration the amendment of Part 205 of the Economic Regulations as hereinafter 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 triplicate, to the Civil Aeronautics Board, Washington 25, D. C. All communications received by March 30, 1951, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after April 2, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

By petition filed with the Board November 29, 1950, Chicago and Southern Airlines, Inc., seeks amendment of Parts 205 and 290 to require holders of certificates of public convenience and necessity for local and feeder service to serve notice of requested changes in service pattern, applications for temporary suspension of service, and for temporary exemption authority, upon each scheduled air carrier which regularly renders service to or from any point in the applicant's certificate, or to or from any point located in the general area the applicant is authorized to serve.

After consideration the Board has tentatively concluded that the provisions of § 202.4 [1] with respect to notice of requested changes in service pattern are adequate; that the provision of § 290.1 [2] for service of notice of applications for exemption are also adequate; and that the provisions of § 205.1 with respect to service of notice of applications for temporary suspension of service, although adequate, may be improved to specifically require notice to a specified class of air carriers under the circumstances hereinafter set forth.

It should be noted that possible inadequacies of established notice requirements in particular cases are already recognized by the provisions of Part 205 in that § 205.4 specifically reserves the right to the Board to withhold action on any application pending proof of such additional service of notice by the applicant as the Board may direct. (See also § 290.3 for a similar provision.) However, in the case of local service carrier applications for temporary suspension of service, the volume of requests received may make desirable a specific requirement for service of notice on air carriers which at the time the application is filed regularly serve any two or more points named on the route segment in which the temporary suspension of service is proposed.

This proposal is believed broad enough to accomplish the objective sought by the petitioning air carrier without imposing a burden of service of notice upon carriers which have no possible interest in the subject matter of the application.

It is therefore proposed to amend § 205.1 of the Economic Regulations by adding a new paragraph (f) to read as follows:

(f) Where the application has been filed by a local service air carrier: Each scheduled air carrier, which at the time the application is filed, regularly renders service between any two or more points named in applicant's certificate and situated on the same route segment as the point to which a temporary suspension of service is proposed.

This amendment is proposed under authority of Title IV of the Civil Aeronautics Act of 1938, as amended. The proposed rules when finally adopted by the Board may be considerably changed in view of the comments received in response to this notice of proposed rulemaking.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 401, 52 Stat. 987; 49 U. S. C. 481)

Issued Feburary 23, 1951, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2749; Filed, Feb. 28, 1951; 8:51 a. m.]

[1] The provision of § 202.4 with respect to service of notice on other air carriers is as follows: "Each scheduled air carrier which regularly renders service to or from any point named on the route segment the service pattern of which the holder proposes to change;."

[2] The requirement of § 290.1 with respect to service of notice on other carriers is as follows: "Any scheduled air carrier which regularly renders service to any point involved in the application;."

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52676]

CLEARANCE OF VESSELS

INCOMPLETE OUTWARD FOREIGN MANIFESTS AND EXPORT DECLARATIONS

Clearance of vessels before filing of complete outward foreign manifests and all required export declarations permitted in certain cases pursuant to § 4.74 (f), Customs Regulations of 1943, as amended by Treasury Decision 52675.

While it has been determined that in order to aid in the enforcement of the export regulations of the Office of International Trade, Department of Commerce, applicable to the exportation of merchandise to the countries named below, vessels bound for those countries should not be cleared before complete outward foreign manifests and all required export declarations have been filed with the collector of customs, it appears that at the present time there is no reason why vessels may not be cleared for other countries in accordance with the procedure provided for in paragraphs (a) to (e), inclusive, of § 4.74, Customs Regulations of 1943.

Accordingly, pursuant to § 4.74 (f), Customs Regulations of 1943 (19 CFR 4.74 (f), as amended by Treasury Decision 52675, any vessel may be cleared for any foreign port in accordance with the procedure provided for in paragraphs (a) to (e), inclusive, § 4.74, Customs Regulations of 1943 (19 CFR 4.74 (a)–(e)), unless its clearance is prohibited by law or regulation other than the said § 4.74 (f), except that no vessel shall be cleared for any port in Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Russian-occupied Zone only), Hong Kong, Hungary, Latvia, Lithuania, Macao, Poland and Danzig, Rumania, or the Union of Soviet Socialist Republics, and no foreign vessel shall be cleared for any Chinese communist port, or for any other place under the control of the Chinese communists, until a complete outward foreign manifest and all required export declarations have been filed with the collector of customs.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: February 21, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2753; Filed, Feb. 28, 1951; 8:51 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1950, 44th Supp.]

WESTERN NATIONAL INSURANCE CO.

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

FEBRUARY 21, 1951.

Under date of December 27, 1950, the "Western National Indemnity Company", San Francisco, California, a California Corporation, formally changed its name to that of "Western National Insurance Company". A copy of the Certificate of Amendment of the Articles of Incorporation, duly certified by the Secretary of State of the State of California has been received and filed in the Treasury.

The change in the name of the company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which the Western National Indemnity Company may have undertaken pursuant to its authority under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), to qualify as sole surety on such obligations.

Hereafter the name of the company will appear as "Western National Insurance Company" on Treasury Form No. 356, which shows a list of the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2751; Filed, Feb. 28, 1951; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 37

FEBRUARY 21, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Anchorage, Alaska land district comprising 7 small tracts embracing approximately 30.35 acres:

FOR LEASING AND SALE

For Cabin Sites

SEWARD MERIDIAN

T. 13 N., R. 4 W.,
Section 3: Lot 2, S½SE¼SE¼NW¼.
Section 4: Lot 1, that portion which would be if described in terms of a normal subdivision: W½NW¼SW¼SE¼. Lot 2, that portion which would be if described in terms of a normal subdivision: E½NE¼SE¼SW¼.

2. The lands are located on the north shore of Knik Arm and Cook Inlet approximately three miles northwest of Anchorage. Access to the area present may be obtained by airplane or small boat from Anchorage. Adequate water for domestic purposes can be obtained from wells, and sewage disposal may be made by the use of cesspools. No public facilities are obtainable in the area at the present time. The climate is a favorable combination of the temperate coastal climate of south central Alaska and the extreme continental climate characteristic of the interior of Alaska. The winter is typically long and moderately cold and the summer is short and moderately warm.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on March 14, 1951. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on March 14, 1951, to close of business on June 11, 1951, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on February 21, 1951, or thereafter, up to and including 10:00 a. m. on March 14, 1951, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on June 12, 1951, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) In the event two or more drawing entry cards covering identical tracts are received during the twenty day simultaneous filing period outlined in subdivision (b), supra, a drawing limited to such applicants will be held in the Anchorage Land Office at a date to be announced by the Manager.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within the life of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use which the lease is issued before favorable consideration will be given for purchase of the tract. Leases will be for a period of two years, at an annual rental of $5.00. Successful applicants will be required to pay in advance a filing fee of $10.00 and the annual rental charge for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts varying in size from approximately 3.10 acres to approximately 7.25 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

9. All wells and sewage disposal facilities will be located not less than 75 feet from the exterior boundaries of the tract described in the lease, *Provided however,* That if said tract abuts upon any stream, lake or other body of fresh water, no well or sewage disposal facility shall be placed within 100 feet of any such water. If the tract described in the lease is located upon sloping lands, lessee should locate any well or sewage disposal facility according to the recommendations of the Alaska Territorial Department of Health.

10. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

A. J. LA COVEY,
Acting Regional Administrator.

[F. R. Doc. 51-2728; Filed, Feb. 28, 1951; 8:45 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 38

FEBRUARY 21, 1951.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, and Departmental Order No. 2325 of May 24, 1947 (43 CFR 4.275 (b) (3), 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the following described lands in the Anchorage, Alaska land district comprising approximately 62 small tracts embracing 155 acres are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, for home and cabin sites.

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Section 15; W½NW¼, NE¼SW¼, S½ NW¼SW¼, NE¼NW¼SW¼, E½NW¼ NW¼SW¼.

The land above described is included in the second homestead entry application of Howard Allen Heusser, Anchorage 013606.

This order shall not become effective to change the status of such land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, except upon the failure of the second homestead entry application Anchorage 013606 mentioned above. In the event of the failure of said entry, the land will then become available for filings under the Small Tract Act, after due notice to be given by publication, subject to the preference right of veterans of World War II, accorded by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279) and other qualified persons entitled to credit for service under the said act.

A. J. LA COVEY,
Acting Regional Administrator.

[F. R. Doc. 51-2727; Filed, Feb. 28, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY TO CENSUS BUREAU TO REQUIRE CERTAIN REPORTS UNDER THE DEFENSE PRODUCTION ACT

Pursuant to the authority vested in me by section 902 (b) of Executive Order No. 10161 (15 F. R. 6105) and Executive Order No. 10200 (16 F. R. 61), the Director of the Bureau of the Census, Department of Commerce is hereby authorized to exercise the authority vested in the Secretary of Agriculture by section 902 (a) of Executive Order No. 10161 to secure reports under section 705 (a) of the Defense Production Act of 1950 in compliance with the request of any authorized official of the Department of Agriculture.

The authority delegated hereby may be exercised by the Director of the Bureau of the Census through such officials and employees of that Bureau as he may designate.

Nothing contained herein shall be construed as limiting the authority of the Secretary of Agriculture to exercise any functions vested in him by the aforesaid Executive orders.

Actions heretofore taken by the Bureau of the Census in requiring such reports upon request of any official of this Department are hereby ratified.

This order shall become effective immediately.

(E. O. 10161, 15 F. R. 6105; E. O. 10200, 16 F. R. 61)

Done at Washington, D. C., this 28th day of February 1951.

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

[F. R. Doc. 51-2839; Filed, Feb. 28, 1951; 11:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

STOCKARD STEAMSHIP CORP. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

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

Agreement No. 7812, between Stockard Steamship Corporation, Atlantic Ocean Transport Corporation and North American Terminal Corporation, covers the establishment and maintenance of a joint cargo service (with limited passenger accommodations) under the trade name Levant Line in the trade between U. S. Atlantic, U. S. Gulf and Canadian ports (but not including transportation within the purview of the Coastwise Laws of the United States) and ports of Portugal, Spain, France, Italy, Yugoslavia, Albania, Greece, Bulgaria, Rumania, Union of Soviet Socialist Republics, Turkey, Cyprus, Lebanon, Syria, Palestine, Suez, Egypt, Libya, Tunisia, Algeria, Morocco and the various islands in the Mediterranean, ports of the Red Sea and Persian Gulf, India, Pakistan, Ceylon, Burma, Federation of Malaya, Colony of Singapore, Indonesia and British North Borneo. Revenues and expenses of each vessel will be shared in accordance with ownership or chartered interests of the respective vessels. The joint service will be represented by Stockard & Company Inc. of New York. Agreement 7812 was filed to supersede joint service Agreement No. 7798 and will have the effect of substituting North American Terminal Corporation for Aktieselskapet Ivarans Rederi as a party to the Levant Line joint service.

Agreement No. 7806, between American Mail Line, Ltd., and Waterman Steamship Corporation, covers transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchukuo (Manchuria), Siberia, China, Hongkong, Siam, Indo-China, Kwantung, Philippine Islands, East Indies, Federation of Malaya and Colony of Singapore to ports of San Juan or Ponce or Mayaguez in Puerto Rico, with transhipment at Seattle, Washington, or Portland, Oregon.

Interested parties may inspect these agreements 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 in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: February 26, 1951.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-2779; Filed, Feb. 28, 1951; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3250]

PIEDMONT AVIATION, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on March 2, 1951, at 10:00 a. m., e. s. t., in Room 1510, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., February 26, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2741; Filed, Feb. 28, 1951; 8:49 a. m.]

[Docket No. 3722]

EASTERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of whether the mail rate petition of Eastern Air Lines, Inc., filed April 4, 1949, in this proceeding should be dismissed insofar as it requests the fixing of a mail rate for the Miami-San Juan route for the period between July 8, 1947, and April 7, 1948, for lack of jurisdiction, on the ground that the existing mail rate had not been placed in issue by the institution of a rate proceeding affecting it prior to April 7, 1948 (Order E-4090).

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 12, 1951, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets

NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 23, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2734; Filed, Feb. 28, 1951; 8:47 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

REQUESTS TO PARTICIPATE IN THE VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

Pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774, 81st Congress) the request set forth below to participate in the voluntary plan entitled "Voluntary Plan Under Public Law 774, 81st Congress, for the Contribution of Tanker Capacity for National Defense Requirements" dated January 18, 1951, was approved by the Attorney General after consultation between the Secretary of Commerce, the Attorney General, and the Chairman of the Federal Trade Commission and was transmitted to the companies listed below.

The voluntary plan, also set forth below, has been approved by the Secretary of Commerce and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

This will confirm telegraphic request of this date for your participation in the Voluntary Plan dated January 18, 1951, for the Contribution of Tanker Capacity for National Defense Requirements:

"Hereby request your participation in voluntary defense tanker plan dated January 18, 1951. This request approved by the Attorney General pursuant to the Defense Production Act. Please wire acceptance directly to Martime Administration, Washington, D. C."

As you know, this Voluntary Plan, a copy of which is enclosed, was the subject of a public hearing held at the Department of Commerce on January 18, 1951. It will be administered by the Maritime Administrator in accordance with the provisions of the Plan.

The Attorney General, pursuant to section 708 of Public Law 774, 81st Congress, has approved this request for your participation in the Plan. Your cooperation is urgently needed in the public interest and for the national defense. If you have not already done so, will you please telegraph your formal acceptance of this request and the Plan directly to the Maritime Administrator, Department of Commerce, Washington, D. C., and confirm by returning the form of written acceptance two copies of which are enclosed.

PHILIP B. FLEMING,
Acting Secretary of Commerce.

LIST OF COMPANIES REQUESTED TO PARTICIPATE

American Oil Co., 122 East Forty-second Street, New York 17, N. Y.

American Pacific Steamship Co., 541 South Spring Street, Los Angeles 15, Calif.

American Trading & Production Corp., 420 Lexington Avenue, New York 17, N. Y.

American Tramp Shipping Development Corp., care Marine Trade Corp., 44 Whitehall Street, New York, N. Y.

American Viking Corp., care Sieling & Jarvis, 50 Broadway, New York 4, N. Y.

Asiatic Petroleum Corp., 50 West Fiftieth Street, New York 20, N. Y.

Atlantic Refining Co., 260 South Broad Street, Philadelphia 2, Pa.

Bernuth, Lembcke Co., Inc., 420 Lexington Avenue, New York 17, N. Y.

California Oil Co., c/o Standard Oil of California, Marine Dept., Standard Oil Building, San Francisco 20, Calif.

Cape Horn Steamship Corp., 80 Broad Street, New York 4, N. Y.

Cities Service Oil Co., 70 Pine Street, New York 5, N. Y.

Coastal Oil Co., 60 Park Place, Newark 2, N. J.

Coastwise Bulk Carriers, Inc., 150 Sansome Street, San Francisco 4, Calif.

Colonial Navigation Co., 17 East Forty-second Street, New York 17, N. Y.

Colonial Steamship Corp., 80 Broad Street, New York 4, N. Y.

Continental Oil Co., 10 Rockefeller Plaza, New York 20, N. Y.

Cuba Distilling Co., 60 East Forty-second Street, New York 17, N. Y.

Epiphany Tankers Corp., 39 Broadway, New York 6, N. Y.

Esso Export Corp., 15 West Fifty-first Street, New York 20, N. Y.

Esso Shipping Co., 30 Rockefeller Plaza, New York 20, N. Y.

Esso Standard Oil Co., 15 West Fifty-first Street, New York 20, N. Y.

General Petroleum Corp., Terminal Island, Calif.

Gulf Oil Corp., Marine Department, 17 Battery Place, New York 4, N. Y.

Harcourt Steamship Co., Inc., 630 5th Avenue, New York, N. Y.

Hess, Inc., State Street, Perth Amboy, N. J.

Hillcone Steamship Co., Ltd., 311 California Street, San Francisco 4, Calif.

Keystone Shipping Co., 1000 Walnut Street, Philadelphia 7, Pa.

Keystone Tankship Corp., 1000 Walnut Street, Philadelphia 7, Pa.

Chas. Kurs & Co., Inc., 1000 Walnut Street, Philadelphia 7, Pa.

Mariner Steamship Co., Inc., 15 Exchange Place, Jersey City 2, N. J.

Metro Petroleum Shipping Co., Inc., 44 Whitehall Street, New York 4, N. Y.

Metropolitan Petroleum Corp., 220 East Forty-second Street, New York 17, N. Y.

Moore-McCormack Lines, Inc., 5 Broadway, New York 4, N. Y.

National Bulk Carriers, Inc., 630 Fifth Avenue, New York 20, N. Y.

New England Petroleum Corp., 17 Battery Place, New York 4, N. Y.

North American Shipping & Trading Co., Inc., 52 Broadway, New York 4, N. Y.

Orion Shipping and Trading Co., Inc., 80 Broad Street, New York 4, N. Y.

Paco Tankers, Inc., 1000 Walnut Street, Philadelphia 7, Pa.

Pacific Tankers, Inc., 52 Broadway, New York 4, N. Y.

Pan American Petroleum and Transport Co., 122 East Forty-second Street, New York 17, N. Y.

Panoil Transportation Corp., 17 State Street, New York 4, N. Y.

Paragon Oil Co., Inc., Bridgewater Street, Brooklyn 22, N. Y.

Patchogue Oil Terminal Corp., 722 Court Street, Brooklyn, N. Y.

Petroleum Heat and Power Co., 511 Fifth Avenue, New York 20, N. Y.

Petrol Tankers Industries, Inc., 100 West Tenth Street, Wilmington, Del.

Polarus Steamship Co., Inc., 30 Broad Street, New York 4, N. Y.

Publicker Industries, Inc., 1000 Walnut Street, Philadelphia, Pa.

The Pure Oil Co., 420 Lexington Avenue, New York 17, N. Y.

Richfield Oil Corp., 555 South Flower Street, Los Angeles 13, Calif.

Republic Oil Refining Co., 30 Rockefeller Plaza, New York 20, N. Y.

Royal Petroleum Corp., 420 Lexington Avenue, New York 17, N. Y.

The Sabine Transportation Co., Inc., Port Arthur, Tex.

Seaforth Steamship Corp., 80 Broad Street, New York 4, N. Y.

Sea Trade Corp., 44 Whitehall Street, New York 4, N. Y.

The Shell Oil Co., 50 West Fiftieth Street, New York 20, N. Y.

Ships, Inc., care Cities Service Oil Co., 70 Pine Street, New York 5, N. Y.

Sinclair Refining Co., Marine Dept., Twenty-eighth Floor, 630 Fifth Avenue, New York 20, N. Y.

Socony Vacuum Oil Co., Inc., 26 Broadway, New York 4, N. Y.

Standard Oil Co. of California, 225 Bush Street, San Francisco 20, Calif.

Standard Vacuum Oil Co., 26 Broadway, New York 4, N. Y.

State Fuel Co., Public Ledger Building, Philadelphia 6, Pa.

The Sun Oil Co., Marine Department, Philadelphia 3, Pa.

Tanker Sag Harbor Corp., Public Ledger Building, Philadelphia 6, Pa.

The Texas Co., 135 East Forty-second Street, New York 17, N. Y.

Tramp Shipping and Oil Transport Corp., 44 Whitehall Street, New York 4, N. Y.

Tide Water Associated Oil Co., 17 Battery Place, New York 4, N. Y.

Traders Steamship Corp., 80 Broad Street, New York 4, N. Y.

Trafalgar Steamship, 52 Broadway, New York 4, N. Y.

Trinidad Corp., 30 Rockefeller Plaza, New York 20, N. Y.

Union Oil Co. of California, 617 West Seventh Street, Los Angeles 14, Calif.

United Tanker Corp., Care Sieling and Jarvis, 50 Broadway, New York 4, N. Y.

U. S. Petroleum Carriers, Inc., 52 Broadway, New York 4, N. Y.

Ventura Steamship Co., care Simpson Spence & Young, 52 Broadway, New York 4, N. Y.

Whale Oil Co., Inc., and Whaler Products Corp., Whale Square, Brooklyn 32, N. Y.

Windsor Navigation Co., care North American Shipping & Trading Co., Inc., 52 Broadway, New York 4, N. Y.

World Wide Tankers, Inc., 2223 South Olive Street, Los Angeles 7, Calif.

VOLUNTARY PLAN UNDER PUBLIC LAW 774, 81ST CONGRESS FOR THE CONTRIBUTION OF TANKER CAPACITY FOR NATIONAL DEFENSE REQUIREMENTS

JANUARY 18, 1951.

The Secretary of Commerce, pursuant to authority vested in him by Public Law 774, 81st Congress, and Executive Order 10161, after consultation with representatives of the tanker industry, and after expression of the views of industry, labor, and the public generally at an open public hearing held on January 18, 1951, has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 774.

1. *What this Plan does.* This Plan sets up the procedure under which the owners and charterers of oil tankers (hereinafter called Participants) agree voluntarily to make tankers and tanker space available to the Department of Defense and to other Participants at the request of the Maritime Administrator, hereinafter referred to as the "Administrator", and as provided for in the Plan. The Plan provides for the pro rata contribution of tanker capacity to the Department of Defense, at freight rates and upon charter terms and conditions determined by the Administrator, in such a way as to distribute the burden of such contributions among all the Participants in the Plan in mathematical proportion to each

Participant's "controlled tonnage" as hereinafter defined.

2. *Agreement by participants.* Each Participant hereby agrees to contribute, pursuant to the provisions of the Plan, tanker capacity as requested by the Administrator at such times and in such amounts as the Administrator shall determine to be necessary to meet the essential needs of the Department of Defense for the transportation of petroleum and petroleum products in bulk by sea.

3. *Administration of Plan.* The Plan shall be administered by a "Tanker Requirements Chairman", hereinafter referred to as the Chairman, who shall be a full-time employee of the Maritime Administration. He shall administer the Plan with the advice of a "Tanker Requirements Committee", hereinafter referred to as the Committee, appointed by the Administrator from the tanker industry. The Chairman and the Committee shall assist the Maritime Administrator in obtaining for the Department of Defense the use of such industry tankers as may be required by such Department. The Chairman with the advice of the Committee shall also apportion the contribution of tanker capacity under the Plan among the Participants hereto, in accordance with the formula set forth in Paragraph 4 below, and the Participants agree that they will make available such tanker capacity as requested by the Administrator either by charters directly to the Department of Defense, or to other Participants in the Plan.

4. *Pro rata contribution.* Each Participant hereto agrees to contribute tanker capacity under the Plan in the proportion that its "controlled tonnage" bears to the total "controlled tonnage" subject to the Plan.

"Controlled tonnage" shall mean the total annual carrying capacity, expressed in terms of 30° gravity crude oil, Port Arthur/New York, of all tankers of over 6,000 tons deadweight capacity which are:

(a) Owned by a Participant if under U. S. Flag Registry, PLUS

(b) On charter or under contract to such Participant for a period of six (6) months or more from the effective date of this Plan, regardless of the flag of registry, LESS

(c) Chartered out or under contract to others for a period of six (6) months or more from the effective date of this Plan, PLUS

(d) Any Foreign Flag tonnage which a Participant may wish to designate as "controlled tonnage."

The obligations of the various Participants to contribute tanker capacity under the Plan shall be calculated on a pro rata basis among the Participants by the Chairman with the advice of the Committee as soon as possible after the effective date of the Plan. Such calculations shall be revised thereafter at six (6) months' intervals and such revised calculations shall take into account any charters for a period of six (6) months or more made by Participants during the preceding six (6) months' period in determining the respective obligations for the succeeding six (6) months.

5. *Freight rates under Plan.* Charters of vessels made at the request of the Maritime Administration, pursuant to the Plan, shall be made at a fair and equitable rate and upon charter terms and conditions to be determined by the Administrator after consultation with the Committee and the Department of Defense, and such rate shall govern in all transactions among the Participants in the Plan insofar as operations under the Plan are concerned.

6. *Reports from Participants.* Each Participant shall, upon request of the Chairman, submit, in such form as may be requested, to the Maritime Administration reports setting forth information as to "controlled tonnage" necessary for the administration of Paragraph 4 of the Plan.

7. *Procedure for and effect of becoming Participant.* After approval of this Plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of tanker owners and charterers by the Secretary of Commerce, any such owner or charterer may become a Participant in this Plan by advising the Administrator in writing of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 708 (b) of Public Law 774, only with respect to such tanker owners and charterers as notify the Administrator in writing that they will comply with such request.

8. *Effective date and duration.* This Plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the termination of Title VII of Public Law 774, 81st Congress, unless the time limitation now specified in section 716 (a) of Public Law 774 is extended or otherwise changed, by legislative action in a form which permits continuation of this Plan. However, the Plan may be terminated at any time as may be determined by the Secretary of Commerce upon not less than 60 days' notice by letter, telegram, or publication in the FEDERAL REGISTER.

9. *Withdrawal from Plan.* Any Participant may withdraw from this Plan subject to the fulfillment of obligations incurred under this Plan prior to the date such withdrawal becomes effective, by giving not less than 60 days' written notice to the Administrator.

10. *Duration of immunities.* In the event of termination of this Plan and in the event of the withdrawal of any Participant, the immunities referred to in Paragraph 7 hereof shall extend to the fulfillment and receipt of obligations after the effective date of such termination or withdrawal as the case may be, incurred pursuant to this Plan.

11. *Administrative expenses.* Any reasonable expenses of administering this Plan which are not borne by the Government will be paid by the Participants in proportion to their pro rata obligation to contribute tonnage as computed under Section 4 of The Plan.

* * * * *

Pursuant to section 708 of Public Law 774, 81st Congress, and Executive Order 10161, I hereby find that the above Voluntary Plan is in the public interest as contributing to the national defense, and, after having consulted with the Attorney General and the Chairman of the Federal Trade Commission not less than 10 days before making any request or finding thereunder, and, after having obtained the approval of the Attorney General to requests to be made thereunder, I hereby approve the above Voluntary Plan under section 708 (a) of said Act.

[SEAL] PHILIP B. FLEMING,
Acting Secretary of Commerce.

Washington, D. C., January 23, 1951.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

W. H. HARRISON,
Administrator,[1]
Defense Production Administration.

[F. R. Doc. 51-2799; Filed, Feb. 27, 1951; 4:10 p. m.]

[1] The functions conferred upon the President under Section 708 of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) were exercised by the Secretary of Commerce under Executive Order 10161 of September 9, 1951, 15 F. R. 6105, until after the approval of the above plan, on January 23, 1951, when such functions were delegated to the Administrator of the Defense Production Administration by Executive Order 10200 of January 3, 1951, 16 F. R. 61.

[DPA Request 1]

REQUEST TO PARTICIPATE IN THE FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON OPTICAL FIRE CONTROL

Pursuant to section 708 of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on Optical Fire Control in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing Optical Fire Control Integration Committee" dated January 30, 1951, was approved by the Attorney General after consultation between the Administrator of the Defense Production Administration, the Attorney General and the Chairman of the Federal Trade Commission and was transmitted to the companies listed below.

The voluntary plan, also set forth below, has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of an Army Ordnance Integration Committee on Optical Fire Control in accordance with the voluntary plan submitted by the Secretary of Defense, entitled "Plan and Regulations of Ordnance Corps Governing Optical Fire Control Integration Committee", dated January 30, 1951, a copy of which will be furnished, upon request, by the Department of the Army, Office of the Under Secretary, Washington 25, D. C.

It is considered that the formation of this committee will integrate optical fire control facilities which will result in the expeditious production of required military items.

The Attorney General has approved this request for your participation pursuant to section 708 of the Defense Production Act of 1950 (Pub. Law 774—81st Cong.).

I also approve the voluntary plan under which this committee is formed and find it to be in the public interest as contributing to the national defense.

Your cooperation in this matter will be appreciated. It is suggested that you reply direct to the Department of the Army, Office of the Undersecretary, Washington 25, D. C., where more detailed information may be obtained.

Sincerely yours,

W. H. HARRISON,
Administrator.

LIST OF COMPANIES REQUESTED TO PARTICIPATE

Arma Corp., 254 Thirty-sixth Street, Brooklyn 32, N. Y.

Bausch & Lomb Optical Co., 626 St. Paul Street, Rochester 2, N. Y.

Chrysler Corp., 341 Massachusetts Avenue, Detroit 31, Mich.

Eastman Kodak Co., T. R. Building, Rochester 4, N. Y.

General Motors Corp., Termstedt Manufacturing Division, General Motors Building, Detroit, Mich.

Mergenthaler Linotype Corp., 29 Ryerson Street, Brooklyn 5, N. Y.

Minneapolis-Honeywell Regulator Co., 2753 Fourth Avenue South, Minneapolis, Minn.

Otis Elevator Co., 200 Eleventh Avenue, New York 1, N. Y.

PLAN AND REGULATIONS OF ORDNANCE CORPS GOVERNING OPTICAL FIRE CONTROL INTEGRATION COMMITTEE

JANUARY 30, 1951.

This describes the plan of the Ordnance Corps for the formation, organization, and functioning and necessity for an Ordnance Integration Committee on Optical Fire Control and the operating procedures by which such committee fulfills its purpose.

Authority for Committee. Section 708 of P. L. 774, 81st Congress (Defense Production Act of 1950); approval of request by the Attorney General of the United States, dated February 5, 1951; approval of plan and finding by the Defense Production Administrator of the Defense Production Administration, dated February 12, 1951.

I. General Statement

A. Reason for Integration Action

Integration of an Ordnance contractor industry balances the production, with the result that the desired production is obtained with a minimum facility requirement. The skill, knowledge and "know-how" of the large manufacturer are made available without obligation of any kind to the newcomer or the small manufacturer, bringing him into full production in the shortest possible time. There is made available to the Ordnance Corps on short notice complete information as to the productive capacity of the industry, its inventory of parts and material, and there is made possible rapid changes in production rates to meet the requirements of the using service.

B. Function of Committee

The general function of this committee will be to provide for the interchange between contractors of information regarding production techniques and processes; to consider and make recommendations with respect to problems of production and supply of materials and components; and to consider and recommend measures for the best integration of the facilities of several manufacturers so as to attain, in the interest of National Defense, maximum efficiency in the utilization of such facilities. It is contemplated, for example, that certain manufacturers, because of their greater efficiency or more adequate facilities may serve also as suppliers, in whole or in part, of certain parts to other manufacturers; and the performance of certain operations may be apportioned among selected contractors; or that responsibility for the supervision of certain processes or supply of certain parts be assigned to certain companies. Generally, the purpose will be to make commonly available to each manufacturer, the benefit of the production experience and techniques of all manufacturers in the group, and so to integrate the facilities of the group as to attain maximum production in the shortest possible time. Participation in such programs will be entirely voluntary and in furtherance of the objectives of the Defense Production Act of 1950.

C. Procedure Under Act

The Ordnance Corps invited members of the optical fire control industry, and others, to participate in the drafting of a proposed plan or program of voluntary industry participation. Such exploratory meetings with industry were initiated by and under the direction of the Ordnance Corps.

As a result of such exploratory meetings with the fire control industry, Ordnance Corps, independently, has determined the specific activities which should be carried out by participating contractors. It has also been determined by Ordnance Corps that the objectives of this program cannot be accomplished by ordinary business methods.

In accordance with the provisions of Section 708, Defense Production Act of 1950, action has been initiated by Ordnance Corps to have Defense Production Administration, after consultation with the Attorney General and the Chairman, Federal Trade Commission, (1) to secure the approval of the Attorney General to a request for participation in the proposed activity by industry members named herein, and (2) to make a finding that the proposed action is in the public interest as contributing to the national defense.

D. Suspension of Committee Activity

This Committee shall not be continued beyond the expiration date of Title VII of the Defense Production Act or such earlier date as Ordnance may designate. If, prior to the expiration date of Title VII of the Act, the need for further active operations of the Committee ceases, the Chairman will notify all interested parties, including Defense Production Administration, the Attorney General and the Federal Trade Commission to that effect, indicating whether such committee will be considered in an inactive status. In the event that Ordnance Corps deems it necessary to reactivate this committee, notification shall be given to the above-mentioned parties.

II. Purposes To Be Accomplished

This Committee is formed in the interests of National Defense to integrate facilities engaged in the production of non-commercial military fire control items so as to: meet promptly the current optical fire control requirements of the Ordnance Corps military program; alleviate shortage of optical range finders and other items of fire control; augment production capacity; and put into phase the supply of fire control items necessary to insure production and issue of complete fighting tanks.

The capacity of the United States for manufacture of military fire control precision instruments is not large. The Ordnance Corps is having difficulty in meeting even the limited requirements of the present partial mobilization. The most pressing case of the shortage of fire control production capacity is that of the newly designed optical range finder for tanks. Each of the tanks (there will be thousands) to come off the production line must, for full effectiveness, especially in the vital first engaging shots, have optical fire control items of which the range finder is the most important. Each of these range finders is an expensive, complicated, 80-component part, item. The total estimated costs of the range finders for the tank program is in excess of fifty million dollars. In addition, there are tank periscopes, and other ighting equipment which lie in the same optical field. Integration action is therefore vital and necessary to the National Defense. It is emphasized, too, for a full comprehension of the problem, that the number of the optical fire control items, including range finders, for all out mobilization will far exceed the number now under procurement.

To even approximate "proper supply and phase in" of these fire control items with other components necessary to the complete fighting tanks, necessitated aggressive missionary action on the part of Ordnance Corps to secure companies to start the work. Since the optical industry does not have sufficient capacity to produce range finders and related requirements, it was necessary to go outside the optical field to secure necessary capacity. The companies other than optical concerns selected to participate in this program were chosen for the following reasons:

a. They have previously (during World War II) manufactured range finders or have made studies for the Ordnance Department which indicate that they have the management, engineering, equipment and general background which makes them suitable for production in this critical field.

b. They are already prime contractors with Ordnance in related fields and engaged in production of tank or combat vehicle components.

c. Their proposals to Ordnance were the best from the viewpoint of delivery, price, and other factors.

An Ordnance Fire Control Integration Committee will have the following direct advantages to the Government:

A. Faster and Better Production

The best Ordnance Engineers estimate that the full production rate of the finders now on order can be reached three months sooner if an Integrating Committee can begin functioning before the prime contractors begin to sublet contracts and to tool up for making parts. For example, all prime contractors could use the same subcontractor for a given part. Integrated action would insure better interchangeability of parts. This point has considerable significance when it is remembered that there are eighty odd different optical elements, some consisting of several pieces of optical glass.

B. Decreased Costs

Estimates of costs for this complex item vary but the consensus is that an Optical Fire Control Integration Committee could save the Government amounts ranging in the millions of dollars. With the Integration Committee, improved methods in one company could be transmitted to the other. The big savings will result from avoiding unnecessary duplication of tooling-up. All prime contractors could pool their subcontracting efforts, thereby saving time, money, effort, and supervision. That is, the subprocurement problem of the companies would be materially lessened if they had the herein requested authority to split up the work. Each of the "primes" would have greater assurance of being supplied with parts, so each prime could concentrate on engineering good assembly lines. Assembly in the case of the range finders is an extremely hard operation and must be done in a dehumidified atmosphere.

C. Future Changes

Should the combat troops require changes in the range finder, the Integration Committee is an ideal agency for introducing changes. Integration Committee action is therefore needed immediately to get the best out of the nation's limited and inadequate total optical productive capacity.

III. Membership and Meetings of Committee

A. Membership

This Committee will be formed as follows:

1. The Chairman is Colonel E. S. Mathews, Chief, Artillery Branch, Industrial Division, Office of Chief of Ordnance (This is the Branch in the Office of Chief of Ordnance responsible for procurement and production of fire control).

2. The Deputy Chairman is Colonel T. A. Weyher.

3. The Assistant to the Chairman is Mr. Ralph L. Goetzenberger, Minneapolis-Honeywell (Deputy Chairman of the Fire Control Instrument Division, American Ordnance Association).

4. One or more Ordnance officers experienced in military procedure shall be appointed by the Deputy Chairman from personnel of the District Office in the District in which the Committee is located to work with the Committee.

5. Each of the following contractors shall be members of the Committee:

Arma Corp., 254 Thirty-sixth Street, Brooklyn 32, N. Y.

Eastman Kodak Co., T. R. Building, Rochester 4, N. Y.

Mergenthaler Linotype Corp., 29 Ryerson Street, Brooklyn 5, N. Y.

Minneapolis-Honeywell Regulator Co., 2753 Fourth Avenue South, Minneapolis, Minn.

Bausch & Lomb Optical Co., 625 St. Paul Street, Rochester 2, N. Y.

General Motors Corp., Ternstedt Manufacturing Division, General Motors Building, Detroit, Mich.

Otis Elevator Co., 200 Eleventh Avenue, New York 1, N. Y.

Chrysler Corp., 341 Massachusetts Avenue, Detroit 31, Mich.

Moreover, each new prime contractor shall become a member of the Committee. Termination or cancellation of a contract terminates membership on the Commission.

6. One policy level official and one senior production official from each of the prime contractors shall represent the members of the Committee.

7. The Secretary will be an Ordnance officer designated by the Chairman or Deputy Chairman.

8. Consultants, especially qualified in the field of committee action, may be appointed to the Committee by the Ordnance Corps acting through the Chairman.

9. Government employees shall render the necessary clerical assistance to the Committee.

B. Meetings

Committee meetings shall be called by the Chairman, Deputy Chairman, or the Ordnance Officer attached to the Committee. The agenda shall be prepared by the Chairman or Deputy Chairman. Invitations to attend will include a copy of the agenda of the meeting in order to facilitate proper representation at the meeting.

Either the Chairman, Deputy Chairman, or Ordnance officer attached to the Committee shall preside at all meetings which shall be held at offices assigned to or under the control of the Ordnance Corps. The Secretary of the Committee shall maintain and keep minutes of Committee meetings.

IV. Specific Activities of the Committee

A. Furnishing of Data

The Industry members furnish the Chairman or Deputy Chairman with a list of facilities; the rate of production, actual and projected; an inventory of finished parts; an inventory of material on hand, on order and promised delivery The Ordnance Officer attached to the Committee compiles the production data. By comparing this data to the requirements of the Ordnance Corps, a production schedule can be made by the Ordnance Corps with the assistance of the Assistant to the Chairman, and, at this time, production, capacity, material and facilites commitments beyond the requirements of the Ordnance Corps should be released for use on other items. By including the capacity of available subcontractors, it will be possible for the Ordnance Corps to allot subcontracting capacity to the prime contractors, making possible a further release of facilities for other use.

B. Allotment of Production Schedules

After correlation of the data the Committee may recommend to the Ordnance Corps the allotment of definite production schedules to the prime contractors necessary to meet prime requirements.

C. Changes in Material and Design Including Standardization of Material

The Committee may consider and recommend desired changes in material and design including standardization of material. The Branch of the Ordnance Corps having control of the item or items is charged with the maintaining, through their engineering personnel, of bills of material, drawings, and specifications, description of engineering changes, etc. Where a committee desires a change in one of the above engineering activities, it may by mutual agreement, be decided that the change will be adopted by all members in order that the Committee maintain full interchangeability for all Ordnance requirements. The Committee must conduct such tests, chemical, metallurgical, or mechanical through usual industry or Ordnance channels to prove the adequacy of the change. The Committee may then submit, through the Committee Ordnance Officer, the recommendation for the change, together with full information of the necessity for the change, and with all available test data, direct to the Branch engineering personnel for approval or rejection. The Ordnance Officer attached to the Committee is charged by the Ordnance Corps to see that all members keep their drawings, etc., exactly alike, and that full interchangeability is always maintained for all Ordnance requirements.

D. Interchange of Parts, Material, Skills, Tools, Training Aids, Machines, Etc.

The Committee will maintain production, performance and control records and material inventories. Based on these records the Committee will be in a position to advise the Ordnance Corps of the most economical method of adjusting production to meet requirements and loading schedules. The Ordnance Officer attached to the Committee maintains such material control records as are necessary.

The Committee may consider and recommend to the Ordnance Corps, through the Ordnance Officer attached to the Committee, the interchange of parts, material, skills, tools, training aids, machines, etc. The transfer of machines or tools or other Government property should be made on memorandum receipt and should be cleared through the Ordnance District Office or the Contracting Officer, whichever is responsible under the contract as a representative of the Ordnance Corps. The interchange between industry members may be on an outright sales basis or on an exchange basis.

E. Action to Achieve Uniformity of Parts, Drawings, Bills of Material

Uniformity of parts and drawings among the contractors manufacturing any given end item are prerequisites to the interchangeability of either parts or materials. Uniformity in bills of materials is a prerequisite to the interchange of material between Committee members. The former is essential; the latter is highly desirable. The attainment of such uniformity where it does not already exist among the members of an Integration Committee is therefore an important function of every Committee.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

W. H. HARRISON,
Administrator,
Defense Production Administration.

[F. R. Doc. 51-2800; Filed, Feb. 27, 1951; 4:10 p. m.]

FEDERAL POWER COMMISSION

[Project No. 2017]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

FEBRUARY 26, 1951.

Public notice is hereby given that Southern California Edison Company, of Los Angeles, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of its license for major Project No. 2017, located on San Joaquin River in Fresno and Madera Counties, California, to authorize certain changes in tunnel alignment and road locations.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before March 28, 1951, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2742; Filed, Feb. 28, 1951; 8:49 a. m.]

[Docket No. G-1602]

KINGS COUNTY LIGHTING CO.

NOTICE OF APPLICATION

FEBRUARY 23, 1951.

Take notice that on February 1, 1951, Kings County Lighting Company (Applicant), a New York corporation having its principal place of business in Brooklyn, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities hereinafter described, if it is ultimately determined that Applicant is a "natural-gas company" within the meaning of the act.

Applicant is presently engaged in the distribution of manufactured gas within its franchise area in the southwest part of the Borough of Brooklyn, County of Kings, City and State of New York.

The Company proposes to construct and operate in said territory an extension of its presently certificated pipeline facilities approximately 12,200 feet in length, to be of 26-inch outside diameter steel pipe of ½-inch wall thickness, to extend from the intersection of 60th Street and Second Avenue to connect with the eastern terminus of the Narrows Crossing to be constructed by Transcontinental.[1] Such facilities and those proposed to be constructed by The Brooklyn Union Gas Company (Docket No. G-1603), will connect the present New York Facilities System[2] with the proposed Narrows Crossing.

The estimated total capital cost of Applicant's proposed construction is $650,000. Applicant proposes to finance such construction by short term borrowing from banks to be refunded at a later date on a permanent basis by the issuance of securities as soon as conditions warrant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of March 1951. The applica-

[1] See Notice of Application published June 28, 1950 (15 F. R. 4147-4148), In the Matter of Transcontinental Gas Pipe Line Corporation, Docket No. G-1414.

[2] See, In the Matters of Consolidated Edison Company of New York, Inc. et al., Docket Nos. G-1167, G-1171, G-1190.

tion is on file with the commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2743; Filed, Feb. 28, 1951; 8:49 a. m.]

[Docket No. G-1603]

BROOKLYN UNION GAS CO.

NOTICE OF APPLICATION

FEBRUARY 23, 1951.

Take notice that on February 2, 1951, the Brooklyn Union Gas Company (Applicant), a New York corporation having its principal place of business in Brooklyn, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities hereinafter described.

Applicant seeks authorization to construct and operate in its franchise area in the Borough of Brooklyn in which it is presently distributing gas, an extension of its authorized pipeline facilities. Such extension includes a 26-inch O. D. pipeline approximately 800 feet in length extending southerly to the territory of the Kings County Lighting Company.[1]

The facilities for which Applicant seeks authorization to construct and operate, together with the facilities to be constructed by Kings County Lighting Company will connect the mains of the New York Facilities System[2] with the terminus of the "Narrows Crossing" extension of Transcontinental Gas Pipe Line Corporation[3] on the east bank of the Narrows at the entrance of New York Harbor in Bay Ridge, Brooklyn.

The estimate total capital cost of Applicant's proposed construction will approximate $40,000. It is proposed to finance such construction out of funds derived from Applicant's operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2744; Filed, Feb. 28, 1951; 8:50 a. m.]

[Docket No. G-1613]

CITY OF FAIRFIELD, ILL.

NOTICE OF APPLICATION

FEBRUARY 23, 1951.

Take notice that on February 16, 1951, the City of Fairfield, Illinois (Applicant) filed an application for an order pursuant to section 7 (a) of the Natural Gas Act directing Trunkline Gas Supply Company (Trunkline) to permit Applicant to establish physical connection with Trunkline's transportation facilities and to require Trunkline to deliver to Applicant up to 905 Mcf of natural gas per day in the first year of operation.

Protests or petitions to intervene should 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 the 14th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2729; Filed, Feb. 28, 1951; 8:45 a. m.]

[1] See application of Kings County Lighting Company, Docket No. G-1602.

[2] See, In the Matters of Consolidated Edison Company of New York, Inc., et al., Docket Nos. G-1167, G-1171, G-1190.

[3] See, In the Matter of Transcontinental Gas Pipe Line Corporation, Docket No. G-1414.

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25866]

PETROLEUM PRODUCTS FROM HAMPTON ROADS PORTS TO MARTINSVILLE, VA.

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

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

Filed by: R. E. Boyle, Jr., Agent for The Chesapeake and Ohio Railway Company, Danville and Western Railway Company and Southern Railway Company.

Commodities involved: Petroleum and petroleum products, in tank-car loads.

From: Norfolk, Newport News and Portsmouth, Va.

To: Martinsville, Va.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates; C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 201.

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. 51-2736; Filed, Feb. 28, 1951; 8:47 a. m.]

[4th Sec. Application 25867]

COAL CINDERS FROM ALABAMA TO EL DORADO, ARK.

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

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 carriers parties to his tariff I. C. C. No. 3932.

Commodities involved: Coal cinders, carloads.

From: High Level and Wylam, Ala.

To: El Dorado, Ark.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3932, Supp. 12.

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. 51-2737; Filed, Feb. 28, 1951; 8:47 a. m.]

[4th Sec. Application 25868]

CEMENT FROM PREGNALL, S. C., TO FAYETTEVILLE, N. C.

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

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

Filed by: R. E. Boyle, Jr., Agent, for Norfolk Southern Railway Company and Southern Railway Company.

Commodities involved: Cement and related articles, carloads.

From: Pregnall, S. C.

To: Fayetteville, N. C.

Grounds for relief: Circuitous route.

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. 51-2738; Filed, Feb. 28, 1951; 8:48 a. m.]

[4th Sec. Application 25869]

ALCOHOL FROM NEW ORLEANS TO EASTERN PORTS

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 400.

Commodities involved: Alcohol, tank-car loads.

From: Points in the New Orleans, La., district.

To: Baltimore, Md., Newark, N. J., and Philadelphia, Pa.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 400, Supp. 2.

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. 51-2739; Filed, Feb. 28, 1951; 8:48 a. m.]

[4th Sec. Application 25870]

PETROLEUM PRODUCTS FROM SOUTHWEST TO OKLAHOMA

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

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 carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Petroleum and petroleum products, carloads.

From: Points in Louisiana and Texas.

To: Stations in Oklahoma on the Gulf, Colorado and Santa Fe Railway.

Grounds for relief: Competition with rail carriers, circuitous routes and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3585, Supp. 449.

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. 51-2740; Filed, Feb. 28, 1951; 8:48 a. m.]

NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF ORGANIZATION[1]

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 3 (a) (1) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and concurrently publishes in the Notices section of the FEDERAL REGISTER the following amendments to its description of organization in the field, including delegations by the Board of final authority and the places at which and methods whereby the public may secure information or make submittals or requests. Amendments effective March 1, 1951.

Dated, Washington, D. C., February 21, 1951.

By direction of the Board.

[SEAL] FRANK M. KLEILER, *Executive Secretary.*

1. The text formerly designated as § 201.6 (e) is amended (effective March 1, 1951) as follows:

Following the words "or refer to the hearing officer" strike the words "or the Board." As amended this reads as follows: "To grant applications for subpoenas, to receive and rule upon or refer to the hearing officer motions to revoke subpoenas in representation cases;"

2. The new addresses of the following Regional and Subregional offices are as follows:

Tenth Region—Atlanta 3, Ga., 50 Seventh Street NE.

Fourteenth Region—St. Louis 2, Mo., 520 Boatman's Bank Building, 314 North Broadway.

Seventeenth Region—Subregional Office—Denver 2, Colo., 411 Ernest and Cranmer Building, 930 Seventeenth Street.

[F. R. Doc. 51-2662; Filed, Feb. 28, 1951; 8:45 a. m.]

[1] This amends Description of Organization which appeared at 13 F. R. 3090, with amendments appearing at 13 F. R. 6266 and 15 F. R. 973.

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-113, 59-78, 70-1015]

LOUISVILLE GAS AND ELECTRIC CO. ET AL.

ORDER RELEASING JURISDICTION OVER FEE 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 21st day of February 1951.

In the matter of Louisville Gas and Electric Company (Delaware), File No. 54-113; Standard Gas and Electric Company, File No. 70-1015; Louisville Gas and Electric Company (Delaware), respondent, File No. 59-78.

By order dated October 28, 1947, issued herein, the Commission approved a plan filed by Louisville Gas and Electric Company, a Delaware Corporation ("Delaware Company"), a registered holding company and formerly a subsidiary of Standard Gas and Electric Company ("Standard Gas"), also a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the liquidation and dissolution of Delaware Company. (See Holding Company Act Release No. 7789.) In that order, the Commission reserved jurisdiction over all fees and expenses incurred in connection with the plan and the proposed transactions incident thereto. By order dated September 16, 1949, the Commission released jurisdiction over all fees and expenses in connection with said plan except the fee and expenses proposed to be paid to A. Louis Flynn, counsel for Delaware Company, jurisdiction over which was continued pending the completion of the record with respect thereto.

The record having been supplemented with statements in support of a request by A. Louis Flynn for the payment by Delaware Company to him of a fee or $61,700 and reimbursement for expenses in the amount of $2,991.61; and

The Commission having examined the record as so supplemented and finding that the amounts requested are not unreasonable, and deeming it appropriate that the jurisdiction heretofore reserved with respect thereto be released:

It is ordered, That jurisdiction heretofore reserved in the orders dated October 28, 1947, and September 16, 1949, with respect to the payment by Delaware

Company of a fee and expenses to A. Louis Flynn be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2730; Filed, Feb. 28, 1951; 8:46 a. m.]

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATION TO PAY 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 21st day of February A. D. 1951.

The Commission having on August 25, 1949, issued its order approving plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, providing for the consolidation of Niagara Hudson's three major subsidiaries into a single new operating utility company, Niagara Mohawk Power Corporation ("Niagara Mohawk"), and for the dissolution of Niagara Hudson; and

Said order having reserved, among other things, jurisdiction over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred by Niagara Hudson in connection with the plans and the transactions incident thereto; and Niagara Hudson having been dissolved pursuant to said plans and Niagara Mohawk having assumed the liabilities of Niagara Hudson:

Notice is hereby given that applications for the payment of requested fees and expenses have been filed by the following persons and in the following amounts:

Applicants	Fees	Expenses
LeBoeuf & Lamb, counsel to Niagara Hudson	$200,000.00	$8,912.20
Drexel & Co., financial adviser to Niagara Hudson	75,000.00	
Ebasco Services, Inc.	153,895.81	10,097.78
J. P. Morgan & Co., Inc.	69,375.08	24,734.99
The United Corp.:		
Whitman, Ransom, Coulson & Goetz, counsel to United	19,000.00	189.43
The First Boston Corp., financial adviser to United	25,000.00	
Miscellaneous expenses		5,252.60
Committee for first preferred stock of Niagara Hudson:		
Scribner & Miller, counsel to the Committee	37,500.00	2,962.00
E. Ralph Sterling, financial adviser to committee	12,500.00	
Joshua Morrison, secretary of committee	2,500.00	145.98
Sullivan & Worcester, counsel to certain common-stock holders	22,500.00	
Judah Adelson, a common-stock holder		90.00

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the matters set forth in said applications:

It is ordered, That a hearing on said applications, pursuant to sections 11 (e) and 18 of the act and rules and regulations thereunder, be held on March 7, 1951 at 10:00 a. m., e. s. t., at the office of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing is to be held. Any person who is not already a party or given leave to participate herein, who desires to be heard or otherwise wishes to participate in this proceeding shall file with the Secretary of the Commission on or before March 5, 1951, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the said applications and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the consolidation and dissolution plans and whether such amounts are reasonable.

(2) Whether all of the said claims should properly be borne by Niagara Mohawk.

(3) Whether there are any other factors, apart from the nature and value of the services rendered and the capacity in which rendered, which would make any of the requests for compensation and reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions:

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Niagara Mohawk Power Corporation, and on the applicants for fees and expenses herein, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2732; Filed, Feb. 28, 1951; 8:46 a. m.]

[File No. 70-2549]

CONSOLIDATED ELECTRIC AND GAS CO. AND PORTO RICO GAS & COKE CO.

ORDER 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 23d day of February A. D. 1951.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its direct subsidiary, Porto Rico Gas & Coke Company ("Porto Rico"), a public utility company, having filed a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 (the "act"), and Rules U-42, 43, and 44 thereunder with respect to the following transactions:

Porto Rico proposes to purchase from Consolidated and Consolidated proposes to sell to Porto Rico 1,000 shares of Porto Rico's 6 percent cumulative preferred stock, $100 par value, at a price of $100 per share, or an aggregate cash consideration of $100,000. The filing states that Consolidated is to apply the proceeds from such sale, or an amount equivalent thereto, to the partial payment of its one year note maturing September 20, 1951, presently outstanding in the amount of $650,000, payable to The Chase National Bank of the City of New York ("Chase").

The outstanding securities of Porto Rico consist of $750,000 principal amount of 4½ percent first mortgage bonds due 1965, 3,445 shares of $100 par value 6 percent cumulative preferred stock, and 10,000 shares of $25 par value Common Stock. All of the outstanding securities of Porto Rico, except its mortgage bonds, are owned by Consolidated and pledged as security for the bank loan with Chase. The outstanding securities of Consolidated consist of the above-described note to Chase and preferred and common stocks all owned by Consolidated's parent, Central Public Utility Corporation.

Said declaration having been filed on January 8, 1951, and amendments thereto having been filed on January 30, 1951, and February 12, 1951; and

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise and not having ordered a hearing thereon, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit such amended declaration to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the said amended declaration be, and the same hereby is, permitted to become effective forthwith, subject however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2733; Filed, Feb. 28, 1951; 8:47 a. m.]

[File No. 70-2570]

JERSEY CENTRAL POWER & LIGHT CO., AND GENERAL PUBLIC UTILITIES CORP.

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 21st day of February A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), by General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Jersey Central Power & Light Company ("Jersey Central"). Applicants-declarants have designated sections 6 (a), 6 (b), 7, 9 (a) and 10 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

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

1. Jersey Central will issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $1,500,000 principal amount of first mortgage bonds, __ percent series, due 1981, and 40,000 shares of its $100 par value, __ percent series, cumulative preferred stock. Jersey Central will also issue and sell, and GPU will purchase, 350,000 additional shares of Jersey Central's $10 par value common stock for an aggregate cash consideration of $3,500,000.

The proceeds of the sale of the new bonds (exclusive of premium, if any, and accrued interest), of the new preferred stock, and of the new shares of common stock will be applied by Jersey Central as follows:

(a) The proceeds (other than premium, and accrued interest) from the sale of new bonds will be deposited with the Trustee under Jersey Central's mortgage and withdrawn from time to time against property additions pursuant to the provisions of the mortgage, purchased or constructed subsequent to December 31, 1950.

(b) An aggregate of $2,000,000 of the proceeds from the sale of the new preferred stock and new common stock will be utilized (i) to pay $1,500,000 principal amount of Jersey Central's promissory notes due September 22, 1951, and (ii) partially to reimburse Jersey Central's treasury for expenditures for property additions subsequent to October 31, 1948. The balance will be utilized for the purchase or construction of property additions subsequent to December 31, 1950, or to repay bank loans incurred since that date, the proceeds of which have been so applied.

(c) The expenses of issuance and sale of the new bonds, new preferred stock, and new common stock, estimated at $73,000, will be paid by Jersey Central from its current funds.

2. GPU proposes to borrow $875,000 from each of four commercial banks. The interest rate on the notes to be issued will be the prime rate for commercial borrowing at the time of the making of the loans but not in excess of 3 percent per annum. Each of the notes will mature ten months from the date of issuance. The proceeds of the bank loans will be utilized to purchase the above noted 350,000 additional shares of the common stock of Jersey Central. GPU expects to obtain the funds with which to pay the bank loans in the late spring or early summer of 1951, either from the issuance and sale by it of additional shares of its common stock or as a result of funds being made available to GPU by reason of the sale by its subsidiary holding company, Associated Electric Company, of part or all of the latter's holdings of senior securities of its subsidiary, Manila Electric Company.

Notice is further given that any interested person may, not later than March 9, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 9, 1951, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2731; Filed, Feb. 28, 1951; 8:46 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. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17375]

ALFRED KEIL

In re: Securities and cash owned by Alfred Keil. F-28-29031.

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 Alfred Keil, 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:

a. One hundred fifty (150) shares of no par value capital common stock of Packard Motor Car Company, 1580 East Grand Boulevard, Detroit 32, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by certificate numbered N360078 for one hundred (100) shares and certificate numbered N0530028 for fifty (50) shares, registered in the name of Alfred Keil, presently in the custody of the Department of State, Division of Protective Services, together with all declared and unpaid dividends thereon,

b. Twenty (20) shares of $50 par value capital common stock of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, a corporation organized under the laws of the State of Montana, evidenced by certificate numbered E149673 for ten (10) shares and certificate numbered E193274 for ten (10) shares, registered in the name of Alfred Keil, presently in the custody of the Department of State, Division of Protective Services, together with all declared and unpaid dividends thereon, and,

c. Those certain debts or other obligations of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, evidenced by those checks issued by Anaconda Copper Mining Company, payable to Alfred Keil, numbered, dated and in the face amounts as shown below:

Check No.	Date	Amount
54085	June 25, 1945	$7.00
54311	Sept. 26, 1945	7.00
55117	Dec. 20, 1945	14.00
56221	June 26, 1946	7.00

said checks presently in the custody of the Department of State, Division of Protective Services, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under, including the right to presentation for payment of the aforesaid checks,

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, Alfred Keil, 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 February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 51-2717; Filed, Feb. 27, 1951; 8:54 a. m.]

[Vesting Order 17367]

JOSEPH F. BAUER

In re: Stock owned by Joseph F. Bauer, also known as Josef Bauer. F-28-31222.

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 Joseph F. Bauer, also known as Josef Bauer, 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:

a. Three thousand (3000) shares of no par value non-assessable capital stock of Clericy Consolidated Mines, Ltd., Ottawa, Canada, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Certificate Nos.	Number of shares	Registered owner
NS 1289	500	Bowcock Morgan & Co.
NS 4622	250	Stratton, Hopkins & Hutson.
NS 5306	250	William, McLean & Bell.
NS 5439	250	J. P. Cannon & Co.
NS 5499	500	J. Normand Duell.
NS 6592	250	Kamm, Garland & Co., Ltd.
NS 6711	500	Angus & McDonald.
NS 7402	500	Angus & Co.

said certificates presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

b. Two hundred (200) shares of $1.00 par value non-assessable capital stock of Tashota Gold Fields, Ltd., evidenced by certificates numbered 4704 and 4918 for one hundred (100) shares each, registered in the names of J. H. Crang & Co., and Harcourt, Poupore & Co., respectively, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

c. One (1) Certificate numbered 2, signed by Emil Schull, 3827 Old Orchard Ave., Montreal, Quebec, Canada, said certificate presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

d. Five hundred (500) shares of $0.50 par value non-assessable capital stock of Nicola Mines & Metals, Ltd., evidenced by a certificate numbered 17789, registered in the name of Joseph F. Bauer, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street, NW., Washington, D. C., together with all declared and unpaid dividends thereon,

e. Fifty (50) shares of no par value common capital stock of Commonwealth & Southern Corporation, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 357603, registered in the name of Josef Bauer, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

f. One hundred (100) shares of no par value capital stock of Stadarona-Rouyn Mines, Ltd., evidenced by a certificate numbered F55735, registered in the name of Pitfield Mathewson & Co., and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon, and

g. Three hundred (300) shares of no par value capital stock of Brancoeur Gold Mines, Ltd., evidenced by certificates numbered M1756 for one hundred (100) shares, registered in the name of Granville & Co., and M2662 and M2663 for one hundred (100) shares each, registered in the name of Hansons & Macaulay, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., 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 February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2716; Filed, Feb. 27, 1951; 8:54 a. m.]

[Vesting Order 17312]

CITY OF BERLIN AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Account owned by City of Berlin, Germany, and account and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, F-28-2098.

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 the City of Berlin, Germany, is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Brown Brothers Harriman & Company, 59 Wall Street, New York 5, New York, arising out of an account resulting from a deposit for the payment of coupons becoming due prior to July 1933 entitled "City of Berlin 30 years 6% External Sinking Fund Gold Bonds due June 15, 1958," maintained at the office of the aforesaid Brown Brothers Harriman & Company, together with 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 City of Berlin, the aforesaid political subdivision of a designated enemy country, (Germany);

3. That Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the last known address of which is Berlin, C111, Germany, is a public corporation organized under the laws of Germany, and which has, or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Company, 59 Wall Street, New York 5, New York, arising out of an account resulting from a deposit for the payment of coupons becoming due in the last half of 1933 and the first half of 1934 entitled "City of Berlin 30 year 6% External Sinking Fund Gold Bonds due June 15, 1958," maintained at the office of the aforesaid Brown Brothers Harriman & Company, together with all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmarks certificates of indebtedness of Conversion Office for German Foreign Debts in the aggregate amount of approximately RM 20,810, presently in the custody of Brown Brothers Harriman and Company, 59 Wall Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office in partial payment of coupons appertaining to the bonds named in subparagraph 4 (a) hereof, which were due in the last half of 1933, the first half of 1934 and the last half of 1934, and any and all rights thereunder and thereto,

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, Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the aforesaid nationals of a designated enemy country, (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 3 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 February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2754; Filed, Feb. 28, 1951; 8:51 a. m.]

[Vesting Order 17313]

KONVERSIONSKASSE FUER DEUTSCHE AUSLANDSSCHULDEN

In re: Account and certificates owned by Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts. F-28-2147.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 3788, and pursuant to law, after investigation, it is hereby found:

1. That Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the last known address of which is Berlin C111, Germany, is a public corporation, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a coupon deposit account, entitled "Consolidated Hydro-Electric Works of Upper Wuerttemberg 1st Mortgage 7% 30 Yr. S. F. G. B. due January 15, 1956", maintained at the office of the aforesaid Brown Brothers Harriman & Co., together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, in the aggregate amount of approximately RM 6275, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, said certificates of indebtedness having been offered by the said Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, together with the cash in the account described in subparagraph 2-a hereof, in settlement of interest coupons appertaining to the bonds named in subparagraph 2-a hereof, and 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, Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, 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 February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2755; Filed, Feb. 28, 1951; 8:52 a. m.]

[Vesting Order 17319]

ARNOLD HILGER

In re: Securities owned by and debt owing to Arnold Hilger. F-28-31188.

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 Arnold Hilger, whose last known address is Hindenburgstrasse 36, Buderich b/Dusseldorf, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) Erie Railroad Company Ref. and Imp. 5% Mortgage bonds, due May 1, 1967, numbered 499 and 500, each of $1,000.00 face value, said bonds presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

b. Three (3) Chicago, Milwaukee, St. Paul & Pacific Railroad Company 5% 50 yr. Mortgage bonds, due February 1, 1975, one bond numbered 104,959 of $1,000.00 face value and two bonds numbered 3117 and 7517 each of $500.00 face value, said bonds presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

c. One (1) St. Louis-San Francisco Railway Company, 1st Mortgage Series "A" 4% bond, due January 1, 1997, numbered 2304 of $500.00 face value, said bond presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

d. Two (2) St. Louis-San Francisco Railway Company 2nd Mortgage Income Series "A" 4½ percent bonds, due January 1, 2022, numbered 793 and 794, registered in the name of Slade & Company and presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

e. One (1) Scrip Certificate for St. Louis-San Francisco Railway Company 1st Mortgage 4 percent bond, numbered 13201, presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

f. One (1) Scrip Certificate for St. Louis-San Francisco Railway Company 2nd Mortgage Series "A" 4½ percent bond, numbered 13550, presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

g. One (1) Voting Trust Certificate for ten (10) shares of common stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered TV012092, registered in the name of Slade & Company and presently in the custody of The American Express Com-

pany, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

h. One (1) Voting Trust Certificate for Forty-Four Hundred Ten Thousandths (4400/10,000ths) shares of common stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered 10861 and presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

i. One (1) Voting Trust Certificate for five (5) shares of 5 percent Preferred Series "A" stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered TVO12552, registered in the name of Slade & Company and presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

j. One (1) Voting Trust Certificate for Twenty-two Hundred, Ten Thousandths (2200/10,000ths) share of 5 percent Preferred Series "A" stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered 11100 and presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto, and

k. That certain debt or other obligation of The American Express Company, Inc., 65 Broadway, New York, New York, on deposit in a Blocked Account entitled "American Express Company G. m. b. H., Berlin", representing accretions from or allocable to the securities set forth in subparagraph 2a through 2j, together with any 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 Arnold Hilger, 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 February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2756; Filed, Feb. 28, 1951; 8:52 a. m.]

[Vesting Order 17354]

GASTON A. SCHERER

In re: Trust under the will of Gaston A. Scherer, deceased. File No. D-28-12178; E. T. sec. No. 16397.

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 Kurt Trautwein and Edgar Trautwein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Gaston A. Scherer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Old Colony Trust Company and by Frances W. Scherer, as trustees, acting under the judicial supervision of the Middlesex County Probate Court, State of Massachusetts;

and it is hereby determined:

4. 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 February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2758; Filed, Feb. 28, 1951; 8:52 a. m.]

[Vesting Order 17359]

MEINRAD TOELLE

In re: Estate of Meinrad Toelle, deceased. File No. D-28-12955; E. T. sec. 17094.

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 Minna Toelle, Anna Toelle and Joseph Toelle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Meinrad Toelle, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Perry Waters, Administrator, acting under the judicial supervision of the County Judge's Court for Escambia County, Florida;

and it is hereby determined:

4. 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 February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2759; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17324]

ALFRED R. PELTZER

In re: Stock owned by Alfred R. Peltzer. F-28-29058.

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 Alfred R. Peltzer, whose last known address is 27 Andreasstr., Hamburg, Germany, is a resident of Germany

and a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred fifty-six (156) shares of stock of Royal Dutch Company, New York shares, evidenced by certificate numbered 42200 for one hundred (100) shares, certificate numbered 055077 for thirty (30) shares and interim certificate numbered 1245 for twenty-six (26) shares, registered in the name of Schmidt and Co., presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in safekeeping account of Credit Suisse, Lucerne, Switzerland, 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, Alfred R. Peltzer, 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 February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2757; Filed, Feb. 28, 1951; 8:52 a. m.]

[Vesting Order 17363]

JOHN WALTER

In re: Estate of John Walter, deceased. File No. D-28-4045; E. T. sec. 7026.

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 Elizabeth Beyke 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, next-of-kin, legatees and distributees, names unknown, of Johann Friedrich Ernst Walter, also known as Ernest Walter, 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 John Walter, 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 Vernon Silvershield, as administrator, c. t. a., acting under the judicial supervision of the Superior Court of the State of California in and for the County of Sonoma;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Johann Friedrich Ernst Walter, also known as Ernest Walter, 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 February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2760; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17365]

MARTIN WEINAKER

In re: Estate of Martin Weinaker, also known as Martin Weng, as Martin Deng, as Martin Den, as Martin Direr, as Martin Wein, as Martin Wenig, as Marvin Wenaker and as Maten Weinaker, deceased. File No. D-28-12853; E. T. sec. 17018.

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 Sophie Gretz, Berta Melcher, Anna Munk, Ida Lotcsh and Joseph Deuerer, 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 Marie Deuerer, also known as Maria Theresia Deuerer, nee Weinaker, deceased, except Rosie Dertinger, a resident of the United States, 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, except Rosie Dertinger, a resident of the United States, in and to the estate of Martin Weinaker, also known as Martin Weng, as Martin Deng, as Martin Den, as Martin Direr, as Martin Wein, as Martin Wenig, as Marvin Wenaker and as Maten Weinaker, 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 George F. Then, as executor, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. 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 Marie Deuerer, also known as Maria Theresia Deuerer, nee Weinaker, deceased, except Rosie Dertinger, a resident of the United States, 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 February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2761; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17369]

PAULA DRECHSLER

In re: Stock owned by Paula Drechsler. F-28-2952.

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 Paula Drechsler, 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: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of the Department of State, Division of Protective Services, 515 22d Street, NW., Washington, D. C., 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 February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate Nos.	Total number of shares	Par value	Type of stock	Registered owner
Trustees System Discount Corp. of Chicago, 1198 Merchandise Mart, Chicago, Ill.	Delawgre.	P 4262	3	$10	Preferred	Grete Hannemann.
Do	do	P 2601	1	$10	do	John Drechsler.
Do	do	A 2589	4	No par	Class A capital.	Do.
Do	do	A 4253	11½	do	do	Grete Hannemann.
Chicago, North Shore & Milwaukee R. R. Co., 105 West Madison St., Chicago, Ill.	Illinois	PLO 25682	5	$100	Nonassessable capital.	Hans Drechsler.
Do	do	PLO 25789	5	$100	do	Do.
Western Light & Telephone Co., Huron Bldg., Kansas City, Kans.	Kansas	CO 1379	10	$1	Common	Do.

[F. R. Doc. 51-2762; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17376]

KONISHI & CO., LTD.

In re: Debts owing to Konishi & Co., Ltd. F-39-1184-C-1/2/3.

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 Konishi & Co., Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan and in a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Konishi & Co., Ltd., by Geo. H. McFadden & Bro., 60 Beaver Street, New York 4, New York, arising out of an Open Account outstanding on the books of the aforesaid Geo. H. McFadden & Bro., in the name of Konishi & Co., Ltd., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Konishi & Co., Ltd., by Bunge Corporation, 80 Broad Street, New York 4, New York, arising out of an Accounts Payable outstanding on the books of the aforesaid Bunge Corporation, in the name of Konishi & Co., Ltd., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Konishi & Co., Ltd., by Harris and Vose, 60 Beaver Street, New York 4, New York, arising out of a balance resulting from transactions in Cotton Futures outstanding on the books of the aforesaid Harris & Vose, in the name of Konishi & Company, Ltd., together with any and all accruals to the aforesaid debt or other obligation 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 February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2763; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17384]

ELISA WEGENER

In re: Stock owned by and debt owing to Elisa Wegener. F-28-31182.

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 Elisa Wegener, whose last known address is 29 Papenkamp, Hamburg-Kl. Flottbek, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One Hundred Eleven (111) shares of no par value common capital stock of The Ruberoid Company, 500 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by nine (9) certificates numbered 8750 for one (1) share; 8563 for six (6) shares; 8564 for nine (9) shares; 1213 for twenty (20) shares; 9892 for twenty (20) shares; 8584 for twenty-eight (28) shares; 23243 for eight (8) shares; 27930 for nine (9) shares; and 33350 for ten (10) shares registered in the name of L. D. Pickering & Co., presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, and held in a blocked account by said Bank of the Manhattan Company, for the Nederlandsche Bank voor Zuid-Afrika, N. V., Amsterdam, Holland, Depot B, together with all declared and unpaid dividends thereon,

b. Two (2) scrip certificates of The Ruberoid Company, in bearer form, bearing the numbers 487 for two-tenths (2/10) of a share, and 689 for one-tenth

of a share, presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, and held in a blocked account, by said Bank of the Manhattan Company, for the Nederlandsche Bank voor Zuid-Afrika, N. V., Amsterdam, Holland, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, in the amount of $3,061.13, as of January 11, 1951, representing a portion of a blocked account, entitled "Blocked Depot B of the Nederlandsche Bank voor Zuid-Afrika, N. V., Amsterdam, Holland", and maintained at the aforesaid Bank of the Manhattan Company, together with any and all accruals to the aforesaid debt or other obligation, 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, Elisa Wegener, 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 February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2764; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17391]

HELENE MOHRDIECK ET AL.

In re: Bank account owned by Helene Mohrdieck; Klaus Mohrdieck; Hinrich Mohrdieck, Johannes Mohrdieck, Martha Butenop, Claus Mohrdieck II, Michel Mohrdieck, Alma Jensen, Magdalena Meyn and Paul Mohrdieck. D-28-12597.

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 Helene Mohrdieck, Klaus Mohrdieck, Hinrich Mohrdieck, Johannes Mohrdieck, Martha Butenop, Claus Mohrdieck II, Michel Mohrdieck, Alma Jensen, Magdalena Meyn and Paul Mohrdieck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Seattle Trust and Savings Bank, Seattle, Washington, arising out of Blocked Account numbered 3285, designated "Estate of John Mohrdieck, Deceased, by H. Otto Giese, Trustee", 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, Helene Mohrdieck, Klaus Mohrdieck, Hinrich Mohrdieck, Johannes Mohrdieck, Martha Butenop, Claus Mohrdieck II, Michel Mohrdieck, Alma Jensen, Magdalena Meyn, and Paul Mohrdieck, 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 February 15, 1951.

For the Attorney General.

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

[F. R. Doc. 51-2765; Filed, Feb. 28, 1951; 8:55 a. m.]

[Vesting Order 17392]

GUSTAV ROHDE ET AL.

In re: Bank account owned by Gustav Rohde, Hedwig Rosenthal and Bertha Rohde. F-28-30317.

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 Gustav Rohde, Hedwig Rosenthal and Bertha Rohde, whose last known address is Klosterstrasse 6, Wolfenbuettel i/Braunschweig, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Seattle Trust and Savings Bank, Seattle, Washington, arising out of Blocked Account numbered 3294, designated "Estate of Feodor Zeissler, Deceased, by H. Otto Giese, Trustee", 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, Gustav Rohde, Hedwig Rosenthal, and Bertha Rohde, 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 February 15, 1951.

For the Attorney General.

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

[F. R. Doc. 51-2766; Filed, Feb. 28, 1951; 8:55 a. m.]

[Vesting Order 17395]

LEO J. BACHMANN

In re: Estate of Leo J. Bachmann, deceased. File No. D-28-9133.

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 the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frank Ziegler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them,

in, to and against the Estate of Leo J. Bachmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emma Burmeister, as executrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York.

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frank Ziegler, deceased, identified 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 February 16, 1951.

For the Attorney General.

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

[F. R. Doc. 51-2767; Filed, Feb. 28, 1951; 8:55 a. m.]

[Vesting Order 17397]

HERMAN HEIM

In re: Estate of Herman Heim, deceased. File No. D-28-12958; E. T. sec. No. 17095.

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 Mary Reichard, Lota Reichard, Craida Reichard, Henry Gross, Herman Gross and Martha Ebert, 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-at-law, next-of-kin, legatees and distributees, names unknown, of Mary Reichard; of Lota Reichard; of Craida Reichard; of Henry Gross, and of Herman Gross, and the descendants, names unknown, of Mary Reichard; of Lota Reichard, and of Craida Reichard, 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 Herman Heim, 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 J. Henry Boehm, as executor, acting under the judicial supervision of the Superior Court of Middlesex County, Probate Division, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mary Reichard; of Lota Reichard; of Craida Reichard; of Henry Gross, and of Herman Gross, and the descendants, names unknown, of Mary Reichard; of Lota Reichard, and of Craida Reichard, 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 February 16, 1951.

For the Attorney General.

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

[F. R. Doc. 51-2768; Filed, Feb. 28, 1951; 8:55 a. m.]

[Vesting Order 17398]

EMIL RUDOLPH

In re: Estate of Emil Rudolph, deceased. File No. D-28-12946.

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 Albert Schmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Emil Rudolph, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

4. 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 February 16, 1951.

For the Attorney General.

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

[F. R. Doc. 51-2769; Filed, Feb. 28, 1951; 8:56 a. m.]

[Vesting Order 17399]

FRANCES SCHULZ

In re: Estate of Frances Schulz, deceased. File No. 017-16996.

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 Justina Klumpp, Anna Maria Klumpp Bahr, Andreas Klumpp, Josef Klumpp, Franz Xaver Schaupp (Schaub), Melchior Schaupp (Schaub) and Wilhelm Schaupp (Schaub), 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-at-law, next-of-kin, legatees and distributees, names unknown, of Karl Schaupp (Schaub), deceased, and the heirs-at-law, names unknown, of Jacob Philipp Klumpp, deceased; of Maria Schulz Klumpp; of Maria Schaupp (Schaub), deceased; of Anna Schaupp (Schaub), deceased, and of Barbara Schulz Schaupp (Schaub), 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 Frances Schulz, 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 Bertha Stotz, as executrix, acting under the judicial supervision of the Probate Court of Shelby County, Memphis, Tennessee;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Karl Schaupp (Schaub), deceased, and the heirs-at-law, names unknown, of Jacob Philipp Klumpp, deceased; of Maria Schulz Klumpp; of Maria Schaupp (Schaub), deceased; of Anna Schaupp (Schaub), deceased, and of Barbara Schulz Schaupp (Schaub) 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 February 16, 1951.

For the Attorney General.

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

[F R. Doc. 51-2770; Filed, Feb. 28, 1951; 8:56 a. m.]

[Vesting Order 17419]

HEDWIG CUSSNICK ET AL.

In re: Interest in real property, property insurance policies and claim owned by Hedwig Cussnick and others. D-28-12072-B-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 the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany):

Hedwig Cussnick, Ludwigshafen a. Rh., Schillerstr. 47, Germany.

Joseph Cussnick, Ludwigshafen a. Rh., Rollestr. 10, Germany.

Margarete Manser also known as Margarethe Manser, Kaiserslautern, Bierstrasse 31, Germany.

Maria Kath. Meyer also known as Maria Meyer, Hohenecken bei Kaiserslautern, Stockacker, Germany.

Henriette Mueller also known as Heuriette Muller, Kaiserslautern, Storkstrasse 26, Germany.

Jacob Wellemann, Kaiserslautern, Mozartstr. 16, Germany.

Wilhelm Wellemann, Kaiserslautern, Mozartstr. 16, Germany.

Christine Rosenzweig, Mannheim-Kafertal, Kurz Mannheimerstr. 1, Germany.

Charlotta Dochnal also known as Charlotte Dochnal, Kaiserslautern, Kleestrasse 2, Germany.

Luise Reinshagen, Scharhof b. Mannheim, Germany.

Johanna Mersy, Kaiserslautern, Entersweilermuhle, Germany.

Paul Baumann, Kaiserslautern, Industriestrasse 3, Germany.

Conrad Baumann, Kaiserslautern, Fabrikstrasse 13, Germany.

Helene Schuck, Aalen Karlstr. 3, Germany.

Eva Kruel, Neheim-Husten, Mohrstrasse 59, Germany.

George Diehl, Kaiserslautern, Stahtstrasse 16, Germany.

Eugen Diehl, Kaiserslautern, Hasenstrasse 6, Germany.

Johann Diehl, Kaiserslautern, Bleichstrasse 24, Germany.

Karl Diehl, Kaiserslautern, Tannstrasse 39, Germany.

Konrad Diehl, Kaiserslautern, Bahnheim 12, Germany.

Heinrich Diehl, Kaiserslautern, Kleestrasse 4, Germany.

Luitpold Diehl, Kaiserslautern, Moltkestrasse 2, Germany.

Helen Bowmann Christoffel, also known as Helene Baumann Christoffel, Kaiserslautern, Bremerstrasse 12, Germany.

George Baumann, Worth A. Rh., Eisenbahnneubau, Germany.

Heinrich Baumann, Aschaffenburg, Bahnmersterei, Germany.

Elise Baumann, Bahnmeisterei, Kaiserslautern, Germany.

Franz Baumann, Birnstrasse 20, Kaiserslautern, Germany.

Kurt Baumann, Kaiserslautern, Birnstrasse 20, Germany.

Herta Baumann, also known as Hertha Baumann, Kaiserslautern, Birnstrasse 20, Germany.

Eva Mayer, Kaiserslautern, Augustastr. 55, Germany.

Katharine Schumacher, Munchen, Thorwaldenstr. 21, Germany.

Anna Reitz, Kaiserslautern, Wittelsbacherplatz 1, Germany.

Philliphine Feuerabend, also known as Philippine Feuerbend, Frankfurt A. M., Sternstr. 36, Germany.

Margarete Feuerabend, also known as Margarethe Feuerabend, Kaiserslautern, Wittelsbacherplatz 1, Germany.

Eduard Feuerabend, Kaiserslautern, Haagstrasse 38, Germany.

Heinrich Feuerabend, Kaiserslautern, Thalstr. 1 Lothringer Dell, Germany.

Charlotte Feuerabend Barth, Landsberg a/Lech, Germany.

Elise Marker, Kaiserslautern, Bendergasse 1, Germany.

Richard Feuerabend, Kaiserslautern, Haagstrasse 44, Germany.

Irma Schojan, now known as Irma Bauer, Gelnhauser, Schlongauerstr. 10, Germany.

Jacob Frisch, Munchen Wendt, Dietrichstr. 44, 111, Germany.

Karl Frisch, Marlautern b., Kaiserslautern, Germany.

Lorenz Frisch, Augsburg, Hendenburgstr. 68, Germany.

Anna Maria B. Dorrbacher, also known as Anna Derbacher, Munchen, Rossinistr. 2, Germany.

Jacob Cussnick, Kaiserslautern, Dammuhle 10, Germany.

Eva Roth, Ludenschevd i. Westf. Altonderstr. 4, Germany.

Franz Cussnick, Kaiserslautern, Mainzerstr Zschockewerke, Germany.

Katharine Stuber, Kaiserslautern, Gasstrasse 36, Germany.

Johanna Cussnick, also known as Johann, Cussnick, Kaiserslautern, Haassenstrasse 4, Germany.

Lorenz Cussnick, Kaiserslautern, Lothringer Dell, Thalstrasse 36, Germany.

Anna Stephan, Kaiserslautern, Schlageterstr 168, Germany.

Marie Reinshager, Mannheim-Sandhofen, Birnbaumstr. 32, Germany.

Helene Meyer also known as Helene Mayer, Kaiserslautern, Klosterstr. 12, Germany.

Sophie Ims, Kaiserslautern Harzhubel 32, Germany.

Hugo Baumann, Vohringen a. Iller Memingerstr. 17, Germany.

August Cussnick, Neu-Isenberg b., Frankfurt Ludwigstr. 63, Germany.

2. That the personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of the persons named in subparagraph 1 hereof, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided twenty-nine forty-seconds (29/42ds) interest in real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof, in and to all property insurance policies covering the premises described in subparagraph 3-a hereof, and any and all extensions or renewals thereof.

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof, by John Deisher, 1600 South 22d Street, Philadelphia, Pennsylvania, arising out of their share of the net proceeds of the rents collected on the property described in subparagraph 3-a hereof, 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 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 referred to in subparagraph 2 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 prop-

erty described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested 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 February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

All that certain lot or piece of ground with the Messuage or tenement therein erected Situate on the East side of Sober Street at the distance of Twenty-eight feet Northward from the North side of Tasker Street in the Twenty-sixth Ward of the City of Philadelphia aforesaid Containing in front or breadth on the said Sober Street Thirteen feet and extending of that width in length or depth Eastward between parallel lines at right angles to the said Sober Street Forty-five feet six inches to the middle of a certain three feet wide alley leading Northward and Southward into and from the said Tasker Street Bounded Northward and Southward by ground now or late of William Marshall Eastward by the Easternmost moiety of said alley and Westward by the said Sober Street Being the same premises conveyed to Katie Heger by Harry Edgar Gibbs on July 28, 1897 by deed recorded in the Record of Deeds in and for the City and County of Philadelphia, State of Pennsylvania, in Book WMG No. 219 on Page 60.

[F. R. Doc. 51–2771; Filed, Feb. 28, 1951; 8:56 a. m.]

[Vesting Order 17420]

AUGUSTE GORSLER ET AL.

In re: Interest in right-of-way owned by Auguste Gorsler and others. F–28–9892.

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 the following persons whose names and addresses are hereinafter set forth:

Name and Address

Auguste Gorsler, Geismar Eichsfeld, Germany.

Wilhelm Bernhard, Mingerodf Bei Duderstadt, Am-Harz, Germany.

Wilhelm Steinmetz, Duderstadt, Hinterstr. 31, Germany.

Rudolph Steinmetz, Duderstadt, Herzbergstr., Germany.

Marie Bachmann, Niedernjesa by Goettingen, Germany.

are residents of Germany and nationals of a designated enemy country (Germany).

2. That the property described as follows: All right, title, interest and claim of the persons named in subparagraph 1 hereof in and to all that portion of the following described tracts of land occupied by the Butte & Plumas Railway Co. Right-of-Way (formerly Palermo Road) as said right-of-way traversed the following parcels of land lying east of Myers Street, situated in the County of Butte, State of California, particularly described as follows, to-wit:

The northeast quarter of the southeast quarter of the northwest quarter, and 60 feet in width through the northwest quarter of the southwest quarter of the northeast quarter, the southeast quarter of the southwest quarter of the northeast quarter, the southwest quarter of the southeast quarter of the northeast quarter and northeast quarter of the southeast quarter of Section 17, Township 19 North, Range 4 East, M. D. B. & M.,

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 in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–2772; Filed, Feb. 28, 1951; 8:56 a. m.]

[Vesting Order 17421]

RICHARD KRAUEL

In re: Real property owned by Richard Krauel. File F–28–31256.

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 Richard Krauel, whose last known address is Grevesmuehlen, Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the Township of Washington, County of Bergen, State of New Jersey, particularly described as Lots eleven (11) and twelve (12) in Block 4423 thereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property 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 in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–2773; Filed, Feb. 28, 1951; 8:57 a. m.]

[Vesting Order 17423]

AUGUST SCHAASBURGER

In re: Mortgage owned by the personal representatives, heirs, next of kin, legatees and distributees of August Schaasburger, deceased. F–28–31209.

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 the personal representatives, heirs, next of kin, legatees and distributees of August Schaasburger, deceased,

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 mortgage executed on March 5, 1932, by Edna Schaan and Fred Schaan, her husband, and William Schmidt to Frieda Schaasburger, and recorded in the Office of the Morris County Clerk, Morristown, New Jersey, in Book S–12 of Mortgages, page 405, on March 12, 1932, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage, and any and all notes, bonds and other instruments evidencing such obligations, 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 referred to 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 in subparagraph 2 hereof, 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 February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–2774; Filed, Feb. 28, 1951; 8:57 a. m.]